



Watertown City Council

Administration Building
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Watertown, MA 02472
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Report of the City Council Committee on Rules and Ordinances

2023 Meeting Dates: Monday, January 30 at 6:30 p.m.; Monday, February 13 at 6:30 p.m.;
Monday, April 3 at 6:00 p.m.; and Thursday, April 20 at 5:30 p.m.

All committee meetings were convened in the Richard E. Mastrangelo Council Chamber,
with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Present at all committee meetings were Councilors John Gannon, chair; John Airasian, vice chair, and Lisa Feltner, secretary.

The purpose of the above meetings was to: Continue discussion relative to the adoption of a short-term rental (STR) ordinance. The purpose of April 3rd and 20th meeting dates also included: Consider the adoption of an ordinance requiring closed captioning on public-facing televisions.

In response to Watertown's interest in the ability to regulate short-term rentals and ensure safety while balancing concerns of negative impacts from this use, the committee found consensus in the desire to restrict STR to the original intentions of a "sharing economy". Thus, considering all prior term and current discussions, we recommend short-term rental use be limited to two options: "Limited Share" of private bedroom/s-shared space, and "Home Share" for a whole unit-shared space. (See attached detailed meeting minutes).

Some of the benefits from short-term rental use, besides revenue, include income to help owners age in place, contribute to upkeep of properties, help pay taxes and bills (especially given the loss of jobs due to the pandemic), provide local accommodations during home renovations or for extended family visits with those who don't have guest space or for visitors to local hospitals, and some residents especially enjoy being hosts and making social connections while supporting Watertown businesses and events.

The committee identified two points in particular that need guidance from City Council:

- (1) when determining a cap on the number of renters per residence, consider reserving a bedroom for the operator in all cases; thus a 5-bedroom dwelling would be limited to 8 renters per booking¹ -this change would alter Definitions in Limited Share Unit and Home Share Unit; and
- (2) adopt G.L. c. 40, Section 22F so that regulation-inspection fees can be included in regulations; otherwise a separate ordinance could be created for Council to set a fee schedule².

The following summary of improvements were accepted to the draft ordinance language and regulations, and finalized by the committee on April 20, 2023:

Ordinance language reviewed and updated for consistency and clarity.

Fully develop STR Regulations for the ordinance.

Comply with applicable Building/Health/Fire codes.

Restrict to owner-operator occupied.

Restrict to Primary Residence and include Proof of Residence.

Primary Residence defined as 9 mos of 12 (vs. 6 mos).

Restrict STR dwelling to one listing at a time and per single booking reservation.

STR are limited to one party at a time -not renting of separate bedrooms to separate parties.

Prohibit Accessory Apartments (currently legal or “grandfathered”) from STR use.

¹Total number of guests per booking are limited to 2 per legal bedroom.

Prohibit commercial meeting and events, such as weddings or banquets and parties.

Create an application process with eligibility determination.

Create a Public Registry kept by the City of Watertown.

Registration includes listing max. number of occupants allowed for STR.

Annual registration required, instead of every 5 years.

Unique and public Registration Number required for each STR as well as having a single Operator.

Operator must show proof of liability insurance complying with state law.

Require STR operator to notice their abutters.

Create DCDP Inspection Checklist, in collaboration with other departments, which must be met before issuing or renewing a Certificate of Registration.

Mandate info to be provided and posted on site, such as:

Trash and recycling rules, Emergency egress and fire extinguishers, Parking rules and limits including overnight parking restrictions, Designated STR unit contact info for responding to any emergencies or problems.

Outline a Complaint Process, including violations and appeals.

Requirement for Retention of Records by Operator for three years.

²Create a Registration & Inspection Fee/s, in the Regulations for easy adjustment as needed.

On April 20th, Councilor Feltner made a Motion to Recommend the City Council adopt the updated draft language to Amend Watertown Zoning Ordinance, Section 5.19 for Short-Term Rentals, and endorse the proposed Regulations; Seconded by Airasian. Discussion: Councilor Gannon stated he is going to vote no because he is concerned that the ability for 10 people to rent a unit overwhelms an accessory use and gets into a non-residential type of component. As much as he feels there are safeguards built into the ordinance, and the committee put together a better package than was previously drafted, he believes the 10 number is a hard limit for him. He recognizes that this could change during the full City Council’s deliberations. Voted 2-1, with No by Gannon.

Clean copy of the recommended short-term rental ordinance and regulations are attached to this report; they have been reviewed by counsel KP Law per staff.

ACTION ITEM: City Council adopt the updated draft language to Amend Watertown Zoning Ordinance, Section 5.19 for Short-Term Rentals, and endorse the proposed Regulations.

Also on April 20th, the committee reviewed a draft ordinance per Title XI Business Regulations, Chapter 117 Closed Captioning Activation, presented by Mr. Schreiber and based on a model from the City of Boston, requiring closed captioning on public facing televisions. There were just a few questions to coordinate with Watertown zoning language and definitions and to clarify exempt businesses. Changes were made to B. Definitions 4. “Public facility”, and to D. Enforcement 1., 2., and 3. (see attached)

Councilor Feltner made a Motion for the committee to accept ordinance changes as discussed and recommend the amended draft Ordinance Requiring Closed Captioning for Public-Facing Televisions be brought forward by staff to City Council for a first reading, and for consideration and adoption; Seconded by Airasian; It was noted that the draft before us had already received review by city counsel KP Law; Approved 3-0.

Attached is the finalized draft language for requiring closed captioning for public-facing televisions, which received another review by counsel KP after the April 20th meeting, per staff.

ACTION ITEM: Recommend draft Ordinance Requiring Closed Captioning for Public-Facing Televisions be scheduled for a first reading, then consideration and adoption by City Council.

The April 20th committee meeting adjourned at 8:06 p.m.

Summary Report prepared by Councilor Lisa Feltner.

ATTACHMENTS:

- A. Minutes of January 30, 2023, which include links to [DCDP Memo containing the Planning Board Report, dated Jan 4, 2022](#) which was considered by [City Council on Jan 25, 2022](#) -the council voted to keep the Public Hearing open with referral back to the Committee on Rules and Ordinance; with **A1**. Emails read aloud on January 30th.
- B. Minutes of February 13, 2023 with **B1**. DCDP Memo dated Feb 13, 2023.
- C. Minutes of April 3, 2023 with **C1**. DCDP Memo dated March 29, 2023.
- D. Minutes of April 20, 2023 with **D1**. Red-lined draft changes to Title XI Business Regulations, Chapter 117 Closed Captioning Activation; and **D2**. City of Boston Disabilities Commission FAQ on Boston Closed Captions Ordinance.
- E. Finalized Title XI Business Regulations, Chapter 117 Closed Captioning Activation.
- F1. Proposed Zoning Amendments, for Short-Term Rental Use
- F2. Proposed Regulations, for Short-Term Rental(s).

ATTACHMENT A

Minutes of Watertown City Council Committee on Rules and Ordinances

Monday, January 30, 2023, at 6:30 p.m.

Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Agenda: Discussion Relative to Ordinance for the Regulation of Short-Term Rentals.

Present were John Gannon, chair; John Airasian, vice chair; and Lisa Feltner, secretary. Staff present were DCDP Asst. Director Gideon Schreiber, and via zoom were Steve Magoon, DCDP Director as co-host, and Larry Field, DCDP Senior Planner. Also present were Councilors Izzo, Bays (at 6:45) and Palomba (at 6:50), WFD Acting Chief Nicholson and Fire Inspector Capt. Anastasi. Other attendees are listed below.

Chair Gannon called the meeting to order at 6:33 p.m. to discuss the proposed zoning text amendment for the regulation of short-term rentals (STR), which was [referred back to committee by the Council Committee of the Whole](#) after its deliberation of [changes recommended by the Planning Board](#) and additional concerns by Councilors and the public. Gannon stated concerns about making units safe and appropriate for short-term rental use, and because he did not previously serve on Rules and Ordinances, he asked for testimony from folks who have been affected by “Airbnb” as well as staff’s current perspective.

Councilor Feltner read aloud three emails received today (see Attachment A1).

Chief Nicholson said the Watertown Fire Department is mostly looking to follow fire code, such as looking for fire detectors, carbon monoxide, two means of egress with signage for clear exits, and they don’t feel strongly about a particular number of renters. DCDP has reviewed the Emergency Access Plan in the draft regulations and recommends limiting renters to no more than 2 persons per bedroom with a 10-person max, which gives staff flexibility on the regulatory component to address future concerns. According to the assessor’s database, there are 122 five-bedrooms in town and all of them are in single family dwellings, but we don’t know how many are owner-occupied.

Councilor Feltner noted there are some existing single-family properties located in I-1 zoning, adjacent to the UPS facility. She asked staff about impact to existing (and legal) accessory apartments. Mr.

Schreiber explained that if a unit is attached, you would currently be able to rent for STR. Councilor Airasian asked for clarification on a Home Share Unit; Mr. Schreiber used the example of a 3-bedroom home with a limit of 6 guests -that could allow three different parties (of 2 each) that share the kitchen and other areas of the home. Councilor Feltner suggested prohibiting commercial meeting and events, such as weddings or banquets and parties in STR.

The committee confirmed interest in limiting STR use to owner-occupied units vs. investor or absentee landlord properties to address concerns such as impacts to market affordability and longer-term residents, stabilization of neighborhoods, reducing awkward social interactions, safety and quiet enjoyment of residents, potential parking pressures, trash, etc. Councilor Feltner suggested owner-operators confirm the property is their primary residence for nine months out of twelve (some communities only mandate 6 months or more of twelve) and to not allow accessory apartments as STR use. Staff confirmed that residents have been able to use STR and remain local during renovations to their homes, and income can help owners age in place, contribute to upkeep of properties, pay taxes and bills or enable a vacation, especially given the loss of jobs due to the pandemic, and some residents especially enjoy being hosts and making social connections.

Although a few attendees expressed a desire to ban STR altogether (especially given the recent conversion of 31 Falmouth Rd by investors) the public consensus in previous public forums and meetings was to regulate STR not outlaw them; the use is allowed by the state (with regulations effective 2019) and there have been few local complaints compared to the number of known rentals in use for several years in Watertown. Staff considered the Metro-Bridge Study with students at Boston University and looked to model our regulations on the City of Cambridge in response to Watertown concerns and expressed desire for a very restrictive ordinance out the gate; Mr. Schreiber found approximately 2% of housing stock in Cambridge sees STR use. Some comparisons were made to Lexington's STR ordinance- which limits STR to 10 total guests or two adult guests per bedroom, whichever is fewer, and they allow operator-adjacent units instead of restricting STR to operator owner-occupied; Lexington does prohibit STR use in Accessory Apartments.

Councilor Gannon learned that a list of STR is kept by the Department of Revenue, but it is not known how many of them in Watertown are owner-occupied. He asked for staff opinion about limiting the number of weeks allowed per year; this is difficult to monitor and DCDP believes that by limiting STR to owner-occupied, this will also limit the number of units that end up getting rented consistently throughout a year. Councilor Airasian feels we have made good progress on addressing concerns so far but would like to see properties as tightly regulated as possible. Mr. Schreiber highlighted proposed language which restricts STR to an accessory residential use, parking that is allowed per zoning, and he suggested enforcement may include Watertown contracting with an outside company that specializes in this, along with neighbor queries or complaints. It was noted that Watertown nearby excellent hospitals, including other destinations that are on highly traveled bus routes. Fines for infractions are allowed up to \$300 per day, although staff strive to get property owners to come into compliance and work with the city and not just fine them.

At 8:43 p.m. Councilor Feltner noted that there were about 10 attendees on zoom.

The committee agreed that checklists for STR inspections and/or applications should be more specific, beyond safe "habitability", and include things like parking capacity, fines, owner contact information, insurance requirements, annual registration periods, etc. They want to see more developed regulations.

Mr. Schreiber spoke to the "sharing economy" that will continue regardless, and Councilor Gannon said he recognizes times have changed. For example, he couldn't imagine this scenario even five years ago, where cannabis or shared rides or shared rentals were commonplace. This is the first time he has been

able to hear live deliberations and he noted that Councilors Airasian and Izzo are newly serving on Council. For the next committee meeting, he would like to receive tax information and STR unit address locations per DOR. And he wondered if staff could provide a cost benefit analysis for allowing or removing STR in Watertown. He is also unclear about our enforcement capability and how that might counter potential revenue realized from STR use. Mr. Schreiber encouraged attendees to review background materials already available for the work completed so far and for current context on moving forward.

Councilor Gannon thanked everyone for participating and for the staff's continued hard work on this issue and being forthright in their efforts to address impacts as they see them. The Committee agreed to continue the meeting discussion at a future date and review revised language.

