



Watertown City Council

Administration Building
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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

THURSDAY, APRIL 20, 2023 AT 5:30 PM

RICHARD E MASTRANGELO COUNCIL CHAMBER

AGENDA

Pursuant to Chapter 2 of the Acts of 2023, the meeting and public hearing will be conducted with remote opportunities for participation. Remote participation and access methods include:

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. Call to Order
 - 2. Roll Call
 - 3. Continue Discussion and Make Recommendations on
 - A. Ordinance Requiring Closed Captioning for Public-Facing Televisions
 - B. Short-Term Rentals Ordinance and Regulations
 - 4. Adjournment

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

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 ----.

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.

2. The Commission on Disabilities shall work with the Code Enforcement Officer to 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 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 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

	Accessory Use Only	<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 (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>

- 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 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, 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) 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 the city Department of Community Development and Planning (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 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 take effect on the date that the ~~be in effect at the time of passing of 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 “~~winter parking ban~~ 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.