



A Robinson+Cole Legal Update

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Supreme Judicial Court: Short-Term Rentals Not Consistent with Single-Family Residential Zoning

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In a ruling that could affect short-term rental owners and municipalities across Massachusetts, the Supreme Judicial Court (Court) held in [Styller v. Zoning Board of Appeals of Lynnfield](#), (June 7, 2021) that short-term rentals were not a permissible use under the town of Lynnfield's zoning bylaw prior to its amendment in 2016. The Court rejected the argument that short-term rentals were a permissible primary use as a "one-family detached house," calling it "fundamentally flawed" for failing to "recognize that the short-term rental use of a home is inconsistent with the zoning purpose of the single-residence zoning district in which it is situated, i.e., to preserve the residential character of the neighborhood."

Mr. Styller owned a five-bedroom single-family house located in a single-residence zoning district, in which his family lived. Between July 2015 and May 2017, he rented his home through various online hosting platforms thirteen times for a total of sixty-five days. The Styller family would stay elsewhere during short-term rental periods, giving the renters exclusive possession of the premises.

After a shooting death occurred on the premises during a short-term rental in May 2016, the building inspector determined that using the home for short-term rentals amounted to an "additional use" as a hotel or lodging or rooming house without the required authorizations, and ordered Styller to cease and desist offering the property for rent. Styller appealed to the Lynnfield Zoning Board of Appeals (ZBA). While the appeal was pending, the town amended its zoning bylaw to expressly prohibit short-term rentals in single-residence zoning districts without authorization from the ZBA. After a public hearing, the ZBA upheld the cease and desist order, albeit without addressing whether the use should be considered a hotel or lodging or rooming house. Styller appealed to the Land Court, which affirmed the ZBA's decision on the grounds that Styller's short-term rental use is functionally equivalent to operating a tourist home or lodging house without authorization. Styller appealed and the SJC took the case from the Appeals Court on its own initiative.

After disposing of standing and mootness issues raised by the town – Styller had sold the property and the new owner was not a party to the appeal – the Court considered whether the short-term rental use was permitted under the 2016 pre-amendment version of the zoning bylaw. Styller argued that using his home for occasional short-term rentals was not an unauthorized "additional use," but rather a permissible part of a principal use as a one-family detached house. Styller also emphasized that until the 2016 amendment, the zoning bylaw did not prohibit homes in single-residence districts from being rented, regardless of duration. The town countered that because the zoning bylaw did not expressly authorize short-term rentals, that use was prohibited under its provision stating that "no land, building, structure or part thereof shall be used for any purpose or in any manner other than for one or more of the uses specifically permitted."

After noting that it gives "deference to a local board's reasonable interpretation of its own zoning bylaw," the Court disagreed with the Land Court's reasoning that the short-term rental use amounted to an unauthorized "additional use" as a tourist home or lodging house. The Court concluded that a short-term

rental could not be a “lodging house” or “tourist home” use because the statutory definition of “lodging house” implied a degree of permanence in the occupancy, and because both “lodging house” and “tourist home” uses contemplate a renter renting only a specific room or rooms rather than an entire house. Because the rentals in question were short in duration and the renters were given possession of the entire premises, they could not be considered a lodging house or tourist home use.

Instead, the Court looked to whether the short-term rental use was consistent with the purpose of the single-residence zoning district, namely preserving the residential character of the neighborhood and fostering “stability and permanence” by giving residents an opportunity to “develop a sense of community and a shared commitment to the common good of that community.” Referring to the definition of “family” in the zoning bylaw and the common meaning of “residence,” the Court concluded that the town had “clearly and unambiguously excluded... purely transient uses of property in [residential zoning districts].” Therefore, Styller’s use of his home for short-term rentals was not permitted under Lynnfield’s pre-amendment zoning bylaw.

The *Styller* decision concludes with a footnote cautioning that there might be a different result in other circumstances, depending upon the specifics of the zoning bylaw or ordinance, “including what types of additional uses are permitted (if any), as well as what is considered a customary accessory use in a particular community.” This might provide some comfort to those homeowners and others concerned that *Styller* necessarily makes their own short-term rental use unlawful. The result in a particular case will depend on the specific circumstances of that short-term rental, including the zoning regulations in effect now and, if applicable, at the time the short-term rental use of a property commenced. However, on balance, it does not provide much of a basis for optimism. Many municipalities that do not already directly address short-term rentals in their zoning enactments will no doubt have statements of purpose and definitions similar in relevant respects to those the Court relied on in the Lynnfield bylaw. Ultimately, the full impact of the decision will be revealed over time on a case-by-case and municipality-by-municipality basis as zoning bylaws and ordinances are either tested in court or amended to address the short-term rental issue directly.

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