



TOWN COUNCIL  
**Committee to Review Zoning and Permitting Regulations**  
Selectmen's Conference Room

Thursday February 20, 2020 – 5:30pm

**Councilors:**

Councilor Paula K. Schnepf (Chair)  
Councilor Jennifer Cullum  
Councilor Gordon Starr  
Councilor Kristine Clark  
Councilor Britt Beedenbender

**MEETING MINUTES**

**PRESENT:** Councilor Paula K. Schnepf; Councilor Jennifer Cullum; Councilor Britt Beedenbender; Councilor Gordon Starr; Councilor Kristine Clark; **ALSO IN ATTENDANCE:** Elizabeth Jenkins, Director, Planning and Development; Paul Wackrow, Assistant Planner; Gloria McPherson, Planning and Development; Brian Florence, Building Commissioner; Assistant Town Manager, Andrew Clyburn; Town Attorney, Karen Nober; Attorney Charles McLaughlin

Chair of the Committee opened the meeting at 5:30pm, making the statement that the meeting is going to be taped tonight, not aired live, but available for viewing tomorrow. The Chair also declared the following statement: **In Accordance with MGL, Chapter 30A, Section 20, I must inquire whether anyone is recording this meeting and if so, to please make your presence known;** seeing no one, Chair of the Committee asked for a motion to accept the meeting minutes of February 6, 2020 as written, Councilor Kristine Clark made the motion to accept the meeting minutes of February 6, 2020 as written by Administrator Cynthia Lovell, Councilor Jennifer Cullum seconded the motion, all members voted in favor of accepting the meeting minutes of February 6, 2020 as written. Chair of the Committee asking if there was anyone from the public who would like to make any comments before we get started with the presentation.

**PUBLIC COMMENT:**

1. Laura Cronin- Hyannis would like to make an observation that Public Comment be at the end of the meeting after the presentations so that the public has the opportunity to comment on what is presented
2. Jake Dewey- property owner, small business owner commented that he would like to make sure that any changes to the current zoning take into consideration the small business owners that survive on the tourism of this Town, and the data is looked at from an economic prospective if you limit the length of stay for these rentals. There isn't enough data that has been gathered so far to see what that economic impact would be when you limit the length of stays.
3. Ryan Castle- CEO, Cape and Islands Association of Realtors- here representing 400 members of the Association, he just received the new DRAFT this evening, so most of my comments are in reference to the other DRAFT presented before. (See below )

## **CCIAOR Comments on Barnstable STR Regulations**

2/20/2020

*Delivered by Ryan Castle, CEO of CCIAOR*

These regulations as proposed would make Barnstable's regulations the toughest short-term rental regulations on Cape Cod. And we have some suggestions on how to make them even stronger.

I want to start by updating you on some of the research we have undertaken to give you insight about what residents feel about short-term rentals.

As you are aware, we recently completed some extensive polling on the issue of short-term rentals.

Through our research, we have found Barnstable residents -- more than 80% -- are widely supportive of short-term rentals because they see it as something that has always happened in Barnstable, that short term rentals are deeply tied to the health of our local economy and job market, and quite simply, that the ability to rent your property is a fundamental private property right.

What became apparent through this polling is what you and I had suspected - and the same conclusion that your staff already came to because of the good job they did in crafting the proposed regulations

The two biggest issues are addressing nuisances and housing affordability.

The Realtors Association takes seriously the housing affordability crisis and we're one of the only groups on the Cape advocating for solutions that would actually fix it. The issue can not be addressed within these regulations itself. We contend that while short-term rentals play some role in our affordability issues - banning or severely restricting short term rentals will not create more year-round housing per se, as the vast majority would simply be sold to second homeowners and not enter the housing stock for the local market. We have to remember that most short-term rentals are in neighborhoods close to the water that average Cape Codders couldn't afford anyway. Banning short-term rentals in wealthier neighborhoods like Osterville would force more short-term rentals into the middle-class neighborhoods of Hyannis and Marstons Mills, further depleting our available housing inventory.

We know you are committed to housing affordability and aim to tackle that next. So, we have included our recently released Housing Blueprint that gives concrete suggestions of what towns and the state should be doing to boost affordability. We support a vibrant year-round sustainable economy and look forward to continuing our work with you on that front.

On the issue of nuisances, these regulations do a good job of addressing those. While these would be the strongest on the Cape, we would like to make a few suggestions of where you can strengthen them.

## **TRASH REMOVAL**

You should add a provision to require trash removal at least once per stay, and a minimum of once per week..

## **OCCUPANCY RESTRICTIONS**

Generally speaking, most towns tackle occupancy restrictions in one of two ways: by square footage or by bedrooms. For example, Dennis allows 1 person per 150 square feet and then another person for every 100 square feet after that. We disagree, and believe that is way too lenient and will overcrowd our neighborhoods. We want strong occupancy restrictions because owners themselves want a way to enforce occupancy rules on their guests.

We suggest the other standard, which is to regulate occupancy per bedroom. A standard around the country on that is 2 per bedroom plus 2 additional people.

On occupancy restrictions and other such nuisances, what happens if the owner is the one complaining to the town?

For example, the owner (and/or the real estate brokerage) properly did everything to vet their tenants according to this bylaw by informing the tenant of the occupancy restrictions or parking rules, and yet the tenant ignores it.

The owner or real estate broker may call the police to come enforce those standards as there really is no power outside of that for an owner to quickly enforce this bylaw. There should be some provision or process where the owner acting in good faith and trying to resolve the issue shall not be held in violation of the standards.

## **OPERATOR'S AGENT**

We wanted to present one issue with the way business is done on the Cape that is somewhat unique, as you determine the operator's agent for the property. This may require more follow up conversation. In Barnstable, many short-term rentals are not exclusive, which means that the owner may provide the rental to several companies and whoever can get a renter for the week will be the one to book the property. In these circumstances, who would the owner list as the operator's agent and be listed as the contact person? We think there can be some meeting of the minds on this, but it is a quirk on how business has been done in Barnstable for decades, and something to be thinking about.

## OTHER ISSUES

While these other issues were not included in the proposed regulations, they were discussed at the last meeting, so we wanted to address them.

## TITLE V INSPECTIONS

We feel requiring Title V inspections for a permit is redundant. Massachusetts already has an established process for Title V inspections at the time of sale and it is working. However, if you felt the need to move forward, we would suggest a long phase-in.