9:05 p.m. Motion to Adjourn by Feltner, Seconded by Airasian; Approved 3-0.

Respectfully submitted, Lisa Feltner

Other attendees -in person: Chris and Sue Demis, Maryann Mulligan ; -via zoom: Annette, Anthony's iPhone, D. Snyder, David Leon, Kathleen C, Oliver, Linda, Jack Dargon, Jacky vanLeeuwen, Karen, Elodia (at 7:10).

Attached: Emails read aloud, from residents Jocelyn Tager, David Leon

Enclosed: pertinent City Council Minutes of Jan 25, 2022:

D. Public Hearing and Vote on an Amendment to the Watertown Zoning Ordinance to Define Short Term Rentals, Include This Use in the Table of Accessory Use Regulations, and Add Requirements Specific to This Use.

Mr. Magoon stated the amendment is a method of regulating short-term rentals after a determination was made to regulate and not outlaw short-term rentals. With this change, a short-term rental is defined as a rental of a dwelling unit, or bedroom of not more than 31 days in a row. It removes a previous category allowing short-term rental in all zoning districts for an accessory use to residential dwelling units. There are three types of units:

- * Limited Share Unit – a bedroom or shared space with the operator present for three bedrooms or six guests whichever is fewer (sharing a space while the operator is on the premises)

- * Home Share Unit – a whole unit that is the primary residence of the operator limited to five bedrooms or 10 guests whichever is fewer (rental of home while operator is not present)

- * Owner Adjacent Unit – a unit that is not the operator's primary residence but is in the same building as the operator and all units of the building are owned by the operator. Only one adjacent unit may be used as a short-term rental (multi-family unit offering a rental while living in one of the units). This would prevent corporate entities from buying homes for the purpose of short-term rentals.

Mr. Magoon suggested that the requirement for such a rental add the words "for two guests per bedroom:" so that the line reads:

(1) A short-term rental operator may make available for two guests per bedroom:

He stated the Planning Board allow the lessees operator with the permission of the Owner. The maximum number of renters is two people per bedroom. The phrase that the unit or bedroom must meet building and health code requirements should be replaced with basic habitability and life safety standards as it is a more accurate description. Such rentals should not be permitted for affordable units as it is seen as a public benefit being used for a private gain.

Council President Sideris opened the Public Hearing:

Elodia Thomas – Raised concerns about what the City will be doing to enforce current requirements. Is the public aware of what their liability is from renters. Will parking spaces be mandated for renters? Will neighbors know who is renting? What can neighbors do or who can they call if something needs to be done?

Maryann Mulligan – 23 Falmouth Road – Due to Watertown’s density, it has significant challenges that are not addressed in the regulations. Parking is a major concern. Although the Council has worked on this matter for a period of time, this is the first time many are seeing the suggested changes. She compared other communities’ regulations and feel they address the situation better. Some limit vehicles to 1 for every two renters. Permit renewals are done annually while Watertown provides for a registration every five years. Units have to comply with fire regulations and the community reserves the right to reinspect if provided with new information of violations. Some communities require a minimum of three-nights while Watertown’s regulations could allow for a nightly turnover.

David Leon – The City has to determine the impact of such rentals on the quality of life and how they will affect the community. What impact would such rentals have on the housing market: Would it reduce the housing supply or reduce affordability of housing? He suggested using a more conservative approach to lessen the impact on the neighborhoods and suggested the occupancy number should not exceed 6 guests per rental.

Councilor Piccirilli read two emails that the Council received:

Beverly Hanson – Was concerned about the B&B on her street. Transient occupancy affects the marketability of a neighborhood and the value of the home. Buyers will be concerned with safety, noise, cleanliness, parking, and possible criminal activity. This could change the quality of the neighborhood. She raised the concern that a flood of such rentals will occur if not well regulated.

Joan Gumbleton – Had several issues with the short-term rental changes. She raised a concern for safety with such renters. The one-night stay policy could provide a constant turnover of renters. There should be a maximum of rentals on a monthly or annual basis. She raised the concern of how these rentals would affect the neighborhood effect that Watertown has. Who would police the properties in a timely fashion? If these are illegal rentals, they should be terminated. Notification should be provided to neighbors of the rental. Parking should be in authorized spaces only.

Angeline Kounelis – She did not support this change as it affected neighborhoods and sometimes placed resident against resident. There are issues of enforcement, and it does not improve the quality of life.

Susanne Demis – 27 Falmouth Road – She lives next door to a short-term rental and has more contact with renters than the absent landlord. She feels the security of living in her neighborhood has been broken. She has minor children and is concerned for their safety. Renters have used her trash cans and she feels as if she is living near a hotel.

Dean Martino – Many of the houses in Watertown are small with small frontage and single file driveways. It is not safe or fair to the neighborhood to have demands for the needed extra parking. Enforcement of the parking regulations should regulate the rentals. Often there are health concerns with trash not put out or the containers picked up.

James Mello – Warren Street – Reminded the public if the City Council takes no action on the regulation, the current practice will continue without regulation. He understood the dilemma but felt something needs to be done even a moratorium until there is a resolution to the matter.

Mark Patterson – 94 Acton Street – He previously moved from an area with constant turnover due to college students to a neighborhood that is comfortable. With the arrival of short-term rentals, the same problem is being recreated. There is a short-term rental unit nearby with renters parking on front lawns. This looks like garbage. Such units may not work for such a small city.

Council President Sideris recommended that the Council needed to address the issues discussed. He suggested keeping the Public Hearing open and referring the matter to the Rules and Ordinances Committee for additional discussion to clarify issues presented by the public. Councilor Piccirilli moved to refer the matter of the short-term rentals to the Rules and Ordinances Committee for further discussion; Councilor Feltner seconded the motion. The motion was adopted unanimously on a voice vote.

ATTACHMENT A1 Emails read aloud at Rules & Ordinances Committee Meeting on January 30, 2023.

-----Original Message-----

From: Jocelyn Tager

Sent: Monday, January 30, 2023 1:43 PM

Subject: The short term rental meeting tonight

Dear Councilors,

I can't come to this meeting tonight, but I have a lot to say. We were almost scammed by a Watertown resident through Air BnB. The bank stopped the transfer of money—thank goodness. I have not reported this because I don't trust the person not to in some way take action against us.

But I'd love to talk with you about this and hear what others have to say. We do need short-term rentals. The ones in Watertown either don't exist or are so expensive that we've been renting in Cambridge and Belmont, which have been less expensive—seems unbelievable that this is true.

Jolly

From: David Leon

Sent: Monday, January 30, 2023 1:56 PM

Subject: Fwd: short term rentals

Hi Lisa,

Hope all is well in the new year.

I am reaching out as I just saw that short term rentals are back on the agenda for Rules & Ordinances committee mtg. I know we had a brief conversation about it last year. Not sure where the discussion will pick back up re: short term rentals, but did want to make a friendly suggestion to consider as a threshold issue whether or not Watertown should allow short term rentals as a use in residential districts. That is, whether the the benefits of allowing short term rentals outweigh the negative impacts on Watertown residents.

My recollection at the last meeting in January 2022 was that there was quite a few residents who spoke-- for different reasons--against the idea of allowing short term rentals in Watertown.

Thanks,

David

Attached to this email were his notes of January 24, 2022 which follows -

Proposed zoning amendment to allow short term rentals notes/questions:

Do the benefits of the proposed zoning amendment to allow short-term rentals outweigh the negative impacts on Watertown residents?

- how is the community served? who is the beneficiary of short term rentals?

-the town's position seems to be that some people are going to do it anyway, so might as well allow and regulate-- or is easier (from enforcement standpoint) to just not allow?

-will the sky fall because Watertown allows short term rentals? No, but it will have significant and disproportionate impact on certain residents (i.e. those located in amenity rich streets/neighborhoods or located next to multiple short term rental operators)

a) will the purpose of the Town's zoning ordinance and quality of life of the neighborhoods be undermined by short term rentals ?

- turning every house into a potential "mini-hotel" seems to undermine the purpose of the Town's zoning ordinance;

-do short term rentals/ airbnbs build community or tear at the fabric of the community?;

-do airbnbs pass on the negative externalities (consequences not being priced into the service) to the neighborhoods and community?;

-the proposed ordinance allows, in some cases, for a rental of up to **10 guests per night**

Town should set a more reasonable limitation of total of 6 guests).

if you are living next door (or if neighbors on each side of you) are each renting out to Airbnb nightly or weekly will result a steady stream of transient strangers rather than real neighbors who sustain community by engaging, supporting and looking out for each other.

b) will short-term rentals reduce the housing supply and cause rents to increase and homeownership more unaffordable in Watertown?

-will reduce the housing supply (by taking units off the market)?

-will increase rents and housing costs (cost creep)?

c) Short term regulations: proof of primary residence

-residential tax exemption does not require that owner (operator) live in the home/unit for any specified amount of time (e.g. 180 days). So an operator can do short-term rentals, for example, for 9 months of the year and still be his/her primary residence (as long as maintain indicia of residency—driver's license, tax filings, etc.)

d) Hotel/lodging accommodations require accessibility whereas Airbnbs do not.

If the City Council decides to allow short term rentals then consider:

- 1) Allowing just “limited share units” which has less impact on neighbors and provides accountability with the owner (operator) present.

In the alternative, if “home share” units are allowed then setting a maximum of **6 guests** (regardless of bedroom count) and consistent with “limited share” units.

From: Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>

Sent: Monday, January 30, 2023 4:06 PM

Subject: Comments tonight for Short-Term Rentals

Dear Committee members -

Can you please consider my comments tonight, and include them in committee report.

Thanks

Vinnie

January 30, 2023

To: Committee on Rules & Ordinances - Councilors John Gannon, John Airasian, and Lisa Feltner

From: Councilor Vincent Piccirilli

Re: comments for January 30, 2023 Committee meeting on Short-Term Rentals

I will not be able to attend tonight’s meeting, but would like to submit my comments for the record.

Since this was last in front of the City Council at the January 25, 2022 Public Hearing, I have heard from many residents about the proposal to allow Short-Term Rentals in Watertown, and have not heard from a single resident who believes they should be allowed.

In going back to the purpose of zoning in Watertown’s Zoning Ordinance, I am struck by the fact that allowing Short-Term Rentals to operate as a business in the residential districts does not appear to satisfy any of the enumerated purposes:

§ 1.00. Purpose of Zoning Ordinance.

The purpose of this Zoning Ordinance is declared to be the promotion of the public health, safety, convenience and welfare by

- (a) encouraging the most appropriate use of land;
- (b) preventing overcrowding of land;
- (c) conserving the value of land and buildings, including the conserving of natural resources and the preventing of blight and polluting of the environment;
- (d) lessening congestion of traffic including, but not limited to, providing adequate operating area for bicycles and secure bicycle parking;
- (e) preventing undue concentration of population;
- (f) providing for adequate light and air;
- (g) reducing hazards from fire and other dangers;
- (h) assisting in the economical provisions of transportation, water, sewerage, schools, parks and other public facilities;
- (i) encouraging housing for persons of all income levels;
- (j) preserving and increasing the amenities of the City; and
- (k) giving effect to policies of the Watertown Master/Comprehensive Plan or other adopted land use plans that currently apply and may from time to time be amended, and to applicable policies of the Commonwealth of Massachusetts that currently apply and may from time to time be amended.

In my conversations with residents over the past year, combined with the fact that we have real-life experience from the operation of numerous unlicensed Short-Term Rentals in Watertown, it is clear that their presence has a negative impact on residential neighborhoods.

If Watertown was a community that was highly dependent on tourism, or had no nearby hotels to serve visitors, one could make a strong argument that allowing Short-Term Rentals would be an appropriate use. However, since Watertown is not a tourist destination, has two new hotels, is very densely populated, and is in the midst of a housing shortage, allowing Short-Term Rentals does not make sense. There only seems to be significant downsides to our residents, with negligible upside.

Therefore, I respectfully request the Committee to consider prohibiting Short-Term Rentals in all zoning districts in Watertown. I believe that the cost to the city of allowing Short-Term Rentals will outweigh any benefits. However, if the Committee does determine there is a benefit to allowing Short-Term Rentals in Watertown, I ask that you consider the following restrictions:

- a) Only allowing Short-Term Rentals in the commercial (non-residential) districts.
- b) Restricting Short-Term Rentals to owner-occupied housing units, and prohibiting operation of “Owner Adjacent Units” which allows a housing unit to be taken off the market and used as a commercial property.
- c) Putting a limitation for the number of days in a calendar year the unit can be rented, perhaps 14 days.
- d) Putting a smaller limitation on the maximum number of persons rented to, perhaps a maximum of two adults per legal bedroom, to a maximum of six adults.

