



Food



Lodging



Pools



Wells



Septic



Humane



Radon

# Short Term Rentals

# Guidance for Operators

## Background Information

Rental of rooms or homes for less than a month is commonly called a **short-term rental (STR)** with the Wisconsin legal term of these facilities being **Tourist Rooming Houses (TRH)** and are required to be licensed. In recent years, with the help of hosting sites (such as AirBnB, VRBO, Home Away, Onefindstay, etc.) that connect visitors to hosts easily, these rentals have increased in popularity. This document was created to help entities understand the legal requirements to run these facilities. All legal information can be found in the [Wisconsin Administrative Code ATCP 72](#).

## So, you want to list a TRH

To get started, understanding what type of facility and how you plan to rent are the key to proper licensing. As defined in [ATCP 72](#) a TRH is a lodging place, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. [ATCP 134.02\(14\)](#) defines tourists or transients as individuals who occupy a dwelling or unit for **less than 60 days** while traveling away from their permanent place of residence. These do not include bed and breakfast establishments and do not include private boarding or rooming houses NOT accommodating tourists or transients. A TRH operator may run as many as **4 units** (eg, rooms, cottages, cabins, condos, or rental rooms above businesses).

## Now understanding what a TRH is, how do I license my facility?

The following steps will be required to obtain a license:

- **Zoning:** Zoning or conditional use approvals may be required from the local municipality and/or Waukesha County Planning and Zoning Division. They can be reached at (262) 548-7790 or [pod@waukeshacounty.gov](mailto:pod@waukeshacounty.gov). To see if your property is located in the Waukesha County Zoning jurisdiction please visit: <https://prd1.waukeshacogeo/HTML5Viewer/viewer=zoning#>
- **Sellers Permit:** Owners must obtain a Seller's Permit. Contact the [Wisconsin State Department of Revenue \(DOR\)](#) to obtain a Seller's Permit and other permits or tax certificates (if necessary). Registration information can be found on the DOR Starting a Business webpage or by phone at (608) 266-2776.
- **Room Tax:** Contact your local municipality to see if they charge a room tax for your establishment to be in operation. Each of Waukesha's municipalities have different requirements/restrictions.
- **Apply for License:** Please contact Waukesha County Environmental Health at [eh@waukeshacounty.gov](mailto:eh@waukeshacounty.gov)
  - Once the application, along with payment for the license, is received by the Department, one of our Inspectors will contact you and schedule your pre-license inspection.
    - **Note:** If your facility is on well water, your Inspector will collect a water sample and will only be able to release your license after a safe result for coliform bacteria has been received from the county lab.
- **Handling of License:** After obtaining a license, it shall be posted in a place visible to the public staying at the establishment.

## My pre-license inspection has been scheduled; what is needed in order for my license to be released?

The below checklist identifies the items covered during a Tourist Rooming House Health Inspection.

- **Guest Registration**
  - All guests must register their true names and addresses into a registry that must be available to Inspectors for at least one year. (Digital registration is acceptable)
- **Smoke Detectors**
  - One smoke detector per home is required. One smoke detector on each level and in each sleeping room is highly recommended. Detectors must be UL approved and installed, maintained, and tested according to manufacturer's instructions. (ex. Expiration dates must be followed per manufacturer's instructions)
- **Carbon Monoxide (CO2) Detector**
  - One per home if there is an attached garage or fuel burning appliance (FBA). The location of these detectors shall be outside of each separate sleeping area in the immediate vicinity of the fuel burning appliance.
- **Railings**
  - Railings on decks, patios, and balconies more than 24" off the ground must be at least 36" tall. Gaps cannot be larger than 6".
  - Staircases with no more than three risers must have securely fastened handrails.
- **Kitchen**
  - No food is allowed to be offered except for pre-packaged, shelf-stable items and fresh fruits and vegetables.
  - If ice is offered, use of a refrigerator ice dispenser or provide an empty, sanitized ice cube tray for each separate guest reservation group.
  - Utensils for guests to use must be washed/sanitized between guests using one of the following methods or skip to (\*\*\*)
    - A dishwasher which reaches 160F (water temperature above 180F) to sufficiently sanitize.
    - Wash, rinse and then soak utensils in a basin containing sanitizer (unscented chlorine bleach or quat type sanitizer).
  - \*\*\*Licensed lodging establishments can achieve comparable compliance regarding ATCP 72.11(3)(a) without petitioning for a variance if the following requirements are followed:
    - Operators must, at minimum, wash with soap and water any utensils left out after each guest stay and wash any visibly soiled and dirty utensils in the cabinets, drawers or cupboards.

- Operators shall provide written communication that states, " Food and beverage utensils have been provided in this unit as a guest convenience . They have not been sanitized. It is recommended that you wash with a detergent, rinse with clean water and sanitize utensils before their use. To sanitize, after rinsing, add 1 teaspoon of unscented bleach per gallon of clean water and immerse utensils for a minimum of 30 seconds, then air dry. The sanitizer is located \_\_\_\_." This sign shall be legible and posted in a conspicuous location or provided with the check in materials

- **Bathroom**
  - Each guest sleeping room has its own designated full bathroom that can be shared with hosts, or two separate designated men's and women's full bathrooms for all guests and hosts to share, although hosts family 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.
  - Each guest room is supplied with separate soap and towels. Shared soap, shampoo and other toiletries are allowed if in dispensers or bottles which prevent cross contamination.
  - Anti-slip flooring is required in showers and bathtubs or having bathmats available.
  - All bathrooms must have a vent fan or openable window and hot water at both the shower and handwash sink. Both handwash sink and shower shall have sufficient water pressure.
- **Sleeping Rooms**
  - Size: Occupants 12 years and older are required >400 cubic feet per person. Occupants less than 12 years require >200 cubic feet per person. All sleeping quarters must have a ceiling height of at least 7 feet.
  - All beds must have a mattress pad/cover.
  - Bed top sheets must have a 12 inch fold back over top of blanket if not washed between each rental of facility.
  - Pillowslips, sheets, towels, and washcloths must be washed between guests and at least once/week.
  - Individual locks on guest sleeping room 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.
  - All guests sleeping room windows and doors that open to the outside must be screened.
  - Bunk beds must have bed rail for top bunk (SS97.02)

Sources for information

- [DATCP Website](#)
- [Wisconsin Administrative Code ATCP 72](#)