We simply do not have enough septic inspectors to get to the more than 600 short-term rental in Barnstable in any realistic time period. Septic inspectors, along with home inspectors and appraisers, are large gaps in our workforce development on the Cape and something our Association is starting to pay a lot more attention to to help fix.

## LENGTH OF STAY

A seven day minimum stay requirement is burdensome. Our research shows that adding minimum night stay requirement was not one of the conditions residents felt needed to be added to address their concerns. We suggest a three-night minimum if you are going to put on a minimum stay requirement. Tourism trends are changing and for Barnstable to remain relevant you need some flexibility to keep your economy growing. For the next generation of visitors we want to solidify the Cape as an tourism option, shorter stays are the norm.

Quite frankly, we view that requirement would do exactly for rentals the same thing that the one acre minimum lot size has done on the sales side: **It excludes middle income folks, families and the next generation of potential residents and visitors from accessing Cape Cod. It would effectively turn Barnstable into a haven for only the rich, like the Hamptons. And we aren't the Hamptons, nor do we want to be.**

And quite frankly, our opposition, while rooted in tourists, is really to benefit year-rounders by not having a 7-day minimum.

Many of our year-round working residents depend on a strong tourism season and we try to lengthen it with the shoulder season to give our year rounders more opportunity to make money however requiring a 7-day stay will produce less vacationers - especially in the shoulder seasons when our businesses and its workers depend on tourism dollars the most.

## TECHNICAL CHANGES

We have some language amendments as well, which generally deal with technicalities, mostly of where the word owner versus the word operator appears.

Also, in light of the conversation at the last committee meeting, I wanted to take the opportunity to address the difference between an owner and an operator.

While I'm sure some in the room may be more of an expert on trusts than me, I was surprised by how many short-term rental properties are held in trusts and are rented year-round as I went around the Cape teaching folks how to comply with the new state short-term rental law. For example, a couple has already placed their property in trust. They then rent that property year-round from the trust for their own use year-round. But they may not actually occupy it year-round, so they rent it out short-term when they're not here. Or in another example, the children are the beneficiaries of the trust and one of the children uses the property as their second home by renting it from the trust. These situations contribute to a variety of unique circumstances where the person who has the right to occupy year-round ends up sub-leasing their property as a short-term rental when they are not here.

In addition, last meeting there was a reference to a company that was thought to own more than a dozen short-term rentals. They do not. They register as the operator. There are several companies that do a different model than the traditional real estate brokerage. An owner may say they want to rent all of July and use the property in August. In these situations, the company will pay them to rent the property for all of July and then sublease it on a weekly basis for those weeks in July.

Thank you for allowing me to speak about this important issue. As I said earlier, we are the on-the-ground people who see daily the impacts of different policies and so we want to be a resource to the Town Council, not only on this issue, but on a host of other housing issues. In particular, I would be happy to discuss our Blueprint for Housing Affordability at a later date. Please feel free to reach out to me with any questions you might have and thank you for your time and thoughtfulness in crafting regulations that will address Barnstable residents' concerns while still protecting our economy.



**CAPE COD & ISLANDS**  
ASSOCIATION OF REALTORS® , INC

# HOUSING BLUEPRINT

FOR AFFORDABILITY AND AVAILABILITY ON CAPE COD AND THE ISLANDS

The communities of Cape Cod, Martha's Vineyard, and Nantucket are rapidly changing. Housing prices are rising significantly faster than wages because of a lack of housing availability and restrictions that artificially raise the cost of housing. Local and state governments need to take action to preserve and enhance our communities by prioritizing affordability and increasing availability of housing in our region.

## We Believe

The housing strategy of the last 20 years has failed our communities. Increased regulations, more requirements, and trying to mandate solutions has produced the opposite effect: greater unaffordability and less availability of housing. We need to do something different. Our solutions start with what we believe. These values drive our proposed strategy:

- Regional solutions should be considered
- Taxing home sales makes housing more expensive
- Choice creates more affordability and availability
- Mandates drive up housing costs

## The Blueprint for Affordability and Availability

### For Housing Availability

#### What The State Can Do:

- Pass the Housing Choices bill (H. 3507), lowers the threshold of pro-property rights zoning measures to a majority vote best practices for housing growth to a simple-majority vote.
- Pass the H.O.M.E. Bill (H. 197, S.96), which reforms zoning in Massachusetts to increase the production of housing units

#### What Towns Can Do:

- Move forward with wastewater systems and revamp zoning where appropriate to coordinate with new infrastructure
- Lift seasonal restrictions on units that could be occupied year-round
- Pass by-right Accessory Dwelling Unit bylaws to increase year-round rental stock
- Pass incentive-based inclusionary zoning instead of mandatory inclusionary zoning, which is a barrier to middle income housing production
- Allow multi-family by right to create a more predictable process and outcome

### For Housing Affordability

#### What The State Can Do:

- Pass the First-Time Homebuyer Savings Account bill (H. 2456, S. 1628), which allows first-time home buyer tax savings to save for downpayment and closing costs
- Oppose bills that make buying a house more expensive

#### What Towns Can Do:

- Spend at least 50% of Community Preservation dollars on housing initiatives
- Allocate short-term rental revenues to year-round housing and wastewater initiatives
- Create first-time homebuyer programs
- Create rental 'buy-down' programs

### Bonus: What Condo Associations Can Do:

- Get FHA/VA certifications to put units in reach of more potential home buyers

# AMERICAN STRATEGIES

Date: February 14, 2020

To: Ryan Castle

From: Joe Goode and Sasha Maliniak

**RE: Survey Results – Barnstable County Vacation Rentals Poll Results**

---

## **Executive Summary**

County residents are overwhelmingly supportive of vacation rentals and fully appreciate the economic impact they have in Barnstable County. There is no broad-based call for additional regulations. On the other hand, arguments in support of vacation rentals perform quite well. However, many voters are troubled by nuisance issues – noise, traffic, parking and litter. In addition, there is a sense that rental properties do limit the amount of housing available for people who want to work and live in the County and drive up costs. While not critical, addressing these nuisance, cost and availability issues would further strengthen support for vacation rentals.

## **Current Standing**

Voters are overwhelmingly supportive of allowing property owners to rent out their homes as vacation properties (81 percent favor) and appreciate the positive impact that rentals have on the local economy.

Unease with vacation rentals is largely driven by the perceived impact that these properties have on overall housing availability and affordability. Women, especially those under age 50, and renters are most sensitive to the impact of vacation rentals on the overall housing market.

