

Meeting Minutes

Moderator's Committee on Short Term Rentals

1/13/2021

Public Meeting Convened at 7:05PM

All six members of the committee were in attendance. There were 19 Members of the public registered online..

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

The Chair welcomed the members of the community and reviewed the agenda. Each member of the committee then introduced themselves and the Chair read the committee's charge.

Paul then presented the Short-Term Rental regulations as presented to Town Meeting as Warrant Articles 9, 10 and 11.

A poll was conducted to help the committee understand the makeup of the public participants. Responses were submitted by 9 of the 19 public participants. Two questions were asked with the following results:

- 1) Do you host short term rentals? 11% Yes, 89% No
- 2) If you do host, what type of unit do you live in? 33% Single Family, 67% 2 to 4 unit condo

Public Comment at 7:35PM

At 7:35PM the Chair announced that the Public Comment period of the meeting was commencing.

Julia Malkin Washington Street - 20 year resident of Brookline. Neighboring building is owned by a local investor and operated as a multi-unit short-term rental. Neighbors have experienced many problems including illegal parking, excessive trash, idling Ubers and the basement of the property being used by the management company to service other units in town. The management company is unreachable and unresponsive to concerns. The operation of the illegal short-term rental has been reported to the town multiple times without resolution. Concerned that STRs will drive out residents.

Alisa Jonas TMM P16 and Advisory Committee Member - Has been a user of short-term rentals and appreciates their value and convenience. Sees little benefit to our community and is concerned about the detrimental impact to quality of life for neighbors. Concerned about the impact that STRs have on long-term housing. Consider limiting the total number of STRs similar to how liquor licenses are managed. There is a lack of effective enforcement. STRs are not allowed today yet there are hundreds operating in town. Must require hosting platforms to

include operating license identification number. Need to charge a fee to ensure we have the money for inspections. For those requiring additional income, homeowners already have the right to rent units [rooms] to monthly rentals.

Lawrence Lapson Stearns Road - Attended hearing a year ago. Does not believe that regulations are enforceable. AirBNB is not legal in Brookline and they are not being enforced other than complaint driven. The town should enforce laws by using the State tax reporting to identify where STRs are being operated. A fine should be imposed for each day that an STR is in operation.

Marcia Lapson Stearns Road - Consider diversity of housing, and impact on various residents. Protect Brookline from unintended consequences from a one- size- fits- all regulation. Concerned about parking. Regulations will not improve or correct the negative impact that STRs will have on quality of life. Concerned about the ability of the town to enforce the regulations. Concerned about late night disturbances.

Susie Roberts Green Street TMM P2 - Has not heard her situation represented. Lives in a large two unit condo and rents her house as an STR on occasion. Typically rents over long weekends that coincide with events in Boston. She does not want to be put out of her home for 30 days (regarding owner must be present stipulation). Rents to families who may have a family member in the hospital. Rents to professionals who are transitioning to the region and to colleagues who are attending local conferences. Does not want the limit of 4 people as this would limit families from renting her home. Providing a service to families and the extra income is helpful. Believes that the presence of the host is intrusive to privacy and does not agree with this part of the regulations. Questions if Brookline can require statements from condo boards which puts Brookline in th the position of regulating the private relationship between condo owners.

Richard Jones St. Paul Street Precinct 3. 33 year resident. Against owner adjacent units. It decreases the number of units available to families for long term rentals. Does not support STRs in owner occupied units. He is concerned about on street parking associated with STRs. Parking should be provided on property. Minimum rental period should be 3 or 4 days to decrease turn-over. Lower total number of days per year to 30 from the proposed 90. Believes STRs do not benefit neighborhoods.

Linda Pehlke TMM P2 - Concerned about impact on condominiums. She lives in a condo and is a trustee in a 50 unit building. Wants to keep the requirement that the condo board must provide written confirmation that an STR is allowed in the association. Worried about the impact that STRs have on long-term housing and the town's ability to enforce the regulations. We are unable to enforce today. Keep the requirement that an inspection is needed prior to the certificate being issued. Inns are in direct competition with AirBNB and they are fully regulated and inspected. Don't assume that everyone will be a good actor [operator]. Consider prohibiting STRs from operating in M zoning districts (multi-family). The majority of issues, concerns and noise are coming from multi-unit residents.

