

## Q&A

### TOURIST ROOMING HOUSES (TRHs) IN THE CITY OF MADISON

City of Madison  
Building Inspection Division: Zoning Dept.  
Madison Municipal Building, Suite 017  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** [cityofmadison.com/trh](http://cityofmadison.com/trh)  
**email:** [zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com)



#### What is the Zoning Tourist Rooming House Permit?

The ZTRHP1 Permit allows the operation of a TRH for stays of one night or more. If host is present when guests stay, there is no limit to the number of rental nights; if host is not present there is a 30-night maximum that the TRH may operate. This must be host's primary residence.\*

#### Who can operate a TRH?

TRHs can be operated by home owners, or by tenants if explicitly allowed in the lease.

#### Can I operate a Tourist Rooming House in my apartment?

Tourist Rooming Houses are allowable in all residential dwelling units within the City of Madison provided all regulations are followed.

#### Do I need any special approvals or permits to rent out my home as a TRH?

You will need a valid [Zoning Tourist Rooming House Permit \(ZTRHP\)](#) from the City of Madison Zoning Department. To apply for the ZTRHP permit, you will first need to obtain a [Tourist Rooming House License](#) from Public Health Madison and Dane County, and a [Transient Room Tax Permit](#) from the City Treasurer's Office.

#### Where can I find information about the rules and regulations about a Tourist Rooming House?

Go to [cityofmadison.com/TRH](http://cityofmadison.com/TRH)

#### I already have a TRH license from Public Health. Do I need a ZTRHP permit too?

Yes.

#### What fees are involved for obtaining all proper permits and licenses?

There is a one-time, non-refundable \$100 ZTRHP application fee, plus the ZTRHP annual fee of \$100. You will need a TRH license from Public Health in order to obtain the ZTRHP permit. Check their

### CITY OF MADISON COMMON COUNCIL

#### Why have regulations?

Websites such as Airbnb and VRBO connect homeowners and renters with people who need a place to stay when they're traveling. Though many homeowners and renters use these platforms to host intermittent on-the-side rentals, some hosts have gone far beyond this modest ideal. In some parts of the country, property owners are using these web platforms to operate de facto hotels, and people are buying property with the sole purpose of using it as a short-term rental. Taken to these more extensive lengths, short-term rentals have a substantial effect on neighboring properties, changing the character of a neighborhood, and limiting the stock of affordable housing.

Madison has enacted ordinances that seek to strike a balance between the competing rights of property owners. Under city ordinance, homeowners or renters can earn some extra money renting out space in the dwelling they occupy, but reasonable restrictions ensure that neighbors retain the right to control the type of neighborhood they are living in.

#### TRH DEFINITION

#### What is a Tourist Rooming House?



In Wisconsin law, rental for less than 30 nights of any partial or whole structure for sleeping accommodations is called a Tourist Rooming House (TRH). Airbnb, Fairbnb.coop, and VRBO are a few online businesses that offer to connect hosts and travellers.

A Zoning Tourist Rooming House (ZTRHP) Permit is required before advertising or renting this type of space online or elsewhere.

## Q&A: (CONTINUED)

website for fee information about their license and other costs that may possibly be involved:

[publichealthmdc.com/str](http://publichealthmdc.com/str)

### **What does the zoning home visit involve?**

This is a walk-through of the unit in order to verify application information, especially submitted floor plans and bedroom counts. This is also an opportunity to go over the regulations and what's expected of hosts and to answer any questions hosts may have.

### **What's the difference between the TRH operator and the person listed as host in website postings and advertisements for the TRH?**

They are the same. An operator is the owner or lessee of the TRH dwelling and who runs the TRH by being the person identified in TRH postings and advertisements as the TRH host and who interacts with guests, both digitally and in person.

### **What does it mean to be "on site" during a rental?**

Being on site means the operator remains at the TRH through the night and does not reside elsewhere when guests have reserved the TRH.