In addition to concerns about vacation properties on the housing market, there are additional underlying concerns about the nuisance problems caused by vacation rentals (noise, parking, etc.). Voters are split on whether additional regulations on vacation rentals would prove to be too burdensome for property owners.

Residents react favorably to most of the proposed regulations to address problems with vacation rentals, especially health and safety inspections, trash disposal requirements and limits on the number of people who can stay in a rental home. Notably, the most popular restrictions are not related to the short-term nature of the rentals. The value proposition of

4. Deb Krau-Hyannis Resident-Hyannis Civic Association- This subcommittee went out and asked the Civic Associations for input, and she feels that that input was not thought of when the first DRAFT was done, and she feels that was wrong, they took time and put a lot of thought into the Associations asked that the following points be considered again
  - Should Short Term rentals be regulated via Zoning which would not allow investor owned in residential areas
  - Licensing should be a requirement and those found operating without should be fined
  - Models regulations are there to guide us
  - Short Term Rentals do not represent the quaint villages of Barnstable
  - Enforce the occupancy that exists now in our zoning to protect neighborhoods and our water supply, being on sewer should not be a reason to overcrowd our areas and residential homes.
  - A computerized system should be in place for our residents to call and make a complaint and have that complaint answered in real time, and track the activity for the Short Term Rentals
  - Those properties with multiple complaints should have the license revoked
  - A minimum of one week stays be enforced, shorter stays are for the hotels and motels and Bed and Breakfast Inns in our area.

This is just a short list from the Civic Associations, please refer back to the original comments submitted and look at them seriously and reconsider the points made tonight. Ms. Krau doesn't agree with most of what Mr. Castle spoke about, however doesn't have a copy of his statement, so she doesn't know what it specifically addresses, and would like to know if a copy of his comments would be released to the Civic Associations to review and make comments on. Councilor Cullum asked that copies be made of each statement. (Administrator made copies of statement from Mr. Castle and distributed, Administrator made copies of the Civic Association comments and gave them to Mr. Castle to review) The last question is how the Town is going to staff the enforcement, there are many laws on the books now that are not enforced by this town, so what makes this any different. Ms. Krau stated we are the residents and we should have a say in the regulations.

5. Martin MacNeely, Marstons Mills, believes we need look at the problem itself, we also need to look at the impact of the small business owners in the area and believes that there isn't any data collected on that to make a decision on whether or not we shorten or lengthen stays, There have been some complaints on Short Term Rentals from a very small area of residents, do we have real data on the number of complaints. He believes that the Short Term Rental is being targeted by a small population of residents. It was stated earlier that we have 601 Short term rentals in the area; we have over 26,000 rental units in Barnstable, so the Short Term Rentals are being targeted and its only 2.3 percent of the rental in Barnstable. The harder you make the regulations here in Barnstable, the harder it gets to enforce. We need to look at anything that is rented in Barnstable, do the regulations pertain to all rentals types in the Town or is the Short Term Rentals the only target.
6. Matthew Teague- Operates a short term rental in Barnstable Village, has operated without incident for 13 years, he would like to second the comments made by Mr. MacNeely, and understand the process of having someone as a contact person, with regards to the smoke detectors and carbon monoxide detectors, if you're a good neighbor and landlord, you want these

safety check put in place, his were inspected by the Town and complied with all the Town had recommended to him, so if your responsible and you rent responsibly you don't have these issues. The Town has regulations in place, but to put even more restraint on the landlords with these short term rentals without concrete data on the short term rental market, how many calls are made to the local police regarding hotels motels or private homes that have parties. He is in support of the abutters notice and believes that this is real important and must be put in place.

7. Carol Petralia- Short Term rental owner, but lives on the property to which the home is rented, she rents out short term all the time to couples coming to the Cape just for the weekend, she rented to a lovely couple for a weekend over Valentine's Day, she has other weekends booked through the summer, she stated she never had a problem or complaint, she speaks to her neighbors that are around her, and is always available if needed. She mentioned she has a problem with cutting the length of stay and would like to see that not put in. It comes down to responsible owner's responsible renters, no issues. The renters go down to our village restaurants and stores and contribute to the local businesses, the world of vacationing has changed, individuals don't stay for weeks at a time, and they stay shorter stays. Don't punish a group of us that are responsible for a very small group that had an issue with one next to them.
8. Ed Tate- rented the same house for 13 years and never had an issue, there was never a complaint, but can sympathize with those that have had the bad experience he heard about at a recent Civic Association resident who had a story of a renter that was very disruptive, however the solution for that is to have someone assigned to that rental, someone that can be called 24 hours a day when these homes are rented, a contact person, makes a big difference, the Building Inspector doesn't work 24 hours a day so you would and couldn't call them, so you need someone that manages the property and is available if needed. We comply with everything the Town has asked of us. If you do away with this you will do away with the revenue from the State that we received from these rentals. Keep in mind there are a lot of sport events that use our sporting facilities here in town that are only for two and three days, and they like to stay in private homes.
9. Juliet Farrell- her Mom passed away last year and she now has her Mom's house, but can't afford to stay in it right now and pay for two homes, so she rents it out until the day comes when she can finally move back into it, it was the house her Mom and Dad built from the foundation up and has a lot of fond memories, without renting it out right now, she would lose her childhood home. She has a problem with enforcing these regulations and inspections and smoke detection fees on just the Short Term Renters, are these fees going to be imposed on our hotels, motels, bed and breakfast and long term rentals as well, she does not feel that an additional cost put on the Short Term rentals should only be for that particular group of individuals, it needs to be spread across the board, we do not make a lot of money off these rental, or she doesn't, it just covers the mortgage currently on the house.
10. McGourey- we have 2 houses in west Hyannis port 26 years by the the week for 8-9 weeks a year, then we use it the rest, we have never had an issue or a problem, we rent the other for 4 weeks in the summer in the Avenues in Hyannisport, we pay very high taxes for both properties as they are on the Ocean, and if we did not rent it our property taxes would not be met, so we do rent both, but have never rented for shorter than a week. He would take a shorter stay rental, but its ma lot of work to do a shorter stay than it is to do a week at a time. He is aware of a lot more homes that are not registered and these homes are not inspected by the Town because you do not

know about of them, 601 rental is a very low number, the problem can be solved by hiring inspectors to drive and inspect these homes, how you are going to find out about the unregistered ones, he doesn't know other than neighbors telling on neighbors, so you need data on complaints and zero in on those areas of complaints.

Chair of the Committee thanked everyone for their comments tonight and asked if any of the Councilors wanted to comment on the public Comment.