Thank you
Vincent Piccirilli

ATTACHMENT B

Minutes of Watertown City Council Committee on Rules and Ordinances

Monday, February 13, 2023, at 6:30 p.m.

Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Agenda: Continue Discussion Relative to Ordinance for the Regulation of Short-Term Rentals.

Present were John Gannon, chair; John Airasian, vice chair; and Lisa Feltner; secretary. Staff present were DCDP Dir. Steve Magoon, DCDP Asst. Dir. Gideon Schreiber, and Councilors Piccirilli, and Gardner (at 6:45). Present on Zoom: Larry Field of DCDP, Councilors Palomba and Izzo. Other attendees listed below.

Chair Gannon called the meeting to order at 6:38 p.m. with a Moment of Silence to recognize the passing of former Town Manager Michael J. Driscoll.

The committee then heard from DCDP Dir. Steve Magoon who presented a new memo that was responsive to our previous questions and requests on the proposed regulation of short-term rentals (see attached). Overall, he feels STR is not a dramatic issue for Watertown and there is not as clear of a profit motive for using individual bedrooms vs. owner-adjacent (aka two-family) units.

Both Councilors Airasian and Feltner stated support for the direction of ordinance language but felt there should be a few more changes and tighter regulations. The committee agreed that enforcement would take some time if adopted, recognizing STR have been operating “under the radar” for years as a state-allowed use. The discussion continued with a review of the recent staff memo, beginning with a focus on draft regulations and suggestions for changes or additions.

Chair Gannon invited public comment which included fears that Watertown was becoming more like Boston and Cambridge, both which are tourist areas and have many strangers coming and going. There was acknowledgment that some short-term rentals have helped those who come here for medical treatment, family occasions such as the birth of a grandchild, visiting seniors who don’t have guest space, or visiting colleges. Other residents feel enforcement has been lacking even after reporting complaints in the last few months. Mr. Magoon confirmed that any emergency situations, including nights and weekends should be called in to WPD, but if it isn’t an urgent issue, then staff can address problems ASAP, likely within the next working day. Operators register with Mass DOR using MassTaxConnect, and municipalities annually update their registered STRs through the DLS-DOR Databank to coordinate information with the state. Application and licensing fees will also help support

certification of STRs. By adopting regulations, units will be made safer for operators and visitors and neighbors and with even more restrictions, the Falmouth Rd situation and other “investor” properties will not be allowed for STR use. The city is enhancing options to report concerns, including anonymously.

Councilor Airasian asked, since we’ve been living in a legal gray area, can we determine how many are units are registered with the state vs. which are not? Mr. Magoon stated we could get access to some information at that level and then follow up with those who are not legal compared with complaints, which are few. Specifically enabling STR use allows us to regulate those units. Councilor Feltner shared an online link with the state’s current information where you can search licensed properties by town <https://licensing.reg.state.ma.us/StrRegistry/> .

Dean Martino of 94 Edenfield lives in a single family, but most of the adjacent properties two-families and about 20% of single-family homes are being bought up by investors in a red-hot rental market. He feels the WPD are not going to get involved in enforcement, and we’ll see more trash and trying to catch an invisible problem, including late night disturbances, cars parked in front of your driveway, and other non-emergencies which are not going to be taken care of by WPD. These two families used to have a single household in each, but now they are both rentals. Watertown has changed. Parking is a problem, but they don’t need additional parking on site because people use the streets, trucks are parked there, we don’t enforce anything.

Mr. Magoon said we can also take action on things that Mr. Martino pointed out. Additionally, he thinks people get confused about STRs vs. rentals, in that you can rent your property, you can rent out bedrooms and/or sublet and some of the problems people point out in meetings are even more of a problem with “regular” rentals.

Elodia Thomas also stated frustration using See-Click-Fix because it has been available and in use for many years, but it can take months to get any response. She worries we are opening up a can of worms for our community.

Councilor Izzo questioned whether it was possible of realizing more revenue than what we have been, which looks to be about \$12-to-\$13,000 per year from 135 STRs. She is also interested in any communities that have banned STRs altogether and how they manage it. Staff feels we could get more funds through fee setting, but income would probably stay rather consistent assuming we don’t end up over-regulating. Impact fees, which could be used to support affordable housing funds, can only be assessed if we vote to adopt STR use more widely and for more situations vs. the more restrictive approach of only allowing it in owner-occupied operator single-family dwelling units.

David Leon doesn’t understand the aim of why we would allow STRs and feels we are jumping on the bandwagon instead of responding to a need. He feels it will be more complicated to regulate the use than banning it altogether.

Linda Scott expressed concerns with home swapping and agrees homeowners need to generally be on site to protect their property.

Councilor Gannon expressed appreciation for the staff guidance outlined in the recent memo. He is concerned people will over invest in their property if we allow up to 10 renters in five-bedroom homes and asked staff if allowing STRs with fewer occupants be easier to enforce. Councilor Feltner’s understanding is that each STR will be limited to one reservation/booking party at a time and the max number of occupants will be determined by the number of bedrooms (metric of 2 per), but we could reserve a bedroom for the owner in all cases. Mr. Magoon thinks it is reasonable to limit the number of people per bedroom and check STR listings against certified applications. It’s preferable to regulate a use that is allowed by the state and meets a need for property owners than outlawing it; STRs provide some benefits and have been in use in Watertown for a while now with comparatively few complaints. But it would require additional resources to administer and enforce, as would trying to ban it altogether

instead. Councilor Gardner affirmed that it makes sense for owners who want to rent extra space and asked if allowing STR in owner-adjacent or two-family properties would remove rental opportunities and instead become “permanent” Airbnbs; it was acknowledged that the owner-adjacent STR is the example that could have the most potential impact on the long-term rental market.

The committee agreed that the review of Regulations was robust, and they look forward to proceeding with a potential final review of ordinance language at the next meeting. Staff will update documents to reflect this evening’s discussion for a future meeting TBD.

9:03 p.m. Motion to adjourn by Feltner, seconded by Airasian; approved 3-0.
Respectfully submitted, Lisa Feltner

Attached: DCDP Memo dated February 13, 2023.

Other attendees -in person: residents Chris and Sue Demis, Joan Gumbleton; -via Zoom: Mary Ann Mulligan, Elodia Thomas, Dean Martino, David Leon, Judi F, Linda Scott, Jacky vanLeeuwen.



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To: Committee on Rules and Ordinances
From: Steve Magoon, Director of Community Development and Planning/Assistant City Manager; Gideon Schreiber, Assistant Director; Larry Field, Senior Planner
Date: February 13, 2023
Re: **Proposed short-term rental ordinance**

At the Committee's January 30 meeting, members requested that the Department provide updated and additional information on the proposed short-term rental ordinance.

This memo is divided into four parts:

- What is the present state of short-term rentals in Watertown?
- Whether legalized or outlawed, what is needed to implement the city's policy?
- What are the pros and cons of legalizing short-term rentals here?
- Can the city address some of the cons through regulatory limits?

If desired, the Department can provide a revised version of the proposed ordinance and regulations incorporating new information and policy guidance from this committee.

Present state of short-term rentals in Watertown

The Commonwealth now has an online registry of short-term rental (STR) operators in each city or town. According to this registry, there are 128 in Watertown.¹ These STRs pay their room occupancy excise tax to the Department of Revenue. This compares to 671 STRs in Cambridge and 2,551 in Boston. The data does not provide information on which operators are actively renting, the number of unique rentals, or duration of unique stays, so it is not clear how many are actively operating in Watertown.

Based on the commencement date in a separate Mass DOR database, most of these STRs began operating before 2020. The STRs are predominantly in single or two-family homes and mostly appear to be whole units. Only a handful appear to be operated by the same person/company.

Over the last calendar year, tax revenue from STRs has averaged \$31,808 per quarter. While traditional hotel revenue rose markedly in the second half of 2022, STR revenue has been

¹ <https://www.mass.gov/info-details/public-registry-of-lodging-operators#search-the-registry->.

Under state law, a STR is for 31 days or less. Although some STRs call themselves Bed & Breakfasts or Lodging Houses in the registry, neither are allowed in Watertown.

steady, and its share of all hotel revenue has fallen. This suggests that the number of STRs in Watertown may have stabilized.²

There have been 15 complaints to code enforcement regarding STRs since January 2017, with most occurring before 2020. After enforcement, the operators typically complied by representing that they would revert units to month-to-month rentals. If there were other code violations, compliance was required. There have been few repeat complaints once an operator has responded to the initial complaint.

Legalize or not: what is needed to implement the city's STR policy

Before discussing the pros and cons of legalizing STRs, it is important to have a common understanding of the effort required to implement whatever policy is chosen. Obviously, if the city decides that STRs will be banned, there should be a strong enforcement effort to stop the 128 operations that may be active-- and to continually act whenever a new STR opens. On the other hand, if legalized, there must be a robust effort to bring current and future STRs into compliance. Experience in surrounding communities indicates that most STRs will not automatically comply with city regulations.³

Legalizing STRs will require at least the following: a webpage that clearly describes the licensing and regulatory requirements; adding STRs to the online permitting system; a checklist and inspection process for code compliance; linking to and posting STR locations online; and a publicized means for residents to report complaints about STRs. The Department believes that the webpages created by Lexington and Brookline are good models.⁴

The two scenarios—legalize or ban—differ financially. While both require administrative capacity, legalizing STRs maintains the current flow of occupancy taxes and the city could choose to adopt a community impact fee⁵ and a local registration fee.⁶

² This hypothesis may be supported by what has happened in Boston, where the number of STRs in Boston has fallen significantly. According to the *Boston Herald*, there were over 6,000 STRs before the city's 2019 ordinance.

³ While the number of Boston STRs on the state registry is 2,551, the number licensed by the city is only 677. Cambridge has 671 on the state registry and 345 licensed. Based on conversations with several other nearby communities, this is a common pattern.

⁴ Lexington: <https://www.lexingtonma.gov/591/Short-Term-Rentals>; Brookline: <https://www.brooklinema.gov/2022/Short-Term-Rentals>.

⁵ A municipality that has adopted a rooms occupancy tax (as Watertown has) may also adopt a 3% community impact fee. Such a fee may be levied on "professionally-managed" units (defined as 1-3 family dwellings without an owner-occupant) and on owner-occupied two- and three-family dwellings. A municipality can choose to impose a fee on the former and not the latter. At least 35% of the fee must be dedicated to affordable housing and/or local infrastructure projects. M.G.L. c. 64G, § 3D.

⁶ Surrounding communities have set fees designed to pay for the registration and inspection of properties, with fees ranging from \$25/bedroom to a fixed \$500.

What are the pros and cons of legalizing STRs?

A. Advantages of legalizing and regulating STRs

A significant advantage of legalizing and regulating STRs is the ability to inspect the units for habitability/safety and to set clear operating rules. Some units may be rejected as unsuitable; others may be suitable with appropriate smoke/CO2 detectors and egress. Registration also allows for requirements that protect neighbors, such as informing visitors about on-street parking restrictions, and clearly marking parking spaces and trash bins. While it will take effort to get owners to comply with the city's licensing requirements, compliance may become easier over time.⁷

Further, legalizing STRs will allow an option for households to earn additional income to offset some homeownership costs. The two most often noted scenarios are residents away for an extended time and residents with spare bedrooms. It is impossible to determine how many of those households "need" this income to pay their bills. However, most STRs operators here use a single family home, single apartment, or a two-family home. Only a small number of operators in Watertown use multiple properties.

As noted earlier, enforcing a STR ban is as costly to the city as legalizing/regulating them. In the "legalize" scenario, tax revenue (about \$120,000/year now) and imposition of a community impact fee could pay for administration and help mitigate any negative impacts of STRs. On the other hand, a vigorous and effective campaign to pursue illegal STRs would end the revenue flow and require resources to maintain.

B. Disadvantages of legalizing and regulating STRs

The biggest argument against STRs is the risk of adverse neighborhood impact. This impact could include additional cars, trash bins not properly used, large gatherings, or noise. The low number of complaints about STRs in Watertown over the last five years suggests that the risk of these issues is relatively modest. According to planning staff from several nearby communities that legalized STRs, they have also received few complaints.

Some also argue that STRs undermine neighborhood cohesiveness by introducing a continuous flow of strangers into the neighborhood. This is an impact that might evolve over years if a STR cluster develops in a particular neighborhood. It is also an effect that might be magnified if individuals/companies operated multiple STRs (which the proposed ordinance would not allow). Since STRs are relatively new, few studies look at this theory. One such study, focusing on Boston neighborhoods before the city's 2019 ordinance, found evidence of a link between STR penetration/density and one of three potential negative impacts.⁸

⁷ Legalizing STRs may (in time) allow the city to work with STR platforms to better regulate operators. Airbnb, for example, launched a "city portal" program in October 2020 to share data and compliance tools with larger municipalities and tourist organizations.

