



*Town of Cape Elizabeth, Maine*

Search



## Short Term Rental FAQs

On April 12, 2021, the Cape Elizabeth Town Council adopted Short Term Rental regulations which **become effective July 1, 2021** [Article]. If you list your property on a short-term home-sharing platform like Airbnb, VRBO, or similar websites, or you are renting for a term of less than 30 days, you should be aware of the regulations.

You will need to apply for a Short Term Rental Permit and provide supporting documentation; including a Building Evacuation Plan, depiction of parking onsite, and a Rental Agreement Addendum. Unless the property is 7 acres or more in size, the short term rental applicant will need to demonstrate that they have been granted a [homestead exemption](#) for the property. An application for a homestead exemption should be submitted to the Town Assessor. Short Term Rentals are regulated in four Types and only **one** short term rental is available per property.

TYPE (1 per calendar year)	HOMESTEAD EXEMPTION	RENTALS PER 7 DAYS	RENTALS PER YEAR
Primary Residence Hosted	YES	2	365
Primary Residence Unhosted	YES	1	42
Seven acre plus Short Term Rental	OPTIONAL	1	182
Short Term Rental Adjacent	YES	1	105

Search Short Term Rental FAQs

Search

### What are the regulations I need to follow if I want to operate a Short Term Rental in Cape Elizabeth?

Click here for to view the [Short Term Rental Ordinance Standards](#) adopted April 12, 2021 (Sec. 19-8-14, Short Term Rental Standards. Zoning Ordinance).

### How does Cape Elizabeth define terms associated with Short Term Rentals?

**Primary Residence:** An owner's permanent residence, which shall be documented by demonstration that the owner has a homestead exemption for the property under the Maine Homestead Property Tax Exemption statute, 36 M.R.S. Sec. 681-689, as may be amended from time to time. The owner shall be the person who owns the real property, or who is the beneficiary of a revocable living trust that owns the property.

**Short Term Rental:** The advertising, offering for rent, use, or otherwise making available for transient occupancy a dwelling, or portion of a dwelling for a tenancy of less than thirty (30) consecutive calendar days, excluding motels, hotels, and bed and breakfasts.

**Short Term Rental Guest:** A visitor of a Short Term Rental tenant who will not be sleeping overnight on the property, provided persons on the property after 11:00 p.m. local time shall be deemed tenants and not Short Term Rental Guests for the purposes of this Ordinance.

### What are the types of permitted Short Term Rentals?

The following types of Short Term Rentals are allowed after obtaining a permit. Short Term Rental types not listed below are prohibited. Only one Short Term Rental may be operated on a lot in one calendar year, and limited to only one of the Short Term Rental types listed below for the calendar year.

**1. Primary Residence Hosted.** A Short Term Rental may be operated by a property owner in their primary residence when the property owner is in residence, including overnight, during the tenancy of the Short Term Rental tenants. The Short term Rental must be located within the host's dwelling unit and not in an area functioning as a separate dwelling unit. Use of the property as a Short Term Rental must be in compliance with the rental intensity requirement.

**2. Primary Residence Unhosted.** A Short Term Rental may be operated by a property owner in their primary residence when the property owner is not in residence during the tenancy of the Short Term Rental tenants. The property may be used as a Short Term Rental for no more than forty-two (42) days per calendar year.

**3. Seven (7) Acres Plus Short Term Rental.** A Short Term Rental may be operated by a property owner in their primary residence or non-primary residence when the property owner is in residence or not in residence during the tenancy of the Short Term Rental tenants, where the lot is seven (7) acres or more in size. (Land abutting the Short Term Rental lot in the same ownership may be counted toward the minimum lot size. Abutting shall mean any lot that shares a lot line or is located directly across a road right-of-way from the primary residence. Abutting land used to meet the seven (7) acres requirement may not be counted towards more than one Short Term Rental). The property may be used as a Short Term Rental for no more than one-hundred eighty-two (182) days per calendar year.

**4. Short Term Rental Adjacent.** One Short Term Rental may be operated by a property owner in a non-primary residence when the Short Term Rental owner's primary residence is located on the same lot as the Short Term Rental or on an

#### How do I apply for a Short Term Rental Permit?

Click here to access the Code Enforcement Office [Online Permitting System](#) to submit an online Application for a Short Term Rental Permit. For assistance applying online, please click [here to view instructions](#) or call 207-799-1619.

Applications for a Short Term Rental Permit are also available for [download here](#) and/or for pick-up at Town Hall located at 320 Ocean House Road, Cape Elizabeth, Maine.

#### Office Hours:

Mondays from 7:30 a.m. - 5:00 p.m.

Tuesdays - Fridays from 7:30 a.m. - 4:00 p.m.

#### My Short Term Rental is not my primary residence, so what do I need to know?

Cape Elizabeth does not allow a Short Term Rental on non-owner occupied primary residence, unless the lot is at least 7 acres in size.

#### When is my permit application due?

**No Short Term Rental should be advertised or operated without first obtaining a Short Term Rental Permit.**

- Short Term Rental Permits expire on December 31st of each year.
- Permit applications submitted after February 1st have a fee of \$1,000.00

#### What is the Permit Fee?

The Short Term Rental Permit fee for all Short Term Rental operation types is \$1000.

#### Will the Short Term Rental regulations be enforced?

Yes. The Town will pursue enforcement action based on Title 30-A Sec. 4452 and provisions in the [Short Term Rental regulations](#).

- First substantiated complaint: possible 30-day suspension of permit
- Second substantiated complaint: mandatory 6-month suspension of permit
- Third substantiated complaint: mandatory 3-year suspension of permit

#### How do I schedule the Short Term Rental Permit Inspection?

To schedule an inspection (which is required), submit a complete Short Term Rental Application and then call 207-799-1619 to schedule an inspection.

[Terms of Service/Privacy Policy](#)

Town of Cape Elizabeth  
320 Ocean House Road  
Cape Elizabeth, ME 04107  
Phone: 207-799-0881  
Fax: 207-799-7141  
7:30-5:00 Monday  
7:30-4:00 Tuesday-Friday



Subscribe to our mailing list:

email address

Subscribe