Councilor Kris Clark understood that according to information received from the Building Department and Planning and Development, most of the complaints came from non-owner occupied rentals. So maybe we should consider putting regulations in place that are less restrictive for owner-occupied only rentals. It would not be unreasonable to have a difference set of regulations for owner-occupied vs non occupied short term rentals, which she feels that it makes a huge difference. The other problem is parking and trash and the aesthetics of the neighborhoods when the police are called numerous times to one location. She would like to see the registry posted on line for the resident to view so that if there is activity at a home near someone that they could look online to see if it was registered with the Town

Councilor Gordon Starr understood that the complaints that came into the Police could not be tracked accurately due to the information relayed to them was a noise complaint, however the Police did not know if the house was rented or owned by the person there at the time of the complaint, so we do not have real data on that because of the way the complaint was delivered. The other issue is the amount of revenue from the State and the data from the State is only 1/2 a years' worth, so the amount is going to only increase because it's not a full year's data.

Councilor Beedenbender is still taking in all the comments, but the concern she has that anything that is done it has to be fair, so the 601 that we do know about are the responsible people that do the right thing, those that are not registered she has a concern about the mechanism in place to get an more accurate count of how many are in our Town. Whatever regulations we put into place have to be fair across the board, but we also have to make sure that everyone that does a short term rental is paying their fair share as well and not just slipping under the door and skirting the regulations and fees that the State has imposed. The burden should be shared by all. I listened to the last meeting that I was not at, but she heard some things from the last meeting being reported as untrue, and Councilor Beedenbender wanted to say again just like staff did repeat throughout the meeting that is a working document only in a DRAFT form that is work in progress, not the final piece, but then she hears that it's before the Council for a vote, and that is not the case. We hear everyone, we read every email, we read all the comments and yes they are taken into consideration, we listen to everyone, there are more than just the Civic Associations, but there are others in the room that this will effect in other ways, it is not all one sided, there are two sides, she has thanked all those came out that own and operate these rentals, it is a voice we have not heard yet, so thank you for coming out, you are the responsible ones.

Councilor Cullum wanted to explain the process, this is a bare bone DRAFT document: this Committee and its members are aware we only have 6 months' worth of data, and there is a lot of individuals that fly under the wire, there is a lot of moving parts to this, so she is asking the Assistant Town Manager that if and when something is delivered to the full Council for a final vote, is it etched in stone forever, or can we revisit this and fix what might be broken. Assistant Town Manager stated that anything that goes before the Council will require two readings; if its Zoning issue it has two reads before the Council with a 2/3 favorable vote of the full body. The reason for the explanation is that Councilor Cullum heard from residents that if something is passed by the Council it is forever and we are locked in, and that is not true, if it is a Zoning issue and it fails the Council can revisit the Zoning issue in two years. Councilor Cullum stated she does not want it to fail, so we need to get it right before we give to the full Council for the Zoning part, if we pass something other than Zoning we can revisit it

in three months. Councilor Cullum stated that this Committee has listened to everyone, even though you may not think we do, but we do. We have very competent staff that DRAFT regulations were created by listening to the Civic Associations and reading all the emails and attending the meeting we have had on this, but whatever this Committee does and whatever regulations we come up with is going to be and has to be fair for everyone in the Town, not just a select group of individuals who had a bad experience. We have to trust the process. Councilor Cullum wanted to also mention that the revenue coming in from this, the Town is not making money on the fees, or the registration, the Assistant Town Manager stated that is correct, we are not making money.

Chair of the Committee commented on how the rest of the meeting will go and there is going to be a workshop at our next Town Council meeting on Thursday February 20, 2020 regarding the Short Term Rentals, there will not be any votes taken, but it will give the Committee the opportunity to present a DRAFT look at what we have done so far and give the full Council a sense of direction and the direction this Committee is going, there will not be any comments from the public during the presentation, however there will be many more opportunities in other areas for comment.

The goal tonight is to look at the DRAFT document presented that was looked at again by staff taking into consideration all the comments made and the emails sent and the various Civic Association Boards that sent input when they discussed this at their meetings.

Chair of the Committee introduced Assistant Town Manager, Andrew Clyburn for a brief presentation to the Committee and the public to give a brief update to this point.

## Short Term Rental (STR)

The Short-Term Rental Law, Chapter 337 of the Acts of 2018, revised G.L. chapter 64G, Section 3A, to include short-term rentals among the list of establishments subject to the local excise tax.

The Short-Term Rental law defines short-term rental as:

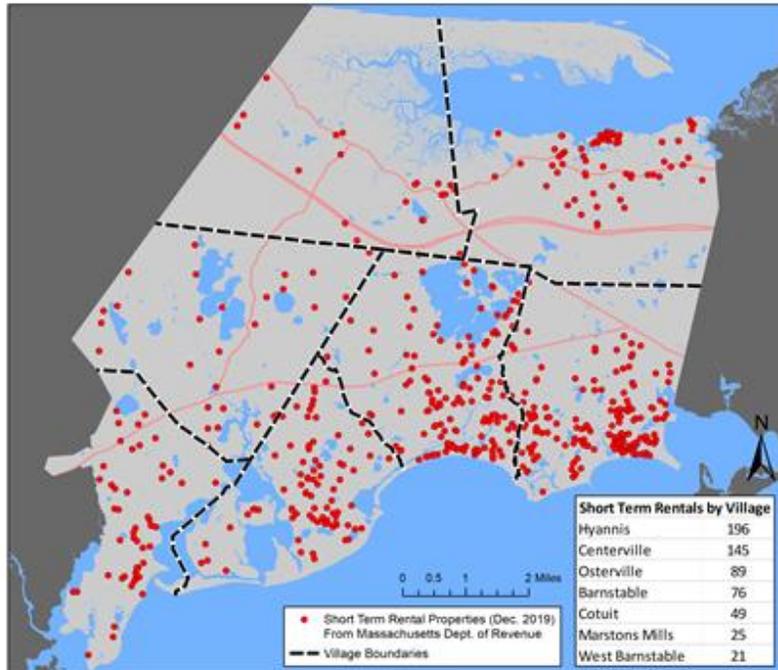
An owner occupied, tenant occupied, or non-owner occupied property including, but not limited to, an apartment, house cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

- Governor Baker Signed into Law January 2019
- Short Term Rental Tax started be applied in July 2019
- The Department of Revenue (DOR) sent the first set of data out to Towns in January 2020
- Weekly Rentals ARE a type of Short Term Rental, anything 30 days or less

Although vacation rentals have always been a customary use in our community those rentals that last less than a month are now part of what the State has defined as Short Term Rentals. Currently there are 601 STR's in Barnstable according to the DOR data. The Zoning & Regulatory Subcommittee has been tasked with working on this issue; and Town Staff is supporting that effort.

