



Watertown City Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

COMMITTEE ON RULES AND ORDINANCES MEETING

MONDAY, APRIL 3, 2023 AT 6:00 PM

RICHARD E MASTRANGELO COUNCIL CHAMBER

AGENDA

ACCESS INFORMATION:

- A. The meeting will be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/?channel=3>
- B. The public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/89707047441>
- C. The public may join the meeting audio only by phone: (877) 853-5257 or (888) 475-4499 and enter Webinar ID: 897 0704 7441
- D. The public may comment through email: lfeltner@watertown-ma.gov

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- 1. Roll Call
 - 2. Meeting Discussions
 - A. Discuss the adoption of an ordinance requiring closed captioning on public-facing televisions.
 - B. Continuation of discussion relative to the adoption of a Short-Term Rental Ordinance.
 - 3. Call to Order
 - 4. Adjournment

cc: John G. Gannon, Chair
John Airasian, Vice Chair
Lisa Feltner, Secretary

VI. 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.

- 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						5									CD		
a dwelling unit owner occupied, renting more than two rooms adjoining without separate living facilities and for not more than two lodgers																	
Term Rental (18)																	

- 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:

(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 with occupancy 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 with occupancy 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 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 twelve 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 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 Watertown Zoning 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 Rental 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.
- (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 Rental shall be in compliance with related Housing laws and City of Watertown codes and requirements, including the payment of fees as required.**
- (5) Operators of Short-Term Rentals shall remit to the appropriate body all fees and taxes as required by city and state authorities.
- (6) Short-Term Rental Operators shall maintain **commercial** liability insurance appropriate to cover the Short-Term Rental use.
- (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.

- 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.

- (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.

Attachment 2. Proposed Short-Term Rental Regulations:



Town 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, ~~protect~~ **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 to become compliant and properly permitted. This timeframe may be extended by the DCDP Director upon a written request by a pre-existing operator explaining the need for an extension.

I. 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 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 bedrooms used for short-term rentals and on all egresses from the dwelling unit.
- 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.

2. The owner operator must 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.

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 operator to agree to abide by the requirements of these Regulations.

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.

b. **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. [Move to Ordinance as (f) (1) , after (e) Requirements , and also add (2) Residential Units that are the subject of 3 or more findings or violations of this section within a six-month period, or 3 or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six-month period.]

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.

d. Meets ~~all Building/Health/Fire Code requirements~~ **basic habitability and life safety standards** for occupancy. Meets all other requirements of this Section and regulations promulgated by the Commissioner of Inspectional Services.

e. It is the responsibility of the short-term rental operator to renew its certificate of registration every five years or upon change of owner 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 Rental Registry. If an Operator offering a registered Residential Unit ceases to be a Primary Resident of the unit, the Operator shall immediately notify the city to remove the unit from the Short-Term Rental Registry.

f. **Proof of Insurance** – Proof of liability insurance 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.

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.**

III. Short-Term Rental Registry

The City will keep a public registry of approved **Short-Term Rental** sites.

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.

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.

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 ...