⁸ The study found that 911 calls reporting violence were linked to neighborhoods with a large percentage of STRs relative to housing stock/many buildings with STRs. <https://doi.org/10.1371/journal.pone.0253315>. However, the study was pre-regulation, when there were over 6,000 listings and (according to *Banker & Tradesman*) about one-third were in the Downtown, Dorchester and Jamaica Plain neighborhoods.

A third argument is that STRs take away rental housing supply. While this may be true for owner-adjacent units, it is unclear that owners would rent individual bedrooms but for STR profits. If the number of owner-adjacent units remains at or near current levels, the city's rental housing supply (currently around 7,500) would not be significantly reduced.⁹

Regulatory options

Legalizing STRs can include placing limits on who operates them or how. However, certain limits, such as a cap on the number of stays per year, can be harder to enforce because they may be complaint driven or require more frequent monitoring. Below are some limits that have been commonly proposed. The Department supports operator limits and a cap on occupancy but not additional parking requirements.

A. Operator limits

The city could limit STRs to owner-occupied properties, or to owner-occupied and owner-adjacent properties. Such limits should result in fewer STRs and decrease the risk of neighborhood impact. The draft ordinance was limited to owner-occupied and owner-adjacent STRs, and the Planning Board's January 2022 report recommended adding renter-occupied STRs with the owner's consent.

B. Maximum occupants

The city could limit the number of occupants. The proposed ordinance contains a maximum cap of 10 occupants or less based on the number of STR bedrooms/occupants for shared units, with up to 2 occupants per bedroom. To enforce this limit, the regulations require an initial inspection and could require the operator to provide a copy of its online listings. If the operator later markets the STR for more than the maximum number of occupants, it could be fined or its license to operate could be revoked.

C. Additional parking requirements

The city could set a parking requirement that is independent of what is required for the property. For example, if a three bedroom single-family currently has two spaces consistent with zoning, the ordinance could require an additional parking space. However, such an additional requirement should usually be unnecessary¹⁰ and may have unintended negative consequences. Requiring more spaces may increase the number of cars parked, as visitors with cars seek out places that have and advertise more on-site parking. In addition, owners may expand parking by paving green space.

⁹ There is evidence that rental supply could be more substantially reduced if absentee STRs were allowed (which the proposed ordinance would not). See <https://hbr.org/2019/04/research-when-airbnb-listings-in-a-city-increase-so-do-rent-prices>.

¹⁰ When a whole unit is used for STR, the visitors are not necessarily adding to the intensity of use. Even when individual bedrooms are STRs, they often will not be adding more cars than the spaces already there.

ATTACHMENT C

Minutes of Watertown City Council Committee on Rules and Ordinances

Monday, April 3, 2023, at 6:00 p.m.

Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Agenda: (1) Discuss the adoption of an ordinance requiring closed captioning on public-facing televisions; and (2) Continue discussion relative to the adoption of a short-term rental ordinance.

Present were John Gannon, chair; John Airasian, vice chair; and Lisa Feltner, secretary. Staff present were DCDP Asst. Dir. Gideon Schreiber, DCDP Dir. Steve Magoon, DCDP Senior Planner Larry Field, and Councilor Piccirilli, via zoom Councilor Izzo, and Pres. Sideris. Other attendees listed below.

Chair Gannon convened the meeting at 6:03 p.m. per the first agenda item, about requiring closed captioning on public-facing televisions. Feltner provided [some background materials which were also included for the referral by City Council](#) to the committee. It's rather straightforward and wouldn't be difficult to enforce; complaints would likely be forwarded to the Commission on Disability and/or related staff and in speaking with the City Manager, he shared that enforcement would not require additional staff. The ordinance wouldn't affect closed captioning that is already being used for City Council and other meetings. Council Gannon offered to write a draft and bring it to the next committee meeting. Mr. Magoon stated the administration would draft an ordinance to bring back to the committee for approval; it would then go to city counsel KP Law to ensure enforceability before being presented for City Council consideration and vote for adoption.

At 6:22 the committee continued discussion of STR with amended ordinance language suggested by Councilor Feltner and staff. Councilor Airasian acknowledged the good work toward the effort so far, appreciates the more restrictive approach, and he feels having policies in place are important to address the fabric of the community and concerns that have been highlighted from not having regulations. The chair prompted comment from Councilor Feltner since she is the lone committee member who has worked on STR issue for Watertown from the prior term. She also feels positive about how the public input has informed an evolving ordinance and included some take-aways from the pandemic about public health and safety needs, and her thinking about how STR can benefit Watertown has changed over time as well. She appreciates the more complete draft regulations brought forth from staff in response to our requests and robust public discussions to date, and although folks have participated at different stages, residents should know that we ended up studying at least a dozen other STR ordinances in Massachusetts and reviewed approaches in other states as well given the growth and impact of the "sharing economy". The current working draft speaks to Watertown's desire to remain committed to resident owners who are invested in the community and remain family friendly and welcoming. The materials now before the committee contain suggestions collated from the February 13th meeting, formatted in both clean and redlined working drafts, and accompanied by a memo from DCDP dated March 29, 2023.

Councilor Gannon's understanding is that the City Council is seeking to limit the scope of the ability of an owner to make use of STRs. He has a few additional safeguards to suggest but first the committee will proceed with a review of the amendments with staff and hear any further thoughts about making the ordinance as narrow as possible.

Mr. Schreiber explained there are now just two types of short-term rentals proposed, defined as a Limited Share, and a Whole House Share, and you cannot just create new bedrooms without compliance. To clarify that units would be limited to two occupants per bedroom with a max. cap, the

committee decided to refine language for Definitions (5) Limited Share Unit, and (6) Home Share Unit; examples of definitions will be included in the Regulations for ease of understanding. There was a debate about what the maximum should be, with staff explaining we could reserve a bedroom for owners in all properties, and you could put a cap of three bedrooms, or 6 or 8 renters at a time, but basing it on the number of two per bedroom allows for flexibility and use of extra space; it is common in most regulations, and we have a small number of larger homes that would qualify let alone be interested in STR use since it is their primary residence. Plus, homeowners have a lot of control on who and how many visitors can rent their space through the sharing app (Airbnb, or HomeAway, etc).

Changes reflect restrictions such as limiting STRs to owner-occupied single dwelling units, not allowing owner-adjacent (two family or accessory dwellings) to address market rate or affordability impact on long term leases, specifically requiring proof of Primary residence (9 mos of 12, not just 6 mos). The committee decided to also borrow language from Somerville for ease of understanding in (e) Requirements to read “A residential unit offered as a short-term rental shall be rented to only one party of short-term renters at a time, not rented as separate bedrooms, beds, or spaces to separate parties.”

Also, we would create and maintain a public Watertown Short-Term Rental Registry with only one registered owner as Operator allowed, set a specific standard for unit inspections, establish fees -we anticipate the Council and City Manager moving forward to adopt G.L. c.40, Section 22F. Per state law, Watertown can fine up to \$300 per day and the ability to suspend a license to operate a STR unit.

The chair opened the floor to additional public comment, which focused on parking and enforcement. Councilor Palomba asked about what information would be made public from the Registry. Libby Shaw had questions about determining someone’s primary residence. Anne Civetta asked if taxes have been collected on STR in Watertown, and Mr. Schreiber noted that 2022 realized an average of \$3100 per quarter. Chair Gannon is worried that regulations would result in a large number of STRs in Watertown; he thinks Newton records show about 140 legal units there. He also wants to be sure that the definition of “Owner” is clear and not allow LLCs to participate. Councilor Piccirilli finds the language about Limited Share Unit confusing, and Councilor Izzo agreed; she also worries about increased street parking in the summer as people think overnight parking is allowed then. Dennis Holland also worries about congested parking in the neighborhoods; residents are territorial. Dean Martino wanted to know how many cease-and-desist letters have been sent out for enforcement and feels the current winter parking ban is residents’ only relief. Mr. Schreiber knew of 15 enforcement letters and violations were resolved; complaints have come from 3 and 4-family, some 2-family dwellings of absentee landlords, and where several single families were purchased on one street as investment properties -converted as not owner-occupied STRs. Councilor Palomba thinks there should be examples in the regulations to explain how the “2 guests per bedroom” and maximum totals per unit work. Dennis Holland stated that people don’t comply with the red-lettered “No Work on Sundays” listed on permits but this is ignored, and he wants strong enforcement. Mr. Magoon responded that DCDP sometimes receives requests for permission to work on Sunday. Mr. Holland doesn’t want to be the resident who ends up being the bad guy and feels that those attending the meetings are here because “we don’t want to lose our quality of life”. [The chair called a two-minute break]. Linda Scott thinks people generally push the limit on using Airbnb and if we do allow STR, more people will participate, the hotels will close, and the working poor will lose their jobs. Elodia Thomas thinks STRs don’t add to our quality of life, and she wants to see a cap on the max (8 to accommodate families) allowed to rent per unit. Joan Gumbleton feels people can go to other communities where STRs are more accepted. She also thinks we have not addressed fines or that \$300/day is too low, that violators should lose the ability to rent for at least a year, and she is worried about absentee landlords/operators and parking.

Chair Gannon invited additional public comment, which included statements by residents who have found comments on Nextdoor that reflect different perspectives, several which are negative towards STR. Linda Scott shared that studies have been conducted but there are still doubts about the costs and benefits of Airbnb, and a sunset provision was suggested by Joan Gumbleton. The committee continued to clarify language in definitions and what would remain in ordinance language vs. regulations with staff. It was confirmed that insurance to operate short-term rental/s is required by state law. Overnight parking restrictions will be included in STR regulations so operators will be informed about limits. Complaints and violations and approaches to appeals were discussed. It was clarified that each STR unit will be allowed one party of renters at a time. Residents again expressed concern about parking since it seems to be hard to enforce, but WPD confirmed with them that it is considered discrimination if they selectively enforce. Dean Martino showed photos about parking violations and wants WPD enforcement.

The committee agreed to continue its discussion, with the goal of finalizing ordinance language at its next meeting, noting that their review of the regulations was mostly complete.

9:05 p.m. Motion to Adjourn by Airasian, Seconded by Feltner; approved 3-0.

Respectfully submitted, Lisa Feltner

Attached: Memo dated March 29, 2023, RE: Committee's changes to proposed short-term rental ordinance/regulations, from DCDP.

Other attendees, in person: Ronald and Marie Heaton, Domenic Visocchi, Linda Scott, Joan Gumbleton, Elodia Thomas, Bruce Coltin, Dean Martino, Dennis Holland; and via zoom: Laurie, Jacky van Leeuwen, Libby Shaw, Sue Demis, Nancy, Leah Talatinian, Anne, MC, Nancy.

Note: materials handed to the committee secretary by residents at the close of the meeting included a Boston Globe article by Kelly Garrity dated June 19, 2022 "We are at a crisis level on the supply of rental housing"; a Boston Globe article by John Hilliard from October 9, 2022 "Watertown creates housing trust"; a report by Josh Bivens of the Economic Policy Institute dated January 30, 2019 (updated March 26, 2019) "The economic costs and benefits of Airbnb"; Some sample online ads from Furnished Finder dated September 18, 2022; some comments from online Nextdoor printed on April 3, 2023; Joan Gumbleton's notes and questions to herself after the Jan 30, 2023 committee meeting and a Jan 24, 2022 email she sent to Councilors Izzo and Piccirilli; and a print of some comments posted online at watertownmanews.com website in 2022.



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To: Committee on Rules and Ordinances
From: Steve Magoon, Director of Community Development and Planning/Assistant
City Manager; Gideon Schreiber, Assistant Director; Larry Field, Senior Planner
Date: March 29, 2023
Re: **Committee's changes to proposed short-term rental ordinance/regulations**

DCDP has reviewed the marked-up drafts of the proposed short-term rental ordinance and regulations provided by Councilor Feltner on March 12. Attached is a WORD-version of the draft ordinance with comments identifying minor consistency and drafting suggestions for the committee's consideration.

DCDP believes the draft regulations require further work because: 1) the members did not have an opportunity to complete reviewing the document and 2) it is a challenge to draft regulations without first getting closer to final wording on an ordinance. Accordingly, DCDP has attached a redlined WORD-version of the draft regulations for your consideration.