Draft Regulations including a General Ordinance regulating Short Term Rentals and a Zoning Clarification defining Short Term Rentals are forthcoming. Short Term Rentals are not currently allowed or prohibited anywhere in Town; the term did not exist when current zoning was established.

Short Term Rentals are being operated everywhere in town and that is a public



### Short Term Rentals, Key Facts

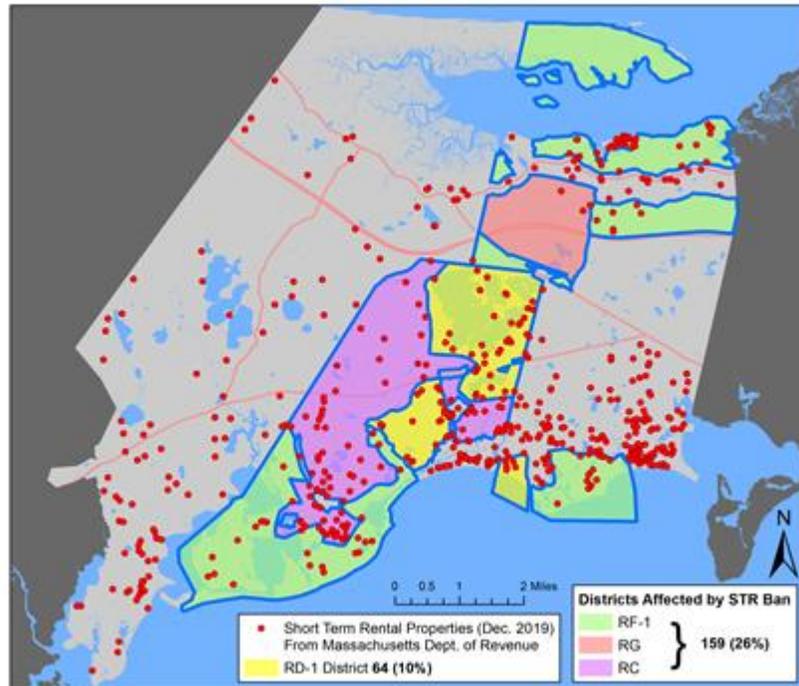
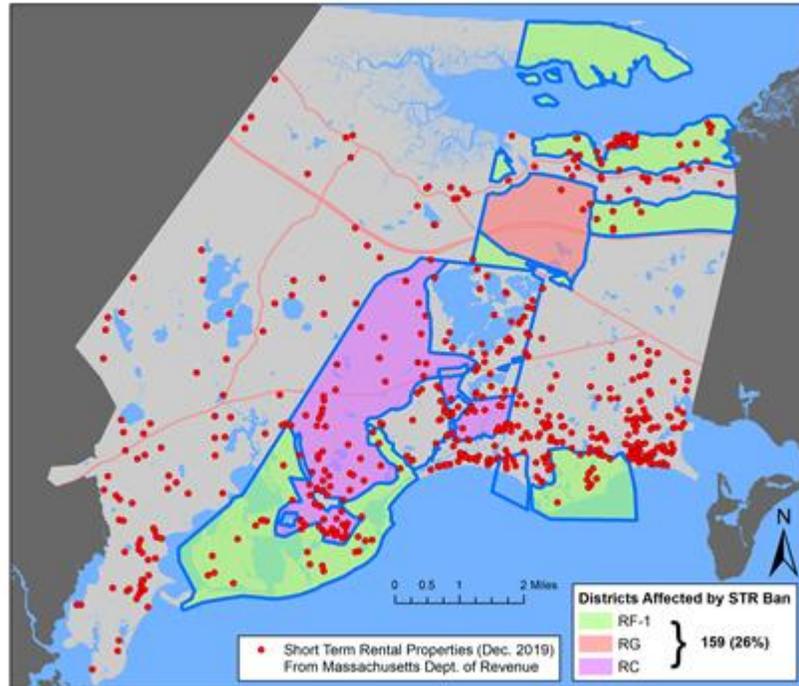
Any Rental under 30 days is a STR and there are currently 601 Registered STRs with DOR---The vast majority are owned by single owner; Less than 5% of STR owners have more than 1 house; Only 1% of STR owners have more than 2 houses We estimate actual STR number may be closer to 900; STR numbers have decrease since tax started; further reduction is anticipated with added regulation

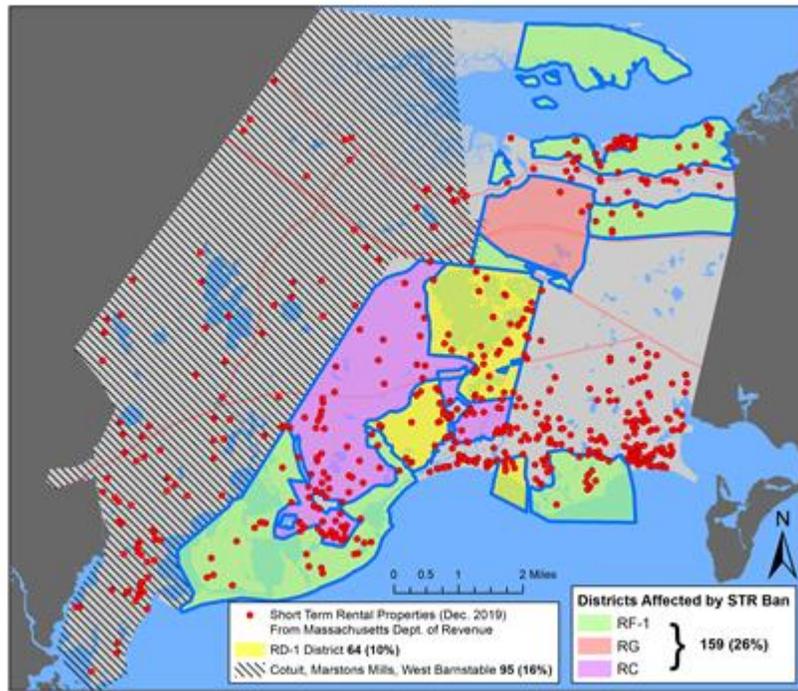
- Licensing
- Safety Requirements (smoke detectors, fire extinguishers, parking, trash, noise, etc....)
- Abutter Notifications
- Local Representative Requirement
- Policy Decisions needed on Limits
- Limits to Licensing (number per person and town-wide, residency requirements?)
- Limits to Stays (0=banned, 3-7days=compromise, no limits=existing)
- Limits to location (banned in certain areas?)
- Consider relief for primary residence homes?

