

Meeting Minutes

Moderator's Committee on Short Term Rentals

1/20/2021

Public Meeting Convened at 7:00PM

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 reminded the committee that we are not starting from scratch, nor are we starting from the warrant articles as originally submitted. The committee will be working on warrant articles 9, 10 and 11 as reviewed and modified by the advisory committee and presented to Town Meeting.

The Chair then offered each member the opportunity to share their comments on the public testimony heard by the committee on January 13, 2021, and any other reflections.

Anna raised several issues including the cost and quality of life impacts on condo residents, and shared that the Building Departments mission includes ensuring the quality of life of those who live in Brookline.

Maureen made several comments including that she believed that the public comments from the January 13th meeting were not representative of Brookline and the pros and cons of STRs and were weighted against supporting STRs. She also shared her belief that operating an STR is a right of homeowners and residents and that the town is obligated to regulate them. Maureen also shared that she does not believe that the concerns raised during public comment would come to fruition because the concerns are handled by the proposed regulations.

Paula stated that owners and residents do not have a right to operate an STR since the town has not granted it to them yet.

Chris stated that he believes that the comments heard at the public comment period were not representative of the town as a whole and more importantly, not representative of 2/3rds of Town Meeting. Chris encouraged the committee to file articles that are less restrictive and that will leave room for amendments since a warrant article can be further restricted via amendment but cannot be expanded. Chris shared that he is not sure that the committee will come up with a proposal for Town Meeting that will reach the 2/3rds threshold and that a resolution or some other measure assuming that what gets filed will not achieve 2/3rds support should be considered.

Paula stated that we could start with a conservative, incremental approach to gain experience and see how it goes and then expand STRs after we learn more and get feedback from residents and the town, especially in the area of enforcement.

Sean shared that we did have a relatively small number of people commenting at the public hearing in comparison to the number of STRs being operated. However, Sean stated that we need to acknowledge the direct testimony and the evidence presented on the negative impact that STRs can have on the community because the negative impacts are quite real and we should try to prevent them. Sean shared the impact that STRs may have on a condo association. Sean shared that we need to find a way to enable the low impact STRs in our community. Sean also discussed the pros and cons of excluding STRs in M districts because a large number of issues were raised in multi-unit buildings.

Paul shared that what the committee heard at the public hearing is consistent with other public hearings that he has attended. Paul believes that the public comments that were made are representative of the concerns of some of the community and it is important that we take the comments into consideration. Paul expressed his desire to put forward amended regulations that the town can support and enforce and that the residents can live with.

Maureen made the point that there were meetings hosted by the planning dept specifically for hosts and that members of this committee were not at those meetings. Some comments and concerns of hosts/operators made during the Planning Department’s public hearings were in support of STRs. Maureen expressed her concern that some of those voices, hosts in particular, have been driven underground due to STRs being deemed illegal and a general hostile view toward STR and hosts.

Paul facilitated an exercise where the committee discussed and voted on aspects of the regulations to include in possible amendments to warrant articles 9, 10 and 11. The following table captures the votes and outcome of the exercise. A “Pass” vote indicates that the committee will work on amending the specific regulation. A “Fail” vote or a BLANK, indicates that the committee will not work to amend the specific regulation.

Regulations		Votes To Amend						
		Committee Member Votes						
		PF	AA	MC	CD	SLJ	PW	pass/fail
Unit Eligibility								
STRs allowed in all zoning districts (Residential S, SC, T, F, M; Business L,G,O; Industrial) (9-3)		Y	Y	N	N	A	N	Fail