In reviewing these documents, DCDP also wishes to share our perspective on a few substantive issues:

- 1) Staff respectfully suggests there should be a specific standard for unit inspections in the regulations. The regulations originally proposed "Building/Health/Fire Code requirements." The Planning Board proposed "basic habitability and life safety standards" because of the fear that inspectors would treat STR units like new residential units. Staff believes it is important to have a standard for unit inspections that is easily understood and followed by our inspectors and the public. Staff suggests using "applicable Building/Health/Fire Code requirements," with the expectation that inspectors will not treat STRs differently than pre-existing units rented for more than 31 days. In addition, staff suggests adding "including those listed in the DCDP's Inspection Checklist." DCDP would ask the Building Division, Health Department and Fire Department to identify the items they wish to inspect in a STR unit and compile that checklist.
- 2) There should be a registration fee provision in the regulations or in a separate ordinance setting the fee. DCDP believes it is best to put the fee in regulations so they can be easily adjusted. This would require adoption of G.L. c. 40, Section 22F—something that is already contemplated by the council and city manager. However, if the committee is inclined to have the council itself set the fee, it should be in a separate fee schedule rather than in the Zoning Ordinance. We believe that the fee should include two components: a \$50 fee for the paperwork involved in the registration process (including the abutters list) and \$100 to cover the inspection costs, for a total of \$150.
- 3) There are several places where the ordinance/regulations cover the same subjects. To reduce the potential for ambiguity, staff has tried to minimize the overlap or use parallel language if needed. It is DCDP's preference that administrative details appear solely in the regulations so they can be easily adjusted as DCDP gains further insights in regulating short-term rentals.

Attachment 1. Proposed Zoning Amendments:

- I. Article II – Insert a new Section alphabetically (after Section 2.74 Setback) to define short-term rental for zoning regulation. Subsequent sections would be renumbered.

Proposed Language:

Section 2.75 Short-Term Rental(s)

Any rental of the owner's primary dwelling unit or of a bedroom within their primary dwelling unit, in exchange for payment, as residential accommodations for a duration of not more than thirty-one (31) consecutive days.

Commented [FL1]: Staff suggests using "primary residence" because that is the defined term in Section 5.19 (b).

- II. Article V – Strike out Section 5.02(a) and replace with NEW Section 5.02(a) Short-Term Rental. Add a note to reference the proposed Ordinance. This removes an unused section and replaces it with an allowance for short-term rentals. This amendment does not have a requirement for a Special Permit for any scenario, and only requires registration and compliance with new regulations.

Proposed Language:

SECTION 5.02 TABLE OF ACCESSORY USE REGULATIONS

	Accessory Use Only	<u>S</u> <u>6</u>	<u>S</u> <u>10</u>	<u>C</u> <u>R</u>	<u>S</u> <u>C</u>	<u>T</u>	<u>R</u> <u>75</u>	<u>R1</u> <u>2</u>	<u>N</u> <u>B</u>	<u>L</u> <u>B</u>	<u>C</u> <u>B</u>	<u>I</u> <u>1</u>	<u>I</u> <u>2</u>	<u>I</u> <u>3</u>	<u>PS</u> <u>CD</u>	<u>O</u> <u>SC</u>	<u>R</u> <u>M</u> <u>UD</u>
<u>a</u> <u>z</u>	<u>Within a dwelling unit that is owner occupied, renting of not more than two rooms as a lodging without separate cooking facilities and for not more than two lodgers</u>	<u>S</u> <u>P</u>	<u>SP</u>	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	<u>SP</u>	<u>SP</u>	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	<u>N</u>	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>a</u> <u>z</u>	<u>Short-Term Rental (18)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

Commented [FL2]: Staff suggests these entries, to include STR in the table of accessory uses.

- III. Add a new note within SECTION 5.03 NOTES TO TABLE OF USE REGULATIONS, referencing that Short-Term rentals are only allowed as specified in the new Short-Term Rentals Section within the ordinance.

Proposed Language:

(18) Short-term rentals may be allowed as an accessory use within residential dwelling units in all districts, as specified in Section 5.19.

- IV. Add a new Section 5.19 with the zoning requirements for Short-Term Rentals, as follows.

Proposed Language:
SECTION 5.19 SHORT-TERM RENTALS

(a) Intent and Purpose

This Section is intended to make the operation of short-term rentals legal for residents, promote the safety of renters and residents, ensure that the primary use remains residential, and ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

(b) Definitions

- (1) Booking Agent: Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator.
- (2) Short-Term Rental(s): The use of the owner's primary residential dwelling unit, or of a bedroom within their dwelling unit, in exchange for payment, as residential accommodations for a duration of not more than thirty-one (31) consecutive days.
- (3) Short-Term Renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental for a duration of not more than thirty-one (31) consecutive days.
- (4) Operator: The person that seeks to offer a residential dwelling unit or bedroom as a Short-Term Rental, who is the owner of the dwelling unit, and with the written permission of the condominium association if applicable. Only one owner may be registered as an Operator on the Short-Term Rental Registry for a Residential Unit.
- (5) Limited Share Unit: consists of a private bedroom or shared space at the primary residence of the Operator while the Operator is present. Occupancy is limited to three bedrooms or six guests, whichever is fewer. One bedroom must be reserved for the Operator.
- (6) Home Share Unit: consists of a whole unit available for a short-term rental which is the primary residence of the Operator. Occupancy is limited to five bedrooms or 10 guests, whichever is fewer.

(7) Primary Residence – The Residential Unit in which the Operator resides for at least nine months out of a twelve-month period. Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit on the Short-Term Rental Registry, the Operator has resided at the property for nine of the past twelve months, or that the Operator intends to reside in the Residential Unit for nine of the next 12 months: as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, driver's license or state-issued identification, or proof of residential exemption.

(8) Registration Number – A unique identification number generated for a single Residential Unit registered as a Short-Term Rental. Registration Numbers shall be

Commented [FL3]: Staff suggests "primary residence" as that is the defined term.

Commented [FL4]: Staff suggests that this language be located in the regulations to allow for adjustment as needed.

valid for the calendar year during which they are assigned, and shall be associated with both a single Residential Unit and a single Operator. The Registration Number must be included on any listing or advertisement offering a unit as a Short-Term Rental.

(9) Residential Unit—A Residential Unit is a dwelling unit within a dwelling classified as a residential use, as those terms are defined in the Code, but excluding: a congregate living complex; elderly housing; a group residence; and transitional housing. The term “Residential Unit” shall not include a hotel, motel, executive suite, or other commercial or non-residential use.

(10) Short-Term Rental Registry – the database maintained by the city that includes information on Operators who are permitted to offer their Residential Units as Short-Term Rentals. The Short-Term Rental Registry may be a stand-alone registry or may be incorporated into an electronic database maintained by the City, provided that the location of the Short-Term Rental with the Short-Term Rental Registry shall be made public.

(c) Applicability

The requirements of this Section shall apply to all short-term rentals in all districts where residential uses are located, but shall not apply to principal transient accommodations including Hotels.

(d) Regulations

The Director of the Department of Community Development and Planning, or their designee, shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section.

(e) Requirements: Only operator-occupied Short-Term Rentals are permitted as follows:

- (1) A short-term rental operator may make available only one listing at a given time:
 - a. Limited Share Unit: a private bedroom or shared space at the primary residence of the Operator while the Operator is present with occupancy limited to three guest bedrooms or six guests, whichever is fewer, per booking reservation, but the number of rooms may not exceed the lawful number of bedrooms in the unit. One bedroom must be reserved for the Operator.
 - b. Home Share Unit: one whole unit available for a short-term rental which is the primary residence of the Operator with occupancy limited to five guest bedrooms or 10 guests, whichever is fewer, per booking reservation, but the number of rooms may not exceed the lawful number of bedrooms in the unit.
- (2) A dwelling unit or bedroom offered for short-term rentals shall comply with all standards and regulations promulgated by DCDP.
- (3) All short-term rental operators shall register with the State and the city Department of Community Development and Planning (DCDP) prior to short-term rental use and occupancy, showing conformance with regulations in place.

Commented [FL5]: When similar language appears in the definitions (b5 and 6), "guest" is not used. These should all be consistent. Staff suggests that "guest" is unnecessary.

(4) Operators shall comply with all applicable federal, state and local laws and codes, including but not limited to the Fair Housing Act G.L.c. 151b and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings. A dwelling unit or bedroom offered for Short-Term Rentals shall be in compliance with related Housing laws and City of Watertown codes and requirements, including the payment of fees as required.

Commented [FL6]: Staff suggests that this sentence be deleted. The Boston ordinance uses this second sentence to identify specific ordinances that regulate rentals longer than 31 days. Watertown does not have comparable ordinances/regulations.

(5) Operators of short-term rentals shall remit to the appropriate body all fees and taxes as required by city and/or state authorities.

(6) Short-term rental operators shall maintain commercial liability insurance appropriate to cover the short-term rental use.

Commented [FL7]: Staff suggests that this language be changed to: "comply with the liability insurance requirements set forth in G.L. c. 175, Section 4F." The statute provides that operators must have no less than \$1M in liability insurance but indicates it could be commercial, homeowner/rental or provided by the hosting platform.

(7) Renting for an hourly rate, or for rental durations of less than one day, shall not be permitted.

(8) Notifications:

(a) The Operator shall include the registration or license number issued by DCDP on any listing offering the Residential Unit as a Short-Term Rental and shall post a sign on the inside of the Residential Unit providing information on the location of all fire extinguishers in the dwelling unit.

Commented [FL8]: Since the term "Registration Number" is defined earlier, staff proposes that it be used here.

(b) The Operator shall, within thirty days of approved registration, provide notice to abutters of a Residential Unit that the Residential Unit has been registered as a Short-Term Residential Rental. For the purposes of this section, an abutter shall be defined as any residential dwelling located within 300 feet of said Residential Unit.

Commented [FL9]: Staff suggests this be added: "and the maximum number of occupants set by the city for operation as a Short-Term Rental."

Commented [FL10]: Staff suggests this read "written notice" to avoid any dispute over whether notice has been adequately provided.

Commented [FL11]: Since the term Short-Term Rental has been defined, this word should be deleted.

(9) Retention of Records: The Operator shall retain and make available to DCDP, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that Operator has resided or will reside in Residential Unit; records showing that Operator is the owner of Residential Unit offered as a Short-Term Rental; and records demonstrating number of days per year that Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for a period of three years from the date the Residential Unit is registered with the City of Watertown.

(f) Ineligibility

The following residential units are not eligible to be offered as Short-Term Rentals: Residential Units designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law.

Commented [FL12]: Staff agrees that this section should be moved from the regulations to the ordinance.

Attachment 2. Proposed Short-Term Rental Regulations:



City of Watertown
Department of Community Development and Planning
149 Main Street
Watertown, MA 02472

SHORT TERM RENTAL REGULATIONS

These regulations are developed pursuant to the Watertown Zoning Ordinance, Section 5.19 Short-Term Rentals, to carry out and provide enforcement requirements for operation of short-term rentals within Watertown. The regulations are intended to provide clear guidance and requirements for short-term rentals to be legal for residents, promote the safety of renters and residents, ensure that the primary use remains residential, and ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhoods.

The regulations shall be in effect at the time of passing of the Zoning Ordinance Amendment, with the understanding that there will be a three-month initial timeframe for existing ~~sites~~ locations to become compliant and properly permitted. This timeframe may be extended by the Department of Community Development and Planning (DCDP) Director upon a written request by a pre-existing ~~o~~operator explaining the need for an extension.

I. Information to be Provided to Renters and Abutters ~~Procedural Requirements~~

The following information shall be provided to all short-term renters and posted in all short-term rentals in a manner to be determined by the ~~DCDP: Department of~~ Community Development and Planning

- a. Instructions for disposal of waste per the City of Watertown's rules and the conditions of the particular residence.
- b. ~~An emergency exit~~ diagram in ~~all~~ each bedrooms used for short-term rentals and at each point of ~~on all~~ egresses from the dwelling unit, showing the location of emergency exits and fire extinguishers.
- c. Instructions for parking rules and limitations for off-site public parking (including the rules about no parking on sidewalk or planter strips, and the "winter parking ban").
- d. Contact information for the short-term rental operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may

arise during the rental period, whether from renters, neighbors or municipal authorities.

- e. The Certificate of Registration for the short-term rental, including that portion showing the maximum number of occupants set by the city for operation as a Short-Term Rental.

The ~~owner~~ Operator must provide written notice to abutters within thirty days of approved registration ~~notify abutters~~ that a unit has been registered as a short-term rental unit, ~~within 30 days of being issued a short-term rental license.~~ An abutter is defined as any residential dwelling within 300 feet of the short-term rental unit. Operator may obtain an abutter list from DCDP.