### STR Outreach to date

- Centerville Civic Association, October 21, 2019
- Osterville Village Association, Nov 12, 2019
- West Barnstable Civic Assoc., Nov 12, 2019
- Barnstable Village Association, Nov 19, 2019
- Marstons Mills Village Assoc., Dec 3, 2019
- Greater Hyannis Civic Assoc., Jan 7, 2020
- Citizen group submitted proposal for consideration at Town Council, February 6, 2020
- Civic Associations met w/Town Manager, Feb14, 2020

- Deliberate, methodical, measured data gathering
- Listen to ALL input and do NOT rush the process





# of STR's by Village, Zone, Ownership							
		RC	RD	RF-1	RG	RD-1*	* Not Identified as 1 of 4 zones(why?)
Hyannis	196	1	0	16	0	4	
Centerville	145	27		1	0	59	
Osterville	89	58		26	0	0	
Barnstable	76	0		27	3	1	
Cotuit	49			0	0	0	
Marstons Mills	25						
West Barnstable	21						
<b>TOTAL</b>	<b>601</b>	<b>86</b>	<b>0</b>	<b>70</b>	<b>3</b>	<b>64</b>	159 Banned Immediately (26%)
Resident Owned (Actual)		35		19			54 (resident owned) Banned Immediately

It seems clear that simply allowing or banning STRs across the board is problematic...similarly, restricting to “family rentals” is highly problematic. General Ordinance vs Zoning (hand in glove); Enforcement timelines, fines, license removal, etc.... Clarification on being “locked-in” any ordinance may be changed by 2 reads and a vote, any zoning ordinance by 2 reads and a 2/3 vote

Common Ground:

- Identify all Short Term Rental's
- Ensure Safety of home, occupants and neighbors
- Regulate Community Concerns
- Abutter notification
- Parking
- Trash
- Noise
- Local Response/ Point Of Contact

Occupancy Limits, etc....

Review details required to regulate common ground to complete first draft of a general ordinance regulating STR's. (Wherever STR's may be allowed) Discuss Policy Issues (limits) and propose numbers for draft regulations

Knowing the full Town Council, Planning Board, or others will have input and will likely change final regulations

Elizabeth Jenkins, Director of Planning and Development to introduce the updated DRAFT version of Short Term Rentals, Complying with the noise ordinance and trash removal, and parking restrictions, and prohibition of large events on a short term rental, these are all new on this document that was not on the original DRAFT. Councilor Cullum said that the trash should be once a week, rather than once per stay. Councilor Beedenbender asked where the cost of the trash removal falls, is it the owner or the renter, Councilor Cullum said that is the owner's responsibility to figure out. Chair of the Committee asked if such a restriction has been placed on other communities that have Short Term Regulations, Director Jenkins stated there is regulations in place, but the homeowner raised the question about destination weddings which happens a lot, you don't want a police officer showing up at a home that is owned by the home owner and it is their wedding and not a renters, so we need to be careful with putting this type of regulation in place. So, we can look at this language and maybe tweak it if necessary. Brian Florence, Building Commissioner will have individuals upgrade the smoke detectors and carbon monoxide upon re-registration of the property, nothing this year, but when it comes to renewal, then they would have to comply, however again this is just a talking point, it can be looked at and revisited. Councilor Cullum is not in support of enforcing a hard-wired system to the short term rental only, if we are not enforcing it on the Bed and Breakfast, and the Inn's we have. It is not fair unless it's across the board.

**Working Draft for Discussion Purposes Only 02/20/2020**

## **SHORT TERM RENTAL PROPERTIES**

[Introductory findings]

### **§ 170. Short Term Rental Properties**

#### **§ 170-1 Purpose**

The purpose of this chapter is to protect the health, safety, and welfare of both the occupants of short term rental units and the general public and to maintain the character and quality of life in residential neighborhoods and the availability of the Town's housing stock. It will assist the Town in the enforcement of state and local health and safety regulations and provide a method of correcting violations when requiring immediate attention.

#### **§ 170-2 Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

#### **DWELLING**

Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two- or multiple-unit residential buildings/dwellings, but not including any facility licensed under any state or local laws or regulations other than those licensed under this chapter.

**FRONT YARD**

The area between the roadway and the part of the structure nearest to the roadway. Properties abutting multiple roadways may have multiple front yards.

**INSPECTIONAL SERVICES DEPARTMENT**

Consisting of Town Building, Health and Code Compliance

**OCCUPANCY**

The use or possession of or the right to use or possess a short term rental.

**OCCUPANT (GUEST)**

Any individual residing overnight in a short term rental.

**OPERATOR (HOST)**

Any individual operating a short term rental.

**OPERATOR’S AGENT**

An individual who, on behalf of an operator of a short term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent; provided, however, that an “operator’s agent” shall include, but not be limited to, a property manager, property management company or real estate agent.

**OWNER**

Any [person] who alone or severally with others has legal title to any dwelling, dwelling unit; mortgagee in possession; or agent, trustee or other person appointed by the courts.

**PERSON**

An individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee, assignee or referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of individuals acting as a unit including a governmental unit other than the Town of Barnstable or any of its agencies.

**SHORT TERM RENTAL**

A residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days.

The term short term rental shall not include hotel licensed under M.G.L. Section 6 of Chapter 140; motels licensed under M.G.L. Section 32B of Chapter 140; lodging establishments licensed under M.G.L. Section 23 of Chapter 140; bed & breakfast establishments or bed & breakfast homes licensed under Chapter 506 of this Ordinance.

**§ 170-X Short Term Rental License.**

**A. License Required**

No Owner shall rent, or offer to rent, any short term rental prior to receiving a valid license from the Inspectional Services Department.

**B. Compliance**

A dwelling used as a short term rental shall be in compliance with the provisions of all state and local health and safety ordinances or regulations, as determined by the Inspectional Services Department, prior to occupancy. Operators shall comply with all applicable federal, state and local laws and regulations, 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.

**C. Application Required**

The owner of the dwelling shall be required to complete a short term rental license application, the form and content of which shall be provided by the Inspectional Services Department.

**D. License Renewal**

Short term rental licenses shall be renewed biennially (every two years) after a satisfactory inspection by Inspectional Services and upon payment of the renewal fee.

