City of Madison

FAQ: Hosting Short-Term Rentals in Dwellings

Any home or apartment offering short-term rentals, such as through Airbnb, is called a Tourist Rooming House (TRH). The TRH must comply with the requirements of multiple governmental bodies.

Definitions

**Short-Term Rental (STR):** Rental of a whole or partial residence to visitors for less than a month.

**Tourist Rooming House (TRH):** 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.

Public Health Madison & Dane County: TRH License

A Tourist Rooming House License is required. Information can be found at: [www.publichealthmdc.com/str](http://www.publichealthmdc.com/str)

- 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.
- Each guest sleeping room must have its own designated full bathroom that can be shared with hosts, or two separate full bathrooms (designated as men’s and women’s) for all guests and hosts to share, although hosts can use any bathroom regardless of gender designation. If all guest rooms are rented to one reservation party, then only one full bathroom is needed.
- Individual locks on the bedroom doors are required unless entire home is rented to one reservation party or home has only one guest room. Locks must be unkeyed on the inside and keyed on the outside.

State of Wisconsin: Seller’s Permit

A Wisconsin Seller’s Permit is required unless renting solely through Airbnb, which collects and remits sales tax for their hosts. Information can be found at: [www.revenue.wi.gov/Pages/FAQS/pcs-seller.aspx](http://www.revenue.wi.gov/Pages/FAQS/pcs-seller.aspx)

City of Madison: Room Tax Certificate

City of Madison:
Zoning / Use Scenarios

• Can I rent a bedroom in my apartment?
  Yes, a tenant may rent a room as a TRH if the lease allows the arrangement. If the tenant stays at the unit at the time of rental, there is no limit to the number of rental days allowed per year.

• Can I rent a room in my home?
  Yes. There is no limit to the number of days you may rent a room if you stay at the home at the time of rental.

• Can I rent a room in my condo?
  Yes. There is no limit to the number of days you may rent a room if you stay at the home at the time of rental.

• I own a 2-flat apartment building and live in the first floor unit. Can I rent the upstairs apartment as a TRH?
  No. On any property containing multiple units, a host may operate a TRH only from the unit which is their primary residence, which is the first floor apartment in this case.

• 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 or is not your residence, no short-term rental is allowed.

• Can I leave my apartment and rent it?
  Yes, for a maximum of 30 days in a license year if the lease allows the arrangement.

• Can I leave my house or condo while my TRH renter is there?
  Yes, for a maximum of 30 days in a license year.

• What if my TRH renter occupies longer 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?
  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 limit. 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.
City of Madison: **Zoning**

Supplemental City Zoning Regulations:*  

a) The tourist rooming house shall be the owner’s primary residence.  
b) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease.  
c) If the operator does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty days per licensing year; July 1 to June 30.  
d) If the operator occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.  
e) Maximum tourist occupancy shall comply with maximum family occupancy rules in the underlying zoning district regulations.  
f) Each establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.  

*Note: 7-30 night stays are exempt from local zoning regulations

City of Madison: **Building Code**

No building code issues 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 to TRH.  
- **Is there a carbon monoxide rule?**  
  Yes, current rules for CO detectors apply, no change required for TRH.

**Still Have Questions?**

Please feel free to call or come by the Department of Planning & Community & Economic Development to speak with one of our Zoning Staff.

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**Department of Planning & Community & Economic Development**  
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