

Town of Nahant
Short Term Rental Committee
Meeting Minutes
Tuesday March 8, 2022 at 6:00 p.m. via Zoom

Present:

Wayne Wilson: Building Inspector, Committee Chair

Marie Hladikova, Committee Vice-Chair

Robert Tibbo, Committee Secretary

Absent (due to ZOOM technical error)

John Coulon, Health Officer

Steve Viviano: Planning Board

- The meeting was called to order at 6:03 p.m.
- Minutes from the February 22nd meeting were approved (Tibbo/Hladikova)
- There was a general discussion of next steps.
- A list of “Themes/issues” prepared by Marie Hladikova and a “STR Working Draft” prepared by R. Tibbo were both offered as potential resources to assist the committee.
- The committee then read through the “STR Working Draft” which contains STR guidelines adopted by Cambridge MA. The following changes were recommended:
 - Row 10: Add definition for “Non-Owner-occupied dwelling”
 - Row 11: remove entirely – not applicable
 - Row 14: held open for further consideration of non-owner-occupied.
 - Row 16: Considered changing this to 105CMR410.000 reference
 - Row 24: Change “10 consecutive hours” to “24 consecutive hours”
 - Row 33: More information needed. R. Tibbo to contact City of Cambridge to identify what information is collected through their program.
 - Row 35: More information needed. Who would be the “Commissioner of Inspectional Services” in Nahant?
- T. Barletta encouraged the committee to pursue a “non-owner-occupied” STR rental guideline that would be acceptable to Nahant.
- W. Wilson opened the floor for public input. None received.
- Updates to the STR Working Draft that were discussed in this meeting will be reviewed by the full committee during the next meeting. Committee members will continue efforts to identify other issues and opportunities.
- Motion to adjourn at 7:03 p.m. by R. Tibbo; seconded by M. Hladikova

Respectfully submitted by Robert W. Tibbo

Attachment: STR Working Draft with notes from March 8th meeting.

Short-Term Rental Regulations Themes/Issues

1. What types of properties should be allowed to be rented on short-term basis?

- a. Houses/apartments/condos/cottages/single rooms within existing house?
- b. Definition from Massachusetts regulations –
Short-term Rental. *An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:*
(a) at least one room or unit is rented to an occupant or sub-occupant; and
(b) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.
<https://www.mass.gov/regulations/830-CMR-64g11-massachusetts-room-occupancy-excise#-2-definitions>

Shall Nahant follow Massachusetts definition? Do we suggest an amendment of the existing zoning regulations in Nahant to get up to date with today's reality of short-term rentals? Do we spell out what is not considered a short-term rental? RV, boat, treehouse, campsite etc.?

- c. Are there concerns that long-term rentals are being converted to short term rentals and tenants don't have enough properties to rent in town on a long-term basis? Is this an actual issue in Nahant? What about property owners who paid premium for a property and are unable to find quality long-term tenant? Is a short-term rental better option rather than going into a foreclosure/bankruptcy or selling the property at a loss because the market changes and rent you can get doesn't cover your expenses? What impact do foreclosures have on a particular neighborhood? At the same time, some owners may discover that short-term rentals are not as profitable as long-term rentals and may convert to long-term rental at some time.

Considerations – properties used for a short-term rental are being renovated, maintained, priced at a premium and well managed. Is there a benefit to the neighborhood?

The town made a decision in 2021 to collect a rental tax on short-term rentals. Does this suggest that the town is looking for alternative sources of revenue? We receive no tax from long-term rentals. It also appears that the town has no mechanism of knowing when long-term rentals should be inspected and there is no enforcement mechanism for health inspections to be done.

Other issues to think about is that short-term tenants leave in a few days. If a property gets rented to a long-term tenant who organizes a lot of loud parties, creates mess around the property, they are not going anywhere for a very long time because eviction process is expensive and can take months.

Who are the people who rent short-term rentals in Nahant? Do they support other businesses in town such as the wedding venues, restaurants, stores? Are they friends and family of Nahant residents? Do short-term rentals change the makeup of a particular neighborhood? If so, where in Nahant did this happen over the past 5 years? Is this a long-term concern for Nahant? Do we want to check with police to get a report of how many actual complaints related to noise they receive on an annual basis for short-term rentals?

- d. Length of stay – Do we need at least 24-hour reservations requirements to prevent “hourly type of rentals?”
- e. Do we want properties to display a sign that a particular property is a short-term rental when in use as such so that people can easily find the property? Is this a problem in Nahant? Do people drive around not being able to find the short-term rental location?

2. Registration/Inspection

- a. Application – what type of information do we collect?
 - i. Names of property owner contact information
 - ii. Massachusetts Short Term Registry certificate
 - iii. Information on the type of property being rented
 - iv. Parking plan
 - v. Emergency/evacuation plan
- b. Who manages the registrations – building department or health department?
 - i. Do we confirm that there are no violations on record for the property prior to issuing a certificate?
 - ii. What about fire department inspection? Do all of these get done at the same time?
- c. Inspection or application review only?
 - i. If inspection, what does it look like? Who in town is in charge of scheduling this with all of the departments?
 - ii. If inspection is needed, is it one time or annual inspection? Do we have the capacity for annual re-inspections?
- d. Fee for Registration? Annual/Semi-Annual? What is the fee? \$35 as is currently in place for long-term rentals?
- e. Do we ask the appropriate town office to confirm that property owners are current on property taxes, water, sewer payments? Should it be on the property owner to provide a document to this effect with the application? Do we do this for long-term rentals?
- f. Should property owners provide contact information for the property manager to the fire department/police department in case there is an issue or an emergency?
- g. Guest registries - Do we need them? What about privacy laws? Is it needed and what would the town do with the information? AirBnB and VRBO keep a list of people renting properties. Do we need to duplicate their effort? What about homeowners renting on their own? Who is going to be inspecting them if they are offline and don't register?

3. Parking Management

- a. Should hosts submit a drawing of their driveway and identify the parking spaces that will be used by guests? If the homeowner lives on the property, there should there be sufficient spaces for the property owner to park their vehicles on the property as well as the guest's vehicle?
- b. What do we think about temporary parking permits for property guests? Could be issued by the police department/building department for a fee with the permit approval. If guests pay 6% tax to the town, should they be able to park around town when they take a walk or go to the beach? Is this another source of revenue for the town?

4. Noise

- a. Do we allow commercial events on the property?
- b. Are noise and parties at short-term rentals an actual issue in town?
- c. What do we do with excessive noise issues? What constitutes excessive noise? Do we have any way to regulate this outside of the standard process where Police gets notified? Is this an issue and is there a list of registered complaints?

5. Violations and Enforcement

- a. Who will monitor compliance with the regulations?
- b. What about owners who don't use online platforms and operate short-term rentals offline? How do we know they exist and how do we ensure they pay taxes etc.?

6. Trash

- a. Do short-term rentals generate more trash? If we think that they do, do we charge and extra-fee for those rentals? What is the fee structure? Items to consider – short-term rentals are for existing properties so the fee structure should have already been set by the town. Short-term rentals are not occupied at 100% occupancy. Some residents rent only on a seasonal basis. Does this actually mean that a short-term rental may generate less trash than a house that is occupied year around? Guests don't spend all day in the rental and go out to eat when they are on vacation. Do we have any information that the short-term rentals in town are actually being used for events that would generate trash? What about regular residents who have big families and organize parties every weekend? Do they get trash surcharge?