### **Can I rent out several rooms separately to different reservation parties?**

Only if the operator stays on site through the night of each rental night while multiple reservation parties are present.\*

### **Can I rent out my whole home and be gone during the rental time?**

The TRH may only operate a maximum of 30 different nights throughout the licensing year when the operator is not on site during the overnights of guest stays. If the operator is on site during guest stays there is no limit to the number of nights the TRH may operate.\*

### **I own a two-flat apartment building and live in the first floor unit. Can I rent the upstairs apartment as a TRH?**

No. The TRH must be the operator's primary residence. An operator can only have one primary residence.\*

### **Can my sister, who lives in an apartment above my TRH, be a cohost?**

No. The TRH must be the primary residence of all hosts and cohosts listed in any ad postings. All hosts and cohosts

## **PRIMARY RESIDENCE DEFINITION:**

A dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

must each submit a separate residence affidavit.\*

### **My daughter is a college student who rents an apartment from a property owner with a year long lease.**

### **Can I rent out her apartment as a TRH during the summer when she's not living in Madison?**

No. TRHs can only be operated in the primary residence of a home owner, or a tenant if explicitly allowed in the lease.\*

### **Can I rent out my Accessory Dwelling Unit (ADU) as a TRH?**

The TRH must be the operator's primary residence. If the operator lives in the main house, they cannot rent out the ADU as a TRH. If the operator lives in the ADU, they can

rent out the ADU as a TRH but cannot rent out the main house as a TRH. An operator can only have one primary residence.

### **Is there a limit on how many guests I can host in my TRH?**

Yes. The limit depends on how many legal bedrooms the unit contains. The maximum number of guests is twice the number of legal bedrooms, up to a maximum of twelve guests. Do not count children under the age of 12 towards the maximum number of guests.

### **What is the definition of a legal bedroom?**

Any habitable space in a Dwelling Unit other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas, is within the dwelling unit thermal envelope, that is at least seventy (70) square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation according to the Uniform Dwelling Code, Wis. Admin. Code chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code ch. SPS 366. A room identified as a den, library, study, office, dining room, or other extra room that satisfies this definition will be considered a bedroom.

### **Do I need my Home Owner's Association (HOA) permission to operate a TRH?**

The City of Madison is not a party to and does not enforce any private homeowners' association regulations. Property owners should review private regulations that apply to the

### Q&A: (CONTINUED)

property they or their tenants wish to use as a TRH since these regulations may restrict an owner from allowing the dwelling to be used as a TRH.

#### **How do I keep the required registry? Do I ask guests to sign themselves into a registry book?**

The registry is a paper or digital record available for on-site inspection, indicating the true name of the individual making the TRH reservation, their contact information, dates of stay, and whether the operator was present or absent during the stay. The registry shall include all information from the current and prior registry year.

#### **What reports do I need to submit each quarter year?**

All ZTRHP operators must create an online account and upload their [ZTRHP-QR](#) Quarterly Report forms to their ZTRHP record in that the portal. Quarterly Reports must include all advertising locations and registry information for the previous quarter year even if no hosted stays have occurred. QR templates are available at [ZTRHP-QR](#).

#### **How does my permit get renewed, and do I need to pay the application fee again each year?**

Operators do not need to reapply each year or pay the \$100 application fee again when renewing their permit; however the \$100 annual permit fee must be paid online each year. A renewal payment notice will be sent by email for the annual permit fee of \$100. Adjustments to the TRH must be reported before renewing, such as changes to the floor plan, bedroom counts, operator contact information, etc. Renewal permit will be issued after changes are approved and payment is received. If renewal permit is not issued by the end of the licensing year on June 30, the permit is no longer valid and all advertisings and reservations must cease as of that date.

#### **Can I rent out the RV in my driveway, or the tent in my backyard, or my garage as a TRH?**

No, this is not allowable. Only habitable space within a home may be rented out as a TRH.

#### **What if my TRH guest ends up staying longer than 30 consecutive nights?**

TRH regulations only apply to stays of less than 30 nights.

#### **How do I share concerns or complaints about a TRH with the city?**

Go to <https://www.cityofmadison.com/reportaproblem/> or call 608-266-4551. In the case of a life threatening emergency, dial 911.

\* Certain provisions allow this if TRH only operates with night stays between seven (7) and 29 consecutive nights. If host will never advertise or accept any reservation for less than seven consecutive nights, inquire at zoning about all regulations that must be followed for this option.