**E. Fees**

The fee for a short term rental license or a renewal of a license shall be initially set at \$90 and thereafter may be modified by the Town Manager at a fee hearing.

**F. Non-Transferability**

Short term rental licenses shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The license does not run with the property; it shall be terminated upon sale or transfer of the property for which the license has been issued.

**§ 170-X Publication of License Number**

The Town issued license number shall be included on any listing offering the Short Term Rental for rent.

**§ 170-X Contact Information of Owner, Operator and/or Operator's Agent**

- A. An owner of a short term rental shall provide the Inspectional Services Dept. with his/her current residential address and telephone number upon application for a license.
- B. If the owner is a corporation, the name, address, and telephone number of the president and legal representative of the corporation shall be provided. If the owner is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.
- C. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one (1) hour of contact by Inspectional Services Department, Barnstable Police, or any Fire District to complaints regarding the condition or operation of the short term rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to short term rental occupants and the above-stated public safety agencies. This contact information shall be included in the application for a short term rental license and shall be posted conspicuously within the rental unit.

**§ 170-X Good Neighbor Notices**

Upon initial issuance of a short term rental license, notice shall be provided by the licensed Owner to all property owners adjoining or immediately opposite and across a road from the property on which the short term rental is located. The notice shall include: The contact information required in section 170-X(C) above, information about these short term rental regulations, and instructions and contact information to file a complaint, including where to access such information that may be available on the Town's website.

#### **§ 170-X Posting of Notices**

The Town shall provide information to each licensed Operator summarizing the regulations for short term rentals. For each short term rental license issued, this will include, but shall not be limited to: the name and 24-hour contact information of the Operator or Operator's Agent designated in the Application, parking restrictions, occupancy limits, restrictions on noise (Chapter 133), and requirements for trash removal (Chapter 353, Art. 1).

The Operator shall:

- a. Provide Occupants a copy of the provided information; and
- b. Post the information, along with the short term rental license, in a conspicuous location within the short term rental.

#### **§ 170-X Occupancy Requirements.**

The maximum number of occupants in a Short Term Rental shall be two per bedroom, plus an additional two.

#### **§ 170-X Parking Restrictions.**

- A. On-site parking shall not be in any cultivated or landscaped area within a Front Yard as defined herein.
- B. B. Nothing in this section shall be deemed to supersede the parking requirements set forth by site plan review or the Town of Barnstable Zoning Ordinance.

#### **§ 170-X Prohibition of Large Events.**

Large events, defined as those utilizing commercial catering services, tent rentals, or similar commercial equipment or service rentals, are prohibited in Short Term Rentals.

#### **§ 170-X Smoke detectors and carbon monoxide alarms**

Each short term rental shall contain functional smoke detectors and carbon monoxide alarms. Upon license renewal, all smoke detectors and carbon monoxide alarms in short term rentals shall be upgraded to comply with current building code requirements. In addition, the Operator shall provide and maintain one 2.5 lb. multi-purpose fire extinguisher on each floor. Extinguishers shall be maintained or replaced in accordance with the manufacturer's specifications. Operators shall test and perform maintenance on every smoke detector, carbon monoxide alarm upon renewal of the short term rental license. Any detector or alarm found to be defective shall be repaired or replaced forthwith. The Occupant(s) shall be notified to report faulty or inoperative smoke detector unit(s) to, first, the owner of the dwelling and, second, the Inspectional Services Department.

#### **§ 170-X Keeping of Register**

The Operator or Operator's Agent shall be responsible for keeping a register containing the name of the Occupant who is the leaseholder, total number of occupants, and dates of occupancy. The register shall be retained for a period of two (2) years and shall be made available upon request to Inspectional

Services Department staff, police, or other duly appointed or authorized code compliance staff of the Town of Barnstable.

### **§ 170-X Ineligible Units**

The following are not eligible to be rented or offered to rent as Short Term Rentals:

1. Dwellings 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;
2. Family Apartments or Accessory Affordable Apartments;
3. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short Term Rental.
4. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders.
5. Dwellings for which municipal and district taxes, fees, assessments and charges are outstanding and unpaid.
6. Properties designated as Problem Properties under Chapter 160.

### **§ 170-X Inspections**

Short term rentals shall be subject to reasonable inspections by Town and District inspectional staff (“Inspectors”). All interior inspections shall be done in the company of the Owner or authorized agent.

Dwellings shall be inspected and approved for occupancy prior to issuance of a short term rental license.

### **§ 170-X Complaint Process, Violations.**

- A. Complaint. A complaint alleging that a Short Term Rental is in violation of this section or any applicable law, code or regulation may be filed with the Inspectional Services Department. The complaint must contain the Short Term Rental address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.
- B. Written notice of any violations of this chapter shall be treated as a complaint and may also be given by Inspectors. The notice shall specify the nature of the violation to the Occupant and Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the license application.
- C. Review of Complaint. Within thirty (30) days after receipt of a complaint, the Commissioner or a designee shall investigate the complaint and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another city or state or federal agency, the Commissioner shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Commissioner or designee shall serve notice of the violation upon the Operator of the Short Term Rental. The Commissioner shall keep records of all complaints received and determinations made.

- D. Offering an Ineligible Unit as a Short Term Rental. Any person who offers a unit as a Short Term Rental, where such unit is not an eligible Dwelling Unit or is not licensed, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short Term Rental.
- E. Failure to Obtain a License. Any person who offers an eligible Dwelling Unit as a Short Term Rental without a valid Short Term Rental License, or any person who offers an eligible Dwelling Unit as a Short Term Rental while the unit's License is suspended, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
- F. Failure to Comply with Notice of Violation. Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commissioner or a designee for a violation of any provision of this section may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
- G. Right to Hearing. A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Inspectional Services Department within fourteen days after the day the notice of violation was served. Upon receipt of a petition for hearing, the Inspectional Services Department shall notify the complainant of the place, date and time of the hearing. The hearing shall occur no later than three (3) weeks after the date the Inspectional Services Department receives the petition for hearing. The time period in which violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held and the Hearings Officer has issued a decision.
- H. Decision. Within seven days after the conclusion of the hearing, the Commissioner or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom a notice of violation has been served, in writing, of its decision and the reasons therefor. If the Inspectional Services Department sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued or in the modification.
- I. Violations of an unoccupied dwelling shall be corrected prior to occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Inspectors.

