

Supreme Judicial Court Decides Use of Single-Family Home for Short-Term Rentals Not Permissible Under Local Zoning Bylaw

[Styller v. Zoning Bd. of Appeals of Lynnfield](#)
Supreme Judicial Ct., No. SJC-12901 (June 7, 2021)

July 8, 2021

The Supreme Judicial Court's June 7, 2021 decision in [Styller v. Zoning Bd. of Appeals of Lynnfield](#) addressed the question of whether the owner of a single-family home in a single-family residential zoning district could lawfully use his property for short-term rentals. Concluding that the owner's use of his property for short-term rentals was not permissible under the local zoning bylaw, the Supreme Judicial Court (SJC) upheld the decision of the Land Court, which affirmed the orders of the local building inspector and zoning board of appeals prohibiting the short-term rental use.

The property at issue in [Styller](#) is a five-bedroom, single-family house, located on three acres of land in a single-family residence zoning district. The Plaintiff property owner offered the premises for short-term rental through various Internet-based platforms. Between July of 2015 and May of 2017, the property was rented out 13 times for a total of 65 days, with most rental periods being less than a week. The property was rented for family reunions, for college reunions, a corporate board meeting, business retreats, and "photo shoots." The Plaintiff and his family moved out of the house during the periods it was rented. Following a fatal shooting incident that occurred on the property during a weekend rental in May 2016, the building inspector notified the Plaintiff that use of the premises for short-term rentals violated the town's zoning bylaw. Specifically, the building inspector determined that the short-term rental use constituted either a prohibited "hotel" or "lodging or rooming house" use which had not been authorized by special permit by the zoning board of appeals.

The zoning board of appeals upheld the decision of the building inspector and, on appeal, a judge of the Land Court concluded that the Plaintiff's short-term rental use was functionally equivalent to an additional use of the single-family residence as a "tourist home" or "lodging home", both of which additional uses were allowed under the zoning bylaw only by special permit. Since the plaintiff had not obtained the required special permit, however, the Land Court judge found the short-term rentals to be an unauthorized "additional use," and upheld the local zoning board's decision.¹

¹ The town amended its zoning bylaw in October 2016, to prohibit, explicitly, short-term rental (30 days or less) of one-family, detached houses without authorization by the zoning board of appeals. However, the amended bylaw was not considered in the appeal since the local enforcement orders pre-dated the amendments.

In his appeal of the Land Court decision, the Plaintiff argued that short-term rental use is a permissible principal use of his property as a single-family house, and not an unauthorized, “additional” tourist home or lodging house use.² The SJC agreed that short-term rentals do not constitute “tourist home” or “lodging house” uses under the local zoning bylaw. However, because the bylaw did not specifically permit short-term rentals as a permitted principal use, the Court rejected the Plaintiff’s argument that short-term rental is a permissible principal use of a single-family house. The SJC viewed the Plaintiff’s argument as “fundamentally flawed because it fails to recognize that short-term rental use of a one-family 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.” Id., at 19-20. The Court recognized that long-term residential rentals are compatible with the goal of preserving residential neighborhood character. With respect to short-term rentals, however, “there is an ‘absence of stability and permanence of the individuals residing in those districts, [and] the goal is necessarily subverted ...’ ” Id., at 20.

Consequently, after considering the several pertinent provisions of the local zoning bylaw and giving deference to the local board’s interpretation of the bylaw, the SJC ruled that the “board reasonably could determine that the use of a ‘one-family detached house’ in a ‘single residence district’ [as defined in the bylaw] connotes a measure of permanency that is inconsistent with more ‘transient’ uses.” Id., at 21-22. In Styller, the Court read the local bylaw terms as “clearly and unambiguously” excluding transient uses of property in a residential zoning district. Nevertheless, the SJC warned that “a different result may obtain in other circumstances, depending upon, for example, the specifics of the zoning bylaw of the city or town . . . as well as what is considered a customary accessory use in a particular community.” Id., at 22, n.19. Therefore, municipalities should be cognizant of the importance of adopting clear and explicit zoning regulations to ensure that their own short-term rental policies are effective.

If you have any questions about the Styller decision, or wish to discuss effective strategies to regulate short-term rentals in your community, please contact your KP Law attorney.

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² The Plaintiff did not argue on appeal that short-term rental use is a permissible accessory use. Therefore, the SJC did not address that issue, except to note that the Plaintiff had not shown that the rentals qualify as a customary and incidental accessory use. Moreover, the Court observed that the rental of the property for events (such as the business meetings and reunions) “effectively converted the principal use of the premises during the rental period to one not permitted, i.e., a commercial use....”