

FAQ: Tourist Rooming House

Tourist Rooming House (TRH)

Definition: Tourist Rooming House. A building or portion thereof, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients.

Supplemental regulation:

- a) The establishment shall have a current license from Public Health of Madison and Dane County, as required by Wis. Admin. Code ch. DHS 195.
- b) The tourist rooming house shall be the owner's primary residence.
- c) Owner shall register with Treasurer's office and shall pay room tax as required under Sec. 4.21, MGO.
- d) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease.
- e) A tourist rooming house may operate no more than thirty days per licensing year; July 1 to June 30th.
- f) **Maximum** tourist occupancy shall comply with **maximum family occupancy rules in the** underlying zoning district regulations (red is a suggested change).

Zoning/Use scenarios:

- *Can I rent a bedroom in my apartment?*
Yes a tenant may rent a room as a TRH for up to 30 days if the lease allows the arrangement.
- *Can I rent a room in my home?*
Yes (BATHROOMS below) a maximum of 30 days in a license year.
- *Can I rent a room in my condo?*
Yes (BATHROOMS below) a maximum of 30 days in a license year.
- *Can I leave my apartment and rent it?*
Yes, see bathroom comment below, a maximum of 30 days in a license year.
- *Can I rent my house or condo where I leave for rental?*
Yes, a maximum of 30 days in a license year.

- *I own a home that is vacant. Can I rent this home as a TRH?*
No. If you own a home that you do not live in, is not your residence, no short-term rental is allowed.
- *What if my renter occupied for more than 30 consecutive days?*
TRH regulations in the zoning code do not apply to people occupying for over 30 days.
- *How many people can I rent the space to? What are the occupancy limitations?*
Same as the limitation of occupancy for the dwelling. A family is generally considered a group of related individuals. Roomers are considered unrelated individuals. The regulation of a family plus roomers depends on the zoning of the property. *Check with the zoning office to clarify the correct limitation. A few scenarios:*
 - Typical low-density residential area, primarily single-family owner occupied homes = *family plus one roomer or no more than two unrelated individuals.*
 - A multiple-family zoning district, higher density, apartments or condos = *typical occupancy is limited to a family plus four roomers, or up to five unrelated individuals.*

Public Health Madison and Dane County

Tourist Rooming House License is required

- May or may not be owner occupied at the time of the rental
- Owner can offer prepackaged, shelf-stable food or whole fruit to their guests without a food license.
- Guests may not share bathrooms unless the house is rented to a single family.
- For unrelated guests each bedroom must have its own bathroom or separate designated men's and women's bathrooms must be provided.
- Individual locks on the bedroom doors are required unless you rent the home to a single family.

Building Code

No building code issue beyond what is otherwise required for the residential use

- Is there a Smoke detector rule? Yes, current rules for smoke detectors apply, no change required for TRH.

- Is there a carbon monoxide rule? Yes, current rules for CO detectors apply, no change required for TRH.

Room tax/sellers permit

Room Tax Certificate from the City of Madison Treasurer required. Information can be found at: <http://www.cityofmadison.com/clerk/documents/licensing/roomtaxpacket.pdf>

FAQ: Bed and Breakfast

Bed and Breakfast (B&B)

B&B's are owner occupied, the residence of the owner, and the owner must be occupying the dwelling at the time of rental. All B&B's require Conditional Use approval, health licensing and payment of room tax.

Definition: Bed and Breakfast Establishment. A private residence that rents rooms as temporary lodging and which is the ~~principal~~ **personal** residence of the operator. (red is a suggested change).

Supplemental regulations

- a) A maximum of eight (8) rooms shall be rented.
- b) The establishment shall have a current license from Public Health of Madison and Dane County.
- c) The only meal that may be served is breakfast to registered guests.
- d) ~~No establishment within a residential district, except for an establishment located in a landmark site, shall be located within five hundred (500) feet of any other such establishment, measured lot line to lot line.~~
- ed) Fire protection shall be approved by the Fire Department, and may be more restrictive than State requirements.
- fe) Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.
- gf) No more than twenty (20) tourists or transients shall be allowed to rent at one time.
- hg) The owner **of the residence** shall occupy the residence at the time of rental. (red is suggested change).

Zoning scenarios:

- *Can the single family home I occupy be used as a B&B?*
Yes,
- *Can the single family home I own but do not occupy as my personal residence be used as a B&B?*
No
- *Can an apartment unit I own but do not reside in be used as a B&B?*

No

- *In the apartment I rent, can I rent a bedroom as a B&B?*

No, a B&B cannot be in a rental. A renter may only rent a room as a TRH for up to 30 day if the lease allows the arrangement.

- *Can I rent a room in my home?*

Yes

- *Can I rent a room in my condo?*

Yes

- *Can I rent my house or condo where I leave?*

No, in a B&B the owner must occupy the dwelling as their personal residence and must occupy at the time of rental.

- *Is there a limit to the number of nights I can rent my B&B?*

No.

- *What are the occupancy limits, as limited in the zoning code for a B&B?*

- Up to 8 rooms
- Up to 20 guests
- Length of stay of guest not to exceed 21 days

Public Health Madison and Dane County

Bed and Breakfast License is required

- Must be owner occupied at the time of the rental
- Only breakfast can be provided to the guests
- Up to 10 guests can share a bathroom.

Building code

Uniform dwelling code for one and two family dwellings has specific language that establishes regulations for B&B operations.

Commercial building code has specific language for multi-family/ hotel occupancy, specifically regulates uses such as a B&B. Most multi-family places already meet this code.

Room tax/sellers permit

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