II. Registration and Eligibility

All dwelling units offered for short-term rental shall first register with the municipality and secure a Certificate of Registration ~~according to standards set forth by the Building Inspector/Inspectional Services Division,~~ and pay all associated fees. The Certificate of Registration shall require the ~~owner~~ Operator to ~~agree to abide by the requirements of these Regulations,~~ including:

- a. **Proof of Residency:** ~~All operators shall provide the municipality with proof that the unit is used as the operator's primary residence, with at least two of these items: proof of enrollment in the municipality's residential tax exemption program, voter registration, Deed, Motor vehicle registration, Driver's license or state-issued identification, and a government or utility correspondence with operator's name and address issued within the last three (3) months.~~ Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit on the Short-Term Rental Registry, the Operator has resided at the property for nine of the past twelve months, or that the Operator intends to reside in the Residential Unit for nine of the next 12 months as demonstrated by at least two of the following: proof of enrollment in the city's residential tax exemption program; voter registration; motor vehicle registration; driver's license or state-issued identification; deed; or utility bill.
- b. **Condominium Consent:** If the property is a condominium unit, the Operator must provide written evidence that the condominium association has consented to the property's use as a Short-term Rental.
- f. **Ineligibility:** ~~The following residential units are not eligible to be offered as Short-Term Rentals: Residential Units designated as below market rate or income restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law.~~

c. **Inspection:** Prior to issuing or renewing a Certificate of Registration, the Department must conduct an inspection to verify that each dwelling unit and bedroom to be rented to short-term renters meets applicable Building/Health/Fire Code requirements, including those listed in the DCDP's Inspection Checklist. ~~all Building/Health/Fire Code requirements basic habitability and life safety standards for occupancy.~~ In addition, the inspection shall verify that the Operator and Home Share or Limited Share Unit meet all the requirements set forth in Section I of these ~~Meets all other requirements of this section and regulations promulgated by the Commissioner of Inspectional Services.~~

Commented [FL1]: The staff's original draft said "Building/Health/Fire Code requirements" and the Planning Board recommendation was to substitute "basic habitability and life safety standards."

d. **Renewal:** It is the responsibility of ~~the short-term rental~~ the Operator to renew its certificate of registration every five years annually or upon change of operator. New owners are responsible for ensuring that they re-register with the city to obtain a new Registration Number in order to continue to list the Residential Unit on the Short-Term Registry. If an Operator offering a registered Residential Unit ceases to ~~be a Primary Resident of the unit,~~ use the unit as a Primary Residence, the Operator shall immediately notify the city to remove the unit from the Short-Term Rental Registry.

Commented [FL2]: Staff agreed at the last meeting that five years was too infrequent and that annual registration would be appropriate.

e. **Proof of Insurance** – The Operator must show pProof of liability insurance complying with G.L. c. 175, Section 4F. ~~shall be required. You should confirm with your insurance company on what level of insurance you will be required to have. If you have a house loan, also make sure to check with your mortgage company to confirm that they allow short-term rental.~~

f. **Listing Information:** The Operator, upon listing a Short-Term Rental or modifying an existing listing, shall file with the municipality an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and include language relative to Watertown parking regulations.

g. **Agent Updates:** A Booking Agent with any listings in Watertown shall provide to the municipality on a quarterly basis an electronic report, in a format to be determined by Watertown. The report shall include a breakdown of where the listings are located, whether the listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the Operator's name and full contact information. Nothing herein shall prohibit a Booking Agent from entering into an agreement with the city to provide registration services for Short-Term Rental Operators.

III. **Short-Term Rental Registry**

The City will keep a public registry of approved Operators and Short-Term Rental sites locations as set forth in the ordinance.

Commented [FL3]: DCDP proposes to provide more information here about the database, after consulting with IT and the Building Division.

IV. **Complaint Process and Violations**

Complaints shall be made to the Department ~~unless it is an emergency in which case it should be reported to emergency services,~~ and an investigation shall commence within 30 days. Violations may, at the Director's discretion, result in a warning or a ticket and the maximum fine appropriate per the Zoning Ordinance. Emergencies requiring immediate assistance shall be reported to emergency services, with any needed follow-up reported to the Department during working hours.

~~One (1) or more such tickets within a six (6) month period will result in the unit no longer being eligible to that Operator for use as a short-term rental for a period of six (6) months following the most recent violation.~~

Operators who have violated any of the following three (3) or more times within a six (6) months period shall have their registrations automatically suspended:

- (1) the Short-Term Rental Ordinance;
- (2) these Regulations; or
- (3) any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct or other similar conduct.

At the Director's discretion, an Operator's registration may be suspended upon notice of a single violation endangering life or safety, or upon notice of a single egregious violation of the Short-term Rental Ordinance or these regulations. An example of an egregious violation is falsifying evidence of a Primary Residence.

Suspended Operators may apply for reinstatement. The Director may reinstate the Operator's registration if the Operator presents sufficient evidence that one or more of the violations were not committed and/or the Operator/Short-Term Rental will comply with all applicable requirements during the remainder of the registration period or, if the period has expired, the next period.

~~Violations may also include any failure to abide by these Regulations, including, but not limited to:~~

- ~~• Offering an ineligible unit,~~
- ~~• Excessive noise, improper trash disposal, disorderly conduct,~~
- ~~• Failure to furnish a copy of a Booking Agent listing or include required parking information in such listing, or~~
- ~~• Failure to remit any required excise tax or surcharge as required by law~~

Commented [FL4]: Councilor Feltner raised the following questions at the last meeting:

- 1) is our penalty currently \$300/day? Yes
- 2) should we have a more detailed process for review of complaint, hearing & appeal? Staff suggests no.
- 3) Separate penalties for offering an ineligible unit (including on suspended list or in noncompliance with violation notice)? Staff suggests no, covered by \$300/day

Commented [FL5]: The intent is to allow the director to act upon notice, if needed, before adjudication.

ATTACHMENT D

Minutes of Watertown City Council Committee on Rules and Ordinances

Thursday, April 20, 2023, at 5:30 p.m.

Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Agenda: Continue discussion and make recommendations on (1) Ordinance requiring closed captioning for public-facing televisions; and (2) Short-Term Rentals ordinance and regulations.

Present were John Gannon, chair; John Airasian, vice chair; and Lisa Feltner, secretary.

Also Present were Gideon Schreiber, DCDP Asst Director, and Councilor Piccirilli (at 7:10) and via Zoom was Larry Field, DCDP Senior Planner. Other attendees listed below.

Chair Gannon called the meeting to order at 5:40 due to technical difficulties with Zoom, beginning with the first agenda item regarding a draft ordinance requiring closed captioning. Mr. Schreiber presented an initial draft based on the Boston model with just a few questions to coordinate with our zoning language and definitions. The committee discussed completing draft language in B. Definitions 4. "Public facility" to reflect its meaning for Watertown, understanding exceptions, appreciation for the Boston FAQs example, and we agreed that for D. Enforcement, the ADA Coordinator is the lead on addressing complaints (instead of the Code Enforcement Officer).

Kim Charlson conveyed that the Commission on Disability reviewed the draft ordinance at their meeting the previous evening, and they agreed with having the ADA Coordinator first receive complaints since that has been standard practice; concerns are regularly brought to the Commission's attention for informational purposes and as necessary for discussion. She also agrees that the staff and committee suggestions sound good, and she relayed the feeling that Commission members would be happy to help spread the word about closed captioning if regulations are adopted. It's not hard to turn on captioning for televisions and it doesn't cost anything extra. The commission could help provide instructions if the administration wants. Closed captioning is now common technology and often in use at bars and gyms and places that are noisy. Screens that may be found in lobbies of movie theaters could be turned on if asked, but people are there to see the movies so it's not a big issue there. Mr. Schreiber stated that businesses could be notified about the ordinance through several ways. Enforcement is generally complaint based and fines are not anticipated. The ADA Coordinator and other appropriate staff regularly coordinate complaints and resolutions with the Commission on Disability.

[Councilor Feltner noted there were 7 attendees on zoom and no emails were received].

6:09 p.m. Motion by Councilor Feltner for the committee to accept ordinance changes as discussed and recommends the amended draft Ordinance Requiring Closed Captioning for Public-Facing Televisions be brought forward by staff to City Council for a first reading, for consideration and adoption; Seconded by Airasian; It was noted that the draft before us had already received review by city counsel KP but staff will coordinate a final legal review; Approved 3-0.

Chair Gannon then moved to the second agenda item for the committee discussion on short-term rentals, expressing an interest in starting with an overview of "how did we get here". Feltner briefly summarized at the chair's request and for the benefit of residents who are new to the community considerations, highlighting how restrictions have been created in response to local concerns, with more transparency in STR use and issues brought forward during the pandemic. She understands that it can be hard to follow many details and modifications have been made over time, but she is encouraged that we are close to having a final draft. Gannon shared his historical understanding of comments made at Planning Board

and City Council through a full hearing process, for context in moving forward on reviewing this near final draft. [Feltner noted that there were 6 people on Zoom]. Feltner noted that there were three top Council concerns on the draft referred back to committee, (1) the number of people per STR without a primary residence requirement with two-families allowed STR use, (2) regulations and the enforcement framework were not fully developed, (3) there was no local public registry suggested. The committee has since added public notice to abutters, more inspections for increased safety and zoning on legal bedrooms and parking compliance, empowerment of staff, and other requirements. Councilor Airasian appreciated the summary since many discussions pre-dated his term on Council, and he expressed interest in reserving his comments until after public comment.

Chair Gannon opened the floor to hear from the public with a stated two-minute limit per attendee.

-Dennis Holland feels insulted by a two-minute limit because the only place he feels folks can give significant input is with the committee; the City Council meetings already impose a two-minute limit for comment. He is concerned with high asking rents of one bedrooms, for \$2000/mo and he is worried about the community.

Mr. Schreiber responded that we are looking to modify our zoning table of accessory use regulations to allow STR as specified and regulated, not long-term monthly rentals, and the community has been interested in refining ordinance language.

-Linda Scott ran into someone today that she doesn't know, mentioned tonight's meeting and that STR would likely get approved, and they responded with "Great, we already receive a lot of those complaints already" -they seemed to be connected to WPD but she's not sure. She is worried that complaints don't get addressed quickly enough, and they can generate retaliatory violence, and people take things personally when you're closing down their business. The committee is setting up a wild west situation but not in every neighborhood, and she thinks it would be a good idea to consult the WPD on this topic.

-Elodia Thomas (via zoom) had two questions (1) What is a "natural person" -noted on p. 5- how is this defined, and (2) on page 10, she still doesn't understand the language for determining maximum occupancy for Limited Share vs. Home Share and how guests share space. She doesn't think a committee meeting should be held after a holiday weekend. People can rent rooms in hotels, and this is going to be difficult for staff to monitor, and she doesn't understand the benefit to neighborhoods and think residents don't want or should have to file complaints.

Mr. Schreiber stated "natural person" was included to clarify LLC or corporations cannot be STR operators; chair Gannon concurred that only an individual owner can meet STR use qualifications, so this term was included in Definitions.

-George Skuse (via zoom) thinks a cap should be one per bedroom, of 25% of a floor area, to limit accessory use and this would model use by a typical or average family size in Watertown. He ideally wants to prohibit STR use in single and two-family zoning districts because visiting cars will also be a nuisance. I assume we're not counting infants or toddlers, but he'd like to reduce the nuisance if we allow STR.

Mr. Schreiber stated that inspections use Health and Building Codes and would inform each STR application for compliance. The accessory use definition doesn't apply to STR as it is a residential use offered by the owner for rent as short-term vs. long-term. Larger parties that book reservation commonly coordinate their transportation to limit vehicles and transportation costs during their visit; parking limits would be noted in each Registration and at the STR site.

-Joan Gumbleton asked if everyone, including those connected to meetings via phone are being heard. [Feltner noted that there was no one was connected via phone no emails have been received during this committee meeting]. She doesn't want STR at all because the burden is on the neighbors to be enforcers, and she is worried about lots of strangers visiting neighborhoods every three days and affecting property values. She feels there should be a sunset clause in case the ordinance doesn't work after adoption, because otherwise we're representing the minority of people who don't care about the quality of life here, and there are a lot of strange people in the world right now. I don't agree with the stated Intent and Purpose or believe this is possible with STR. Is the city just doing this for the money?

-Bruce Coltin thinks everyone is doing this in good faith. But he predicts this is going to be a disaster in certain neighborhoods because he walks around a lot, and he thinks this is going to be a big problem on enforcement and become a big police matter. He would like us to understand neighborhoods, see the value of individual neighborhoods elevated in the future.

-Dean Martino first got involved in 2022 in his neighborhood on STR. He hears "enforcement is going to take care of it" but when you call someone, it's not going to be enforced, at least right away. It's going to take maybe weeks before a complaint is resolved. Watertown is losing its feel as a city of neighborhoods, I'm third generation here and have seen changes with policies and with so much development with more and smaller rental units, yet we're building massive schools that are going to end up being half empty. He is also concerned that allowing short-term rentals is going to result in empty hotels which is the last thing we want. Watertown is in a geographic sweet spot, but he thinks it's going to get out of control, and he wonders why STR do not have to pay commercial property tax rates instead of residential taxes.

