

Primary Residence & Short-Term Rental Type Acknowledgement & Certification Form

Ordinance 2149

BMC Sec. 38.360.260 Bozeman Municipal Code. – Short Term Rentals

DEFINITIONS:

“Host” means a natural person who occupies a dwelling unit as the person’s primary residence and has the legal right to offer the dwelling unit for use as a short term rental.

“Primary Residence” means the dwelling unit a natural person occupies for a minimum of seventy percent of the calendar year. A natural person can have only one primary residence.

SHORT TERM RENTAL CLASSIFICATIONS:

1. **Type-1:** A short term rental of one or more bedrooms in a host’s primary residence while the host is occupying the same dwelling unit for the entire short term rental period.
2. **Type-2:** A Type-2 short term rental is the short term rental of a dwelling unit if the host is not occupying the dwelling unit during the entire short term rental period. Type 2 short term rentals include:
 - a. **Type-2A:** A short term rental of a dwelling unit if the host is not occupying the dwelling unit during the entire short term rental period. The dwelling unit offered as a short term rental must be the host’s primary residence, as defined herein.
 - b. **Type-2B:** A short term rental of an accessory dwelling unit (ADU) on the same lot as the host’s primary residence, or a short term rental of no more than one additional dwelling unit in the same building as the host’s primary residence regardless of whether or not the host is present in the host’s primary residence during the short term rental period.

COMPLIANCE WITH LAWS & STANDARDS:

Compliance with all applicable laws and regulations is the sole responsibility of the host. City approval of an application for a short term rental hosting permit in no way waives or transfers to the city such responsibility. In addition, the host is solely responsible for verifying the use of a property as a short term rental is compatible with insurance and mortgage contracts, home owners' association covenants, rental agreements and any other contracts which govern the use of the property.

It is unlawful for any person to operate within the city a short term rental without having first obtained approval for a short term rental hosting permit with the department of community development. A separate permit shall be required for each short term rental unit. Approval of a short term rental application results in the city issuing a permit for the short term rental.

The host must include the short term rental permit number issued by the city in all listings and advertisements of the host’s short term rental on any hosting platform and print advertising.

Change in status of host – A short term rental hosting permit does not run with the land, and a change in primary residence status of the short term rental host terminates the permit. In order for the dwelling unit to remain eligible for use as a short term rental after a host no longer uses the dwelling unit as their primary residence, a new application identifying a new host as primary resident must be submitted to the city.

Primary Residence & Short-Term Rental Type Acknowledgement & Certification Form City of Bozeman, Montana

I, the undersigned applicant (“host”) for a short term rental, do hereby certify the following:

- 1) The short term rental meets and will continue to meet the definition of short term rental classification (Type-1, Type-2A, or Type 2B) identified on my application during the registration term (1 year). I acknowledge that any change to the classification requires a new permit from the City.
- 2) The property is my primary residence as defined on the first page of this certification (I reside there a minimum of 70% of the calendar year), and I have the legal right to offer the dwelling unit for use as a short term rental. I have verified that use of the property as a short term rental is compatible with HOA covenants, insurance and mortgage contracts, rental agreements or any other contracts which govern use of the property. If I am a tenant I have secured approval from the property owner.
- 3) I have read and understand the standards and requirements set forth by Section 38.360.260 of the Bozeman Municipal Code, and agree to abide by all said requirements.
- 4) All information provided in my application is true and accurate. I acknowledge the City may revoke or suspend a permit if I have misrepresented any information, if I allow my County or state licenses to lapse, if my short term rental creates a nuisance, if my primary residency status or short term rental type changes without notifying the City, or if I otherwise fail to comply with any provision of Bozeman Municipal Code.

Applicant (Host) – Please print

Date

Applicant (Host) Signature

Date