
HARRIS TOWNSHIP

224 East Main Street, P.O. Box 20, Boalsburg, PA. 16827
Website: www.harristownship.org

(814) 466-6228 Office
(814) 466-3396 Fax

MEMORANDUM

To: Mark Boeckel, Township Manager
From: Todd Shea, Zoning Officer
Date: April 8, 2025
Re: Short-Term Rental Research

I recently researched both Pennsylvania case law and Pennsylvania regulations (and summaries of such) pertaining to short-term rentals. Below is a brief review of my findings.

In Pennsylvania, it appears as if municipalities have great latitude in regulating short-term rentals. I found examples of municipalities that simply prohibit them in residential zoning districts, municipalities that have extensive regulations and processes for licensing them, and municipalities that adopted minimal regulations for them.

I was not able to find an abundance of case law or summaries of such in this state. There have been some cases, most notably the *Slice of Life vs. Hamilton Township Zoning Hearing Board* case, that was heard before the state Supreme Court. In this case, it was decided that based upon the definition of "family" within the municipal zoning ordinance, dwellings that were not permanently occupied for any length of time within a given year (presumably by the owner or via a longer-term lease) and were strictly for use by transient AirB&B-type rentals were not permitted in that municipality's residential zoning districts. Hamilton Township took the position that strictly short-term use and occupancy constituted a "hotel and/or other types of transient lodging".

It seems that the few Pennsylvania cases I was able to find centered on the municipal definition of “family” and the location of short-term rentals in residential zoning districts. I found one case where a court allowed short-term rentals in an agricultural preservation zoning district, for example.

Summaries of regulations throughout the state revealed differing approaches to short-term rentals as some municipalities created standards for only the most basic health and safety concerns while some municipalities created standards that are more comprehensive and far-reaching. I was able to identify a list of issues that a great number of municipal ordinances shared:

- Requirements for owners of the properties to reside in them for varying amounts of time per calendar year.
- Provision of one off-street parking space for each bedroom rented.
- Limit on the number of bedrooms allowed to be rented on a short-term basis (most often 2-3)
- Limit on the number of registered guests and visitors permitted on the property of a short-term rental.
- Allowing short-term rentals in certain zoning districts.
- Requirements for specialized short-term rental insurance in amounts between \$500,000 and \$3 million.
- Prohibition of the parking of recreational vehicles, campers, and trailers.
- Prohibition of outdoor overnight sleeping and the use of tents.
- Regulations addressing those properties that offered short-term rentals prior to the adoption of short-term rental regulations - are they “grandfathered” or considered non-conforming uses?
- Short-term rental fees that vary in price from very inexpensive (\$25) to fairly expensive (\$300) in addition to state, county, and local hotel taxes.
- Involvement of the local agency that enforces building codes.

Locally, State College Borough, College and Ferguson Townships have regulations for short-term rentals. First, the Borough placed their regulations in the Licenses and Permits section of their codification and the program is administered by their Planning Department. Those wanting to offer a short-term rental must complete a license application and remit a fee. Certification must be submitted that the property is the principal place of residence of either the owner or at least one tenant of the property. Confirmation must also be submitted showing the owner understands that short-term rentals are limited to not more than 120 days a year. Owners must also provide a specialized insurance policy of at least \$100,000 coverage. Short-term rental licenses are valid for one year and may be renewed in year increments. Properties with a short-term rental license are subject to the requirements of

the Centre Region Building Safety and Property Maintenance Code for enforcement of permit suspension for nuisance and criminal violations. Nuisance and criminal violations are assessed point values; accumulation of 10 or more points in any rolling year period results in license revocation.

College Township placed their regulations in the Rental Property section of their codification and the program is administered by the Zoning Department. Those wanting to offer a short-term rental must complete a permit application and remit a fee. Short-term rentals must be owner occupied and are limited to increments of 14 consecutive nights or less and not more than 45 cumulative nights per calendar year. Owners must provide a specialized insurance policy of at least \$100,000 coverage. Short-term rental permits are valid for one year and may be renewed in year increments. Nuisance, criminal, or ordinance violations are prosecuted by a first offense warning letter, a second offense fine of at least \$500, and a third offense fine of at least \$1,000/permit suspension of one year.

Ferguson Township placed their regulations in the Zoning Ordinance section of their codification. A dwelling used for short-term rentals must be the permanent residence of the owner or a lessee who must occupy the dwelling for at least six months of a calendar year – certification of residency is required. Those wanting to offer a short-term rental must complete a permit application and remit a fee. Permits are valid for one year and must be renewed in year increments. All activity at short-term rental properties is subject to the Township's noise, nuisance, and property maintenance related ordinances; if a house guest is convicted for any disturbance of the peace the house owner or lessee shall not be permitted to continue offering short-term rentals.

This information was gathered after a few hours of online research and is certainly not intended to represent any legal argument or opinion. Harris Township pays qualified people to do that.