-David Leon (via zoom) doesn't believe the benefits stated in the STR outweigh the negative impacts. The most concerning issue is the allowance of up to ten guests in a Home Share Unit; I would prefer the limit be six guests. I also think having STR on each side of one's home is inherently detrimental to one's street.

-Jacky vanLeeuwen (via zoom) I want to weigh in that I don't have a problem with this draft STR. I think it is fine and you have put in a lot of limits. I'm not aware that it is a big problem in other communities around the state, and I think fears about negative impacts to property values is not based on fact.

-Mary Ann Mulligan (via zoom) I do want to say that the committee has been diligent and responsive, but I don't think Watertown should permit STR. I think the challenges outweigh the benefits. I don't think you should allow utility bills as a proof of residence, and I think you should only allow 2, not 3 violations before someone loses eligibility. I also think you should make a budget recommendation since enforcement is going to be important; first register, inspect, then oversee all the provisions and enforce them all, so these are my suggestions, but I hope this committee doesn't make a recommendation to move forward.

-Susanne Demis agrees with all the comments made in the room. It doesn't matter if it's 3 days, 6 days, or 30 days. There is constant traffic revolving, strangers in and out of our neighborhood (Falmouth Rd), trash issues, nighttime noise. Are there going to be parties in the summer, and who do you call but the cops. I don't see how you're going to be able to control any of this

-Janet Buck (via zoom) shared that she first heard concerns at Planning Board. My main concern is that if we don't move forward, or specifically allow them, then Airbnbs "just go away". But there are already dozens if not hundreds of STR advertised and in operation. Instead of turning a blind eye, we should use this opportunity to make STR safer. I don't think having regulations for STR use will invite more of them, but these exist and they will continue to exist, so the police will still be called whenever there are loud parties. The idea that we're going down a slippery slope is not accurate because we're attempting to regulate an existing condition. Enforcement will be needed regardless, but this allows us to have some control over STR.

Chair Gannon closed public comment and proposed an amendment to add a sunset provision for automatic termination of the STR ordinance after its effective date; this would alert a future Council to undertake a review of the matter. He is also concerned with the newness of this use and related technology, and he thinks this is the rare ordinance that should require this additional safeguard. The committee discussed that Council has the power to review concerns at any time, and in fact, responding to public concerns is often the focus of each committee, and the City Charter stipulates review of all ordinances for each year ending in 2. Thus, it was decided that a sunset provision not be included.

In response to concerns that sustained oversight and evaluation of a Watertown STR ordinance may be too lax, the committee agreed with staff to amend the Regulations by adding a new "VI Reporting" to require DCDP to produce a report on Short-Term Rentals for submission to City Council each year.

8:05 MOTION by Feltner to Recommend the City Council adopt the updated draft language to Amend Watertown Zoning Ordinance, Section 5.19 for Short-Term Rentals, and approve the proposed Regulations; Seconded by Airasian. Discussion: Councilor Gannon stated he is going to vote no because he is concerned that the ability for 10 people to rent a unit overwhelms an accessory use and gets into a non-residential type of component. As much as he feels there are safeguards built into the ordinance, and the committee put together a better package than was previously drafted, he believes the 10 number is a hard limit for him. He recognizes that this could change during the full council's deliberations. Voted 2-1, with No by Gannon.

8:06 p.m. Motion to Adjourn by Feltner, seconded by J Airasian; 3-0 Approved.

Respectfully submitted, Lisa Feltner

Attached: Red-lined draft changes to Title XI Business Regulations, Chapter 117 Closed Captioning Activation; City of Boston Disabilities Commission FAQs about the City of Boston Closed Captions Ordinance.

Other attendees, in person: Bruce Coltin, Dean Martino, Joan Gumbleton, Sue Demis, Linda Scott, Dennis Holland; and via zoom: Kim Charlson, David Leon, Ellen Rothman, Elodia Thomas, George Skuse, Jack vanLeeuwen.

ATTACHMENT D1 *Accepted Changes to the draft reviewed at the April 20, 2023 Meeting RE Closed Captioning on Public-Facing Televisions:*

Title XI Business Regulations

Chapter 117 Closed Captioning Activation

A. Purpose. The purpose of this ordinance is to expand accessible communication in places of public accommodation.

B. Definitions. When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

1. "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on the bottom portion of a television receiver screen when the user activates the feature.

2. "Closed captioning television receiver" means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.

3. "Public area" means any part of a public facility that is open to the general public.

4. "Public facility" shall have the same meaning as "public accommodation and service", ~~as defined in~~ **including but not limited to restaurants, bars, gyms, hair and/or nail salons, banks and others.**

5. "Public entertainment venue" means a place that is open to the public for mass gathering for entertainment, regardless of whether or not a ticket or payment of any type is required for admission. The term includes, but is not limited to, cinemas, theaters, concert halls, sports centers, and festivals.

6. "Regular hours" means the hours of any day in which a Public Facility is generally open to members of the general public.

C. Activating Closed Captioning.

1. Any person owning or managing a public facility in the City of Watertown must activate closed captioning on closed captioned television receivers in use in any public area during regular hours.

2. Exception. -- This section does not require public entertainment venues to activate closed captioning on closed captioned television receivers.

3. This section does not require a public facility to make closed captioning available in a public area of the public facility if:

(a) no television receiver of any kind is available in the public area; or

(b) the only public television receiver available in the public area is not a closed-captioning television receiver.

4. Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.

D. Enforcement.

1. If a violation of Chapter 117 occurs, individuals can file a complaint with the City's ~~Commission on Disability~~ **ADA Coordinator**.

2. The Commission on ~~Disabilities~~ **Disability** shall work with the ~~Code Enforcement Officer~~ **ADA Coordinator** to investigate complaints.

3. The **ADA Coordinator and the** Commission on Disability shall have the authority to investigate complaints brought ~~before it~~ **forward**, including but not limited to conducting unscheduled inspections of public facilities, holding mediation sessions with public facilities and other interested parties, and providing guidance for bringing public facilities into compliance.



FAQS ABOUT THE CITY OF BOSTON CLOSED CAPTIONS ORDINANCE

What is the City of Boston Closed Captioning Ordinance?

The [Ordinance Related to Closed Captioning](#) in places of public accommodation requires all businesses in the city of Boston to turn on the “closed captioning” (CC) feature of TVs that are viewable by the public in their establishments.

When does the Closed Captions Ordinance Take Effect?

This ordinance is in effect now. It was passed unanimously by the Boston City Council on December 7th, 2022, and signed into law by Mayor Michelle Wu on December 9th, 2022.

Why was this ordinance passed?

This ordinance was passed in order to ensure that all customers and patrons of businesses in Boston have equal access to the information that is being broadcast on TVs in public areas. It will provide access for those who are Deaf or hard of hearing, older adults with hearing difficulties, people who speak a language other than English, and many others.

Who does this ordinance apply to?

This ordinance applies to all “places of public accommodation” in the City of Boston. In other words, any business or entity that is open to the public. This includes, but is not limited to, restaurants, bars, gyms, hairdressers, nail salons, libraries, banks, hospitals, and others. However, captions are only required to be turned on if the TV is displayed for the public to watch.

What is Closed Captioning?

Closed captioning (CC) is a service delivered by the TV programming providers, that puts text of the dialogue and other audible information on the screen. The signal is included with the movie or TV show and needs to be decoded in order to be displayed.

How do I know if my TV has captions?

All television sets manufactured after 1993 are required to be equipped with a decoder¹ that produces captions. With the onset of cable and satellite set-top boxes, the decoding is often done by those boxes. More recently with streaming services, their apps provide both the captioning signal and the decoding ability within their service.

What am I required to do under the ordinance?

If you have any televisions in your business that are displayed for members of the public to watch, you are required to turn on closed captioning for that TV. Members of the public include, but are not limited to, customers, patrons, clients, patients, and others.

Does closed captioning cost anything?

No. Closed captioning is a free technology that is built into television broadcasting, cable signals, and streaming services. You are not required to pay for any captioning services.

What if my TV doesn't have closed captions?

All televisions manufactured after 1993 have closed captioning. If your TV predates 1993 and does not have closed captioning, you are not required to purchase a new TV. However, you are encouraged to do so in order to gain all the benefits of having a more accessible business.

How does turning on closed captioning help my business?

By enabling the closed captioning feature, you are making your business more accessible and welcoming to thousands of Boston residents and visitors who may not be able to hear the TV. These customers will now have equal access to the entertainment, news, or other information you are providing, and you will be eliminating a barrier to access that previously required people to ask for captioning to be turned on. It also helps your staff by no longer requiring them to take time from their usual duties to find a remote and try to figure out how to enable captions.

¹ "The Television Decoder Circuitry Act of 1990 required that television sets with screens 13 inches or larger manufactured for sale in the United States must have built-in closed-caption decoder circuitry that allows viewers to display closed captions on their sets." The deadline for compliance was 1993. (Source: [University of Washington](#))

What about captions in languages other than English?

The ordinance does not require translations of captions. Broadcast and cable television generally only offer captions in English, although some support Spanish captions for Spanish language programming. Streaming services increasingly offer both audio and captions tracks in a variety of languages. The purpose of this ordinance is to ensure access to information being provided in audio format for those who may have difficulty hearing it. Therefore, enabling captions in any language that serves that purpose will be considered compliance.

What happens if I don't turn closed captioning on in the TVs that are located in my business?

Enabling captions is now a requirement for businesses in the City of Boston with public facing TVs. The City of Boston Disabilities Commission will be working cooperatively with businesses that are not in compliance, to provide resources and information about how to enable closed captions. Any reports of noncompliance will be addressed on an individual basis.

If the City of Boston receives a report that captions are not enabled at a particular business, The Disabilities Commission will reach out with resources. In the case of repeated or egregious noncompliance, the Commission may make a referral to the Mayor's Office of Consumer Affairs and Licensing (MOCAL) regarding entertainment licenses.

What if I keep all my TVs on mute?

Even TVs that are on mute must have closed captioning turned on.

Are any businesses exempt from this ordinance?

Only large public entertainment venues such as theaters and concert halls are exempt from this City ordinance. They are not, however, exempt from any other city, state, or federal requirement to provide reasonable accommodations to persons with disabilities. In addition, no business is required to purchase a TV under this ordinance. Only those with existing public-facing TVs must comply.

Where can I get more information?

More information can be found on the Disabilities Commission website at boston.gov/disability. You can also contact the Disabilities Commission (via email at disability@boston.gov or by calling 617-635-3682).

ATTACHMENT E finalized language: Title XI Business Regulations

Chapter 117 Closed Captioning Activation

A. Purpose. The purpose of this ordinance is to expand accessible communication in places of public accommodation.

B. Definitions. When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

1. "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on the bottom portion of a television receiver screen when the user activates the feature.

2. "Closed captioning television receiver" means a receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.

3. "Public area" means any part of a public facility that is open to the general public.

4. "Public facility" shall have the same meaning as "place of public accommodation", as defined in G.L. c. 272, § 92A, and as used in G.L. c. 272, § 98, except as expressly limited by this Ordinance.

5. "Public entertainment venue" means a place that is open to the public for mass gathering for entertainment, regardless of whether or not a ticket or payment of any type is required for admission. The term includes, but is not limited to, cinemas, theaters, concert halls, sports centers, and festivals.

6. "Regular hours" means the hours of any day in which a Public Facility is generally open to members of the general public.

C. Activating Closed Captioning.

1. Any person owning or managing a public facility in the City of Watertown must activate closed captioning on closed captioned television receivers in use in any public area during regular hours.

2. Exception. -- This section does not require public entertainment venues to activate closed captioning on closed captioned television receivers.

3. This section does not require a public facility to make closed captioning available in a public area of the public facility if:

(a) no television receiver of any kind is available in the public area; or

(b) the only public television receiver available in the public area is not a closed-captioning television receiver.

4. Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.

D. Enforcement.

1. If a violation of Chapter 117 occurs, individuals can file a complaint with the City's ADA Coordinator.

2. The Commission on Disability shall work with the ADA Coordinator to help investigate complaints.

3. The Commission on Disability shall have the authority to investigate complaints brought before it, including but not limited to conducting unscheduled inspections of public facilities, holding mediation sessions with public facilities and other interested parties, and providing guidance for bringing public facilities into compliance.

Attachment F1. Proposed Zoning Amendments:

- I. Article II – Insert a new Section alphabetically (after Section 2.74 Setback) to define short-term rental for zoning regulation. Subsequent sections would be renumbered.

