

Meeting Minutes

Moderator's Committee on Short Term Rentals

2/17/2021

Public Meeting Convened at 7:12PM

All six members of the committee were in attendance.

The Chair opened the Public Meeting and notified the public that the meeting is being recorded.

The Chair made an opening statement covering topics that included the posting to the committee's website the letters received from the public, and the process that the committee will follow to complete its work.

Paul reviewed the February 10, 2021 committee meeting minutes. Paul moved and seconded by Ana to accept the minutes. The committee voted 6-0-0 to approve the minutes.

Paul shared that the committee still needs to draft and approve an explanation for the warrant articles and also that 10 signatures for each article must be collected and submitted to the Town Clerk.

Paula suggested that the explanation start with the existing explanation.

Paul facilitated an activity where the committee discussed and voted on the amended warrant articles 9, 10 and 11.

The committee reviewed and discussed article 9.

Paul walked through the amendments that were voted on and incorporated into the article as submitted to Town Meeting.

Paul shared that the number of guests was moved from the zoning bylaw to the general bylaw to support the "go slow" strategy of introducing STRs to the Town while also providing for a change to the provision by a simple majority of Town Meeting.

Chris stated that he thought the "Owner Operator" provision should also be moved to the general bylaw for the same reasons as the number of guests being moved.

Paul shared that one of the fundamental goals of the STR regulations is to protect Brookline's long-term housing stock by requiring the operator to also be the owner. Paul stated that he supports requiring a 2/3rds threshold to change the owner/operator provision.

Paula and Ana stated that they also supported the owner/operator provision remaining in the zoning bylaw to prevent investors from converting our long-term housing into short-term rentals.

Chris shared that he thought it important to move the provision to the general bylaw to provide flexibility and allow future town meetings to be able to make the change without a 2/3rds vote. Maureen stated that she agreed with Chris's position.

The committee discussed the effective date of the STR zoning change.

Polly shared that the Attorney General approves all bylaw changes and that approval may come in September. Polly stated that the Select Board may not want to invest in regulations until the AG approves the changes.

Chris shared that the original effective date was January 1, 2021.

Paula and Sean shared that we have added six months to the timeline to adopt STRs by the work that we are doing.

Chris and Polly discussed the pros and cons of not having an effective date included in the warrant article.

Sean moved and seconded by Chris, a motion to change the effective date to January 1, 2022. The motion passed 4-2-0.

Paula moved and seconded by Chirs, a motion to approve the amended warrant article 9. The motion passed 6-0-0.

The committee then moved onto to review and vote on article 10.

Paul shared that Town Counsel had suggested that the following language be added to the article "d. Where a Short-Term Rental Unit is part of a condominium association, certification signed by the applicant that the operation of the Short-Term Rental complies with all condominium documents, bylaws, or other governing documents.". Town Counsel's shared that the additional language would be retained should the prior condominium language be ruled invalid.

Maureen stated she preferred language d. (above) be the primary language/requirements for condo owners over line c. language requiring written proof from condo associations which was too difficult for operators applying for certification. She suggests this added, back up language shows awareness that the town is overstepping its authority with condo associations and the goal should be good policy not just legal protection for the town.

Paul shared that the effective result of adding the language suggested by Town Counsel is that the applicant will need to submit certification from the condo association as well as the applicants own attestation.

Sean shared that the two provisions are different and that the addition of “d” is not an onerous burden for the applicant and he supports the added provision.

Paula moved and seconded by Ana the following amended language: "d. Where a Short-Term Rental Unit is part of a condominium association, certification signed by the applicant that the operation of the Short-Term Rental complies with all condominium documents, bylaws, or other governing documents.". The motion passed 5-1-0.

Paul shared that Town Counsel suggested that the following language be added: “12.11. Short-Term Rental Operators shall cooperate and comply with lawful requests for information made by the Select Board’s Office and its agents, including from the Planning, Building, Health, Police, Fire and Public Works Departments. Such requests may include requests for bylaws and other condominium documents in order to verify certification(s) submitted to the Town in connection with a Short-Term Rental Certificate of Registration.”

Ana moved and seconded by Sean a motion to add the following language: “Short-Term Rental Operators shall cooperate and comply with lawful requests for information made by the Select Board’s Office and its agents, including from the Planning, Building, Health, Police, Fire and Public Works Departments. Such requests may include requests for bylaws and other condominium documents in order to verify certification(s) submitted to the Town in connection with a Short-Term Rental Certificate of Registration.”. The motion passed 6-0-0.

The committee then discussed the need for an appeal process defined in the bylaw.

The committee discussed the merits of having the Select Board define the appeal process vs. adding a provision to the warrant article.

Paula moved and Maureen seconded the addition of the following language:

“Section 5.11.8 APPEALS

Unless a statutory form of review is provided, any person aggrieved by the action or failure to act of a certifying agent shall have the right of appeal to the Select Board. Such appeal must be made in writing and filed with the office of the Select Board within fourteen days from the date action was taken. If the party aggrieved appeals from a failure of a certifying agent to act within forty-five days from the filing of an application, such appeal shall be made in writing and filed with the office of the Select Board within sixty days from the date of application.”. The motion passed 6-0-0.

Paula moved and Sean seconded a motion to approve the amendments to warrant article 10. The motion passed at 5-1-0.

The committee then reviewed and voted on warrant article 11.

Maureen shared that she was concerned that there was not a single department that was responsible for understanding and enforcing the regulations.

Polly stated that each department needs to enforce its inspections and regulations. Polly also stated that the building commissioner is equivalent to other municipalities that have Inspectional Services.

Polly stated that the Office of the Select Board is responsible for oversight and administration of the regulations. The Building Commissioner and other departments are responsible for enforcement.

Maureen shared that Boston, Newton and Cambridge have identified one department for enforcement.

Paul moved and seconded by Ana a motion to approve the amendments to warrant article 11. The motion passed 5-1-0.

Paula shared her appreciation of the work of the committee.

Paul shared that he thinks that it is imperative that the town adopt some regulations for STRS. For Brookline to continue without some regulations in place would be harmful to people who depend on STRs for affordability and a lack of regulations will put lives in danger when guests stay in uninspected accommodations. Paul also shared that without regulations in place the situation will continue where our long-term housing is converted to short-term rentals by investors. Paul stated that it is his hope that the committee will actively support the regulations and ask Town Meeting to support and pass the warrant articles.

Sean shared that he hopes that the committee has struck a balance between the good features of STRs and the challenges that STRs bring to the community. Sean also stated that he believes that the committee has done its best to protect neighborhoods, our businesses and long-term housing.

Maureen shared that she stands by her votes and appreciates all of the work that has been done by the committee.

Ana thanked the committee for coming up with middle ground that we can support.

Chris extended his appreciation for the committee and its work and is looking forward to the town meeting process that will continue to shape what is put forward to Town Meeting.

The meeting adjourned at 9:17 PM.

Motion to approve WA-10 contingent upon Staff review & comment to be received 2/24/21

Y	Y	N	Y	Y	Y	PASS
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Motion to approve WA-11 contingent upon Staff review & comment to be received 2/24/21

Y	Y	N	Y	Y	Y	PASS
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