(f)Unit must be owned by the Operator (9-1.2)*	N N A Y Y N Fail
Unit must be the primary residence of the Operator (183 days/year) (9-2.4), (10-5.11.4.1.b)	
(f)Unit cannot be designated as below market rate housing (10-5.11.3.1.a)	Y Y Y Y Y Y Pass
Unit free of any outstanding building, sanitary, zoning, fire code violations, etc. (10-5.11.3.1.b)	
Unit free of arrears municipal or state taxes, fines or fees (10-5.11.3.1.c)	
Number of rooms offered as sleeping accommodations must be (building code) code compliant (10-5.11.3.1.d)	Y Y Y Y Y Y Pass
(f)Condo Association (CA) must certify STR complies with association governing documents (10-5.11.4.1.c)	Y N Y Y Y Y Pass
(f)All owners in CA of <=4 units must consent if CA documents do not explicitly prohibit STRs (10-5.11.4.1.d)*	Y N Y Y Y N Pass
(f)Unit must pass Inspection at time of initial and renewal application (10-5.11.5)*	N N Y Y N N Fail
Registration Procedure / Certificate Issuance	
Application Fee may be assessed by Select Board (10-5.11.4.1.a)	
Proof that unit is Primary Residence (10-5.11.4.1.b)	
(f)Certification by Condo Association (10-5.11.4.1.c and d)*	Y Y Y Y Y Y pass
(f)Floor plans indicating rooms to be used and number of occupants (10-5.11.4.1.e)	
(f)Emergency contact who can be reached 7/24 and respond in person within 2 hours (10-5.11.4.1.f)	N N N N N N Fail

(f)Within 14 days of issuance, notification sent to abutters within 300 feet of unit (10-5.11.4.1.h)*	N N N N N N Fail
Certificate of Registration valid for 1 to 5 years, as determined by Select Board's Office (10-5.11.4.3)	
Operator can seek modification of a Certificate of Operation (10-5.11.4.4)	
Certificates are non-transferable (10-5.11.4.5)	
Enforcement Authority may revoke, suspend or modify a Certificate of Registration (10-5.11.4.6)	
(f)Certificate revoked if <=3 violations in a 12 month period. Select Board hearing required (10-5.11.4.7)*	N N N N N N Fail
(f)Health and Safety inspection required prior to issuance and renewal of Certificate of Operation (10-5.11.5)*	N N N N N N Fail
Operational Requirements	
Active Certificate of Operation for Unit (10-5.11.6.1)	
(f)Operator must be physically present during rental period (9-1.1)*	Y Y Y Y Y Y Pass
(f)Maximum occupancy is 2 rooms and 4 guests (9-1.1)*	Y Y Y Y Y Y Pass
(f)Unit can be rented for up to 90 days per year (10-5.11.6.3)	N N Y Y N N Fail
STR must comply with fed, state and local laws and consistent with terms of COR (10-5.11.6.2 and 4)	
Unit must include various documentation for guests, fire extinguisher, smoke alarm, etc (10-5.11.6.5)	
(f)Town issued Certificate of Registration number must be used in all advertisements (10-5.11.6.6)	

(f)Entity advertising in Brookline shall provide town with unit ownership and address info (10-5.11.6.7)*	Y Y Y Y Y Y Pass
Operator must retain rental records for 3 years and make available to Town upon request (10-5.11.6.8)	
Operator must notify Select Board within 2 weeks of change in Operator's Primary Residence (10-5.11.6.9)	
(f)Minimum rental period is 24 hours. Maximum rental period is 31 days. (10-5.11.6.10 and (9-1.1)	Y Y Y Y Y Y Pass
(f)Commercial meetings and uses are prohibited (10-5.11.6.11)	Y N Y Y Y Y Pass
Additional Regulations and Enforcement	
(f)Select Board may issue regulations for the implementation including caps on the number of certificates by Zoning District (10-5.11.7)	Y Y Y Y Y Y Pass
(f)Fine of \$300 for each violation and each day of violation (10-5.11.8)	N N Y Y Y Y Pass
(f)Short-Term Rental Units with active Certificates will be published on the Town Website (10-5.11.9.1)*	N N Y N N N Fail
(f)Short-Term Rental violations will be published on the Town Website (10-5.11.9.2)*	N N N N N N Fail
(f)Regulations will be enforced by Building Commissioner, Director of Health and Human Services, Fire Chief, Town Administrator and Police (11)	Y Y Y Y Y Y Pass

Paul suggested that the next step in the committee's process should be to discuss and vote on proposed amendments for the items that passed the vote to be considered for amendment.

The Chair thanked the committee for their work and the committee unanimously voted to adjourn at 10:05PM.

The next meeting will be held on Wednesday, January 27, 2021 at 7:00 pm.