Proposed Language:

Section 2.75 Short-Term Rental(s)

Any rental of the owner's primary residence or of a bedroom within their primary residence, in exchange for payment, as residential accommodations for a duration of not more than thirty-one (31) consecutive days.

- II. Article V – Strike out Section 5.02(a) and replace with NEW Section 5.02(a) Short-Term Rental. Add a note to reference the proposed Ordinance. This removes an unused section and replaces it with an allowance for short-term rentals. This amendment does not have a requirement for a Special Permit for any scenario, and only requires registration and compliance with new regulations.

Proposed Language:

SECTION 5.02 TABLE OF ACCESSORY USE REGULATIONS

	<u>Accessory Use Only</u>	<u>S-6</u>	<u>S-10</u>	<u>C</u> <u>R</u>	<u>SC</u>	<u>I</u>	<u>R.7</u> <u>5</u>	<u>R1.</u> <u>2</u>	<u>N</u> <u>B</u>	<u>LB</u>	<u>C</u> <u>B</u>	<u>I-</u> <u>1</u>	<u>I-</u> <u>2</u>	<u>I-</u> <u>3</u>	<u>PSC</u> <u>D</u>	<u>OS</u> <u>C</u>	<u>RM</u> <u>UD</u>
a.	Within a dwelling unit that is owner occupied, renting of not more than two rooms as a lodging without separate cooking facilities and for not more than two lodgers	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	SP	SP	N	N	N
a	<u>Short-Term Rental (20)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

- III. Add a new note within SECTION 5.03 NOTES TO TABLE OF USE REGULATIONS, referencing that Short-Term Rentals are only allowed as specified in the new Short-Term Rentals Section within the ordinance.

Proposed Language:

(21) Notwithstanding Section 4.03, Short-Term Rentals may be allowed as an accessory use within residential dwelling units in all districts, as specified in Section 5.19.

- IV. Add a new Section 5.19 with the zoning requirements for Short-Term Rentals, as follows.

Proposed Language:

SECTION 5.19 SHORT-TERM RENTALS

(a) Intent and Purpose

This Section is intended to make the operation of Short-Term Rentals legal for residents, promote the safety of renters and residents, ensure that the primary use remains residential, and ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

(b) Definitions

- (1) Booking Agent: Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator.
- (2) Short-Term Rental(s): The use of the owner's primary residence or of a bedroom within their primary residence, in exchange for payment, as residential accommodations for a duration of not more than thirty-one (31) consecutive days.
- (3) Short-Term Renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a Short-Term Rental for a duration of not more than thirty-one (31) consecutive days.
- (4) Operator: The person that seeks to offer a residential dwelling unit or bedroom as a Short-Term Rental, who is the owner of the dwelling unit, and with the written permission of the condominium association if applicable. Only one owner may be registered as an Operator on the Short-Term Rental Registry for a Residential Unit.
- (5) Limited Share Unit: consists of a private bedroom or shared space at the primary residence of the Operator while the Operator is present. Occupancy is limited to a maximum of two guests per legal bedroom, with a maximum of six guests. One bedroom must be reserved for the Operator.
- (6) Home Share Unit: consists of a whole unit available for a Short-Term Rental which is the primary residence of the Operator. Occupancy is limited to a maximum of two guests per legal bedroom, with a maximum of 10 guests.
- (7) Primary Residence – The Residential Unit which is the Operator's domicile for at least nine months out of a twelve-month period. In the event that the Operator is not a natural person, the Residential Unit must be the domicile of a natural person with an ownership interest in the entity which equals or exceeds fifty (50) percent.
- (8) Registration Number – A unique identification number generated for a single Residential Unit registered as a Short-Term Rental. Registration Numbers shall be valid for the calendar year during which they are assigned and shall be associated with both

a single Residential Unit and a single Operator. The Registration Number must be included on any listing or advertisement offering a unit as a Short-Term Rental.

- (9) Residential Unit—A Residential Unit is a dwelling unit within a dwelling classified as a residential use, as those terms are defined in the Code, but excluding: a congregate living complex; elderly housing; a group residence; and transitional housing. The term “Residential Unit” shall not include a hotel, motel, executive suite, or other commercial or non-residential use.
- (10) Short-Term Rental Registry – the database maintained by the city that includes information on Operators who are permitted to offer their Residential Units as Short-Term Rentals. The Short-Term Rental Registry may be a stand-alone registry or may be incorporated into an electronic database maintained by the City, provided that the location of the Short-Term Rental with the Short-Term Rental Registry shall be made public.

(c) Applicability

The requirements of this Section shall apply to all short-term rentals in all districts where residential uses are located but shall not apply to principal transient accommodations including Hotels.

(d) Regulations

The Director of the Department of Community Development and Planning (DCDP) or the Director’s designee, shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section.

(e) Requirements: Only operator-occupied Short-Term Rentals are permitted as follows:

- (1) An Operator may rent to only one party of guests at a given time.
- (2) An Operator may rent to that party of guests either:
 - a. **Limited Share Unit:** An Operator may offer a Limited Share Unit as a Short-Term Rental; or
 - b. **Home Share Unit:** An operator may offer a Home Share Unit as a Short-Term Rental.
- (3) A dwelling unit or bedroom offered for Short-Term Rentals shall comply with all standards and regulations promulgated by DCDP.
- (4) All Short-Term Rental operators shall register with the State and DCDP prior to short-term rental use and occupancy, showing conformance with regulations in place.
- (5) Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act G.L.c. 151b and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.

- (6) Operators of Short-Term Rentals shall remit to the appropriate body all fees and taxes as required by city and/or state authorities.
- (7) Short-Term Rental operators shall comply with the liability insurance requirements set forth in G.L. c. 175, Section 4F.
- (8) Renting for an hourly rate, or for rental durations of less than one day, shall not be permitted.
- (9) Notifications:
 - a. The Operator shall include the Registration Number issued by DCDP on any listing offering the Residential Unit as a Short-Term Rental and shall post a sign on the inside of the Residential Unit providing information on the location of all fire extinguishers in the dwelling unit and the maximum number of occupants set by the city for operation as a Short-Term Rental.
 - b. The Operator shall, within thirty days of approved registration, provide written notice to abutters of a Residential Unit that the Residential Unit has been registered as a Short-Term Rental. For the purposes of this section, an abutter shall be defined as any residential dwelling located within 300 feet of said Residential Unit.
- (10) Retention of Records: The Operator shall retain and make available to DCDP, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that Operator has resided or will reside in Residential Unit; records showing that Operator is the owner of Residential Unit offered as a Short-Term Rental; and records demonstrating number of days per year that Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for a period of three years from the date the Residential Unit is registered with the City of Watertown.

(f) Ineligibility

The following residential units are not eligible to be offered as Short-Term Rentals: Residential Units designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law.

Attachment F2. Proposed Short-Term Rental Regulations:



City of Watertown
Department of Community Development and Planning
149 Main Street
Watertown, MA 02472

SHORT TERM RENTAL REGULATIONS

These regulations are developed pursuant to the Watertown Zoning Ordinance, Section 5.19 Short-Term Rentals, to carry out and provide enforcement requirements for operation of short-term rentals within Watertown. The regulations are intended to provide clear guidance and requirements for Short-Term Rentals to be legal for residents, promote the safety of renters and residents, ensure that the primary use remains residential, and ensure that Short-Term Rentals will not be a detriment to the character and livability of the surrounding residential neighborhoods.

The regulations shall take effect on the date that the Short-Term Rental Zoning Ordinance Amendment goes into effect, with the understanding that there will be a three-month initial timeframe for existing locations to become compliant and properly permitted. This timeframe may be extended by the Department of Community Development and Planning (DCDP) Director upon a written request by a pre-existing Operator explaining the need for an extension.

I. Definitions

The definitions contained in Section 5.19 of the Watertown Zoning Ordinance are incorporated by reference.

II. Information to be Provided to Renters and Abutters

The following information shall be provided to all short-term renters and posted in all Short-Term Rentals in a manner to be determined by the DCDP:

- a. Instructions for disposal of waste per the City of Watertown's rules and the conditions of the particular residence.
- b. A diagram in each bedroom used for Short-Term Rentals and at each point of egress from the dwelling unit, showing the location of emergency exits and fire extinguishers.

- c. Instructions for parking rules and limitations for off-site public parking (including the rules about no parking on sidewalk or planter strips, and the “overnight parking restrictions”).
- d. Contact information for the Short-Term Rental operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors, or municipal authorities.
- e. The Certificate of Registration for the Short-Term Rental, including that portion showing the maximum number of occupants set by the city for operation as a Short-Term Rental.

The Operator must provide written notice to abutters within thirty days of approved registration that a unit has been registered as a Short-Term Rental unit. An abutter is defined as any residential dwelling within 300 feet of the Short-Term Rental unit. Operator may obtain an abutter list from DCDP.

III. **Registration and Eligibility**

All dwelling units offered for Short-Term Rental shall first register with the municipality and secure a Certificate of Registration and pay all associated fees. The Certificate of Registration shall require the Operator to abide by these Regulations, including:

- a. **Proof of Residency:** Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit on the Short-Term Rental Registry, the Operator has resided at the property for nine of the past twelve months, or that the Operator intends to reside in the Residential Unit for nine of the next 12 months as demonstrated by at least two of the following: proof of enrollment in the city’s residential tax exemption program; voter registration; motor vehicle registration; driver’s license or state-issued identification; deed; or utility bill. DCDP may require additional documents as needed to corroborate Operator’s residency.
- b. **Condominium Consent:** If the property is a condominium unit, the Operator must provide written evidence that the condominium association has consented to the property’s use as a Short-Term Rental.
- c. **Inspection:** Prior to issuing or renewing a Certificate of Registration, the Department must conduct an inspection to verify that each dwelling unit and bedroom to be rented to short-term renters meets applicable Building/Health/Fire Code requirements, including those listed in the DCDP’s Inspection Checklist. In addition, the inspection shall verify that the Operator and Home Share or Limited Share Unit meet all the requirements set forth in Section II of these regulations.

- d. **Maximum Occupancy.** The definitions of Limited Share Unit and Home Share Unit use both a “two persons per legal bedroom” and total occupancy limit. The two person per bedroom limit is intended to provide a limit considering the number of legal bedrooms in the unit and does not regulate guest living arrangements.
- e. **Renewal:** It is the responsibility of the Operator to renew its certificate of registration annually or upon change of operator. New owners are responsible for ensuring that they re-register with the city to obtain a new Registration Number in order to continue to list the Residential Unit on the Short-Term Registry. If an Operator offering a registered Residential Unit ceases to use the unit as a Primary Residence, the Operator shall immediately notify the city to remove the unit from the Short-Term Rental Registry.
- f. **Proof of Insurance** – The Operator must show proof of liability insurance complying with G.L. c. 175, Section 4F.
- g. **Listing Information:** The Operator, upon listing a Short-Term Rental or modifying an existing listing, shall file with the municipality an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and include language relative to Watertown parking regulations.
- h. **Agent Updates:** A Booking Agent with any listings in Watertown shall provide to the municipality on a quarterly basis an electronic report, in a format to be determined by Watertown. The report shall include a breakdown of where the listings are located, whether the listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the Operator's name and full contact information. Nothing herein shall prohibit a Booking Agent from entering into an agreement with the city to provide registration services for Short-Term Rental Operators.

IV. Short-Term Rental Registry

The City will keep a public registry of approved Operators and Short-Term Rental locations as set forth in the ordinance. [Information placeholder: to be added once the details are finalized by the City for permitting and database location]

V. Complaint Process and Violations

Complaints shall be made to the Department and an investigation shall commence within 30 days. Violations may, at the Director’s discretion, result in a warning or a ticket and the maximum fine appropriate per the Zoning Ordinance. Emergencies requiring immediate assistance shall be reported to emergency services, with any needed follow-up reported to the Department during working hours.

Operators who have violated any of the following three (3) or more times within a six (6) months period shall have their registrations automatically suspended:

- (1) the Short-Term Rental Ordinance;
- (2) these Regulations; or
- (3) any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct.

At the Director's discretion, an Operator's registration may be suspended upon notice of a single violation endangering life or safety, or upon notice of a single egregious violation of the Short-Term Rental Ordinance or these regulations. An example of an egregious violation is falsifying evidence of a Primary Residence.

Suspended Operators may apply for reinstatement. The Director may reinstate the Operator's registration if the Operator presents sufficient evidence that one or more of the violations were not committed and/or the Operator/Short-Term Rental will comply with all applicable requirements during the remainder of the registration period or, if the period has expired, the next period.

VI. Reporting

DCCDP will produce a report to the City Council annually providing information on the number of Short-Term Rentals and complaints about their compliance with any municipal ordinance or state law or code.