Ana Albuquerque TMM P1 and Committee Member - Read statement from Euston Street resident Carole Capper. See full statement at end of meeting minutes.

Jenna Longmaker Lawrence Road, Precinct 3 - Concerned about parking. Street is a dead end and access to the neighborhood in the winter is difficult. Concerned about the ability of emergency vehicles to access the neighborhood due to illegal, STR parking. Concerned that those not familiar with the neighborhood do not understand that parking is a safety factor. Town should support existing lodging houses and hotels.

Donna Viola Sterns Road - Can't imagine how the regulations can be enforced. Parking and increased traffic is a major issue since the visitors will not understand the risk and impact on the neighborhood residents. Consider allowing a street to opt out of hosting STRs. Concerned about late night access and disruptions as guests arrive and leave. The financial gain for the people who host and the taxes collected are minimal compared to the hardships that will come with STRs. We have lodging and hotels and we should support those. STRs are a very bad idea.

Harry Friedman TMM P12, Advisory Committee - STRs are illegal and there is no enforcement. Current approach is not working. By legitimizing some STRs and insisting that regulations be enforced can solve some of the problems that are taking place. Continuing as we are today will not work because it is not working. Some regulations that allow some STRs while allowing the town to get rid of bad actors makes sense.

The Chair thanked the members of the public for their participation and comments. She announced that our next meeting will be on Wednesday, January 20, 2021 and will be available for viewing.

The Public Meeting adjourned at 8:32PM.

Statement from Carole Capper read into the record by Ana Albuquerque

I am writing to provide my experience with having a neighbor who maintained an AIR BNB room or two in her unit in my condominium for several months these past years and to ask you to support my opposition to allowing AIR BNB in Brookline except under clear restrictions that will be enforced. The warrants before the November 2020 Town Meeting allows for restrictions to Short Term Rentals that would protect me from having my living space turned into a throughway for a "hotel."

My husband and I live in a 1910 three-unit condominium where each floor is a separate apartment. The building is a generous but fairly intimate space, built more as a house than an apartment building with little noise insulation and one entrance to all three floors. The small lobby leads to the stairs, which can't really accommodate more than one person at a time. The landing off the stairs in front of my second floor unit is similarly short and narrow. Anyone moving up the stairs and passing my front door to move to the

third floor is practically in our living room but for the door. Sounds from the unit above and below very clearly register in our unit.

We have lived in this apartment for thirteen years and consider it our “home.” While the first floor owner rents out his flat, it is leased for a year at a time and often the tenants stay for several years. It is no problem. My upstairs neighbor, however, who lives in the building, decided to rent out two rooms in her place through AirBNB without ever discussing it with me. In fact, it took me several weeks to even realize that the different people arriving every two days were Air BNB “guests.” The stress on our family was enormous. Strangers with their luggage tromping up and down the stairs at all hours put us on edge. My dog became quite nervous during that important imprinting period between one and two years old with all the unknown people passing by our door and in the halls. We very much value our quiet, our privacy and safety, all of which were violated by these people having access to the inner lobby, hallways, and basement rooms. The condo had to purchase a new insurance policy at higher cost and less coverage because our old policy would not insure a building that contained air BNB rentals. Our water bills went up naturally because every two days all sheets and towels had to be laundered and our water meter is for the entire building at large. It was only after months that I found out the town could shut down the air BNB, which took extra time because of a lawsuit filed by the unit owner. The fact that this owner lived in the apartment mattered little to how much we were imposed upon when the residential character of our building turned into a commercial enterprise. Like most people our “home” is also our primary investment and allowing Air BNB to function in a small residential condo makes that investment worth less.

If the town does decide to allow AirBNB in some fashion, I hope it will also make sure to have appropriate restrictions and create a department with staff and powers to inspect and shut down places that do not follow these restrictions. Most basic is to insist on any condo board's unanimous approval for any owner in its building that wishes to rent to short term renters—whether or not that owner also lives in the unit. That rule would mean that as a trustee of my three-unit building, I would be able to veto such a move.

I look forward to discussions the town will have on this issue and hope to be able to speak to these points.

Thank you,
Carole Capper [cappercb@gmail.com]