#### **§ 170-X License Suspension, Modification and Revocation**

- A. In addition to, and not in lieu of, the penalties that may be assessed pursuant to this ordinance, the Issuing Authority, after notice and public hearing, may suspend, revoke or modify any license issued hereunder for violation of these regulations or of any conditions imposed by the Issuing Authority.

- B. If a written petition for a hearing is not filed within fourteen (14) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

**§ 170-X Judicial Appeals.**

Any person aggrieved by a final decision of the [Hearings Officer and Inspectional Services Department] with respect to a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the Commonwealth.

**§ 170-X Penalties**

- A. Any person who violates any provision of this chapter may be subject to a fine in accordance with the following:

- Warning            1st Offense
- \$100                2nd Offense
- \$200                3rd Offense
- \$300                4th Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

**§ 170-X Enforcement.**

The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, s. 21 D, and, if applicable, by seeking to restrain a violation by injunction. In the alternative, utilizing a Written Notice of Violation, Inspectional Services may file a complaint in any court of competent jurisdiction as provided by the laws of the Commonwealth

**§ 170-X Review**

The Inspectional Services Department shall, upon request, provide a report to the Town Council at which time the Town Council may review such report and, based upon their findings, modify or revise this ordinance from time to time.

**§ 170-X Severability**

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

**§ 170-X Effective Date**

The provisions of this Chapter shall take effect on \_\_\_\_\_.

ZONING DOCUMENT

Chapter 240. Zoning

Article II. General Provisions

§ 240-7. Application of district regulations.

Regulations within each district established herein shall be applied uniformly to each class or kind of structure or use.

J. In all zoning districts, short term rentals shall be permitted within lawful dwelling units only upon licensure with the Inspectional Services Department pursuant to the standards set forth in Chapter 170, Short Term Rental Properties, of the Code of the Town of Barnstable.

### Definitions

#### SHORT TERM RENTAL

The rental of a residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days.

The term short-term rental shall not include hotel or motels licensed pursuant to \_\_\_\_; lodging establishments licensed pursuant to \_\_\_\_; bed & breakfast establishments or bed & breakfast homes licensed pursuant to \_\_\_\_\_;

#### RENTING OF ROOMS TO NONFAMILY MEMBERS:

The renting of rooms for long-term purposes, intended to be 31 days or more.

#### RENTING OF ROOMS TO LODGERS:

Renting of rooms within a lodging house licensed by the Town of Barnstable Licensing Authority, pursuant to the standards set forth in Chapter 506 of the Code of the Town of Barnstable.

## ZONING MATRIX

Caps on Number of Licenses This regulatory approach may be a strategy to reduce ownership of multiple residential units by single owners for the primary purpose of offering a unit for short term rental.

Cap the total number of licenses issued to an owner

☑ A maximum of \_\_\_ short term rental licenses shall be issued per property owner.

☑ Upon application for a short term rental license, applicants other than individuals shall submit trust or corporate filings that list all agents and beneficial interests.

☑ Consideration for multiple licenses for rentals at same address.

Limiting the number of short-term rental licenses issued to a single owner may reduce the potential that multiple dwellings will be purchased exclusively for short-term rental use. This approach aims to protect the Town's housing stock from this form of speculative investment. Limits on the number of licenses may incentivize the owners of multiple dwelling units to rent year-round, which can help both housing availability and affordability.

Allowing more than one license per owner may recognize instances of individuals or families who may own multiple properties. "One owner, one license" could potentially negatively impact families that have more than one home in a trust or someone who owns a single building with more than one dwelling unit, as only one unit in each of those examples would be able to be rented.

This approach does not address individual owners who choose to contract with large companies for property management. For alternative or additional consideration:

Cap the total number of licenses issued in the Town of Barnstable

☐ The number of short-term rental licenses issued by the Town shall not exceed \_\_\_\_ at any one time.

A cap is a tool to limit the total number of short-term rentals operating in town, potentially reducing their spread and preserving housing stock for ownership, seasonal occupancy, or long-term rental. A cap could also have the effect of supporting hotels, motels, inns, and bed & breakfasts by limiting the competition with STRs.

A cap may have the potential to preclude “casual hosts” who only seek to offer their homes for rent from time to time and who have done so historically, including those less affluent residents who rely on rental income generated during a limited timeframe.

Caps, along with any strict regulatory restriction, may provide a disincentive to registration and compliance with regulations, creating a “grey-market” situation, where people comply only to a degree

## **SUMMARY OF CIVIC ASSOCIATION OUTREACH ON SHORT-TERM RENTALS**

### **Centerville Civic Association, October 21, 2019**

(Councilor Beedenbender, Councilor Neary, P. Wackrow)

- This was the first Civic Association Meeting on Short Term rentals, held prior to the closing of the survey.
- Concern was expressed that the Town’s STR survey was open to anybody, online-only.
- Interest in limiting STRs to owner-occupied dwellings
- Significant concern over enforcement of nuisance/noise violations. Some attendees stopped contacting police after repeated noise/parking violations
- Push for Town to enforcing zoning and existing regulations.

### **Osterville Village Association, November 12, 2019**

(L. Hartsgrove)

- Over 40 people attended, STR was only item on agenda
- Concerns for Marriott’s new involvement with STR, purchasing luxury homes for their version of Airbnb. Boston & Long Island regulations were mentioned. Consensus that there are regulations out there Barnstable could use as a template to expedite process.
- Concerned Town needs to be more expeditious on STR regulations and focused with issues
- Concerned that Town is not enforcing and not respecting zoning or residents. Need to town Task force dedicated to STRs
- Traffic, parking and speeding concerns
- Overall consensus for rentals a week or longer - would attract families rather than party houses for a weekend
- Overall consensus of STR defined as a business and not allowed in a residential neighborhood. STR never the intent of neighborhoods. Investors not OK for residential neighborhoods
- Occupancy concerns, Noise concerns, need to 24 Town contact
- Consensus for Abutter notification for license/registration.
- Strong consensus with owner occupied Hosts on site while units are rented
- License should be required, information publicly available, and more than 3 violations should revoke license.

### **West Barnstable Civic Association, November 12, 2019**

(Councilor Beedenbender, P. Wackrow)

- Small amount of public attended (mostly board members), and STR was one of several agenda items
- Not currently experiencing extent of issues similar to other villages, but recognition that STRs could expand in village.

- There should be a licensing process with the Town (possibly with Board of Health), and STR hosts should have inspection requirements similar to hotels or bed & breakfasts.
- General preference for limiting STR hosts to owner occupied and 2nd homeowners

### **Barnstable Village Association, November 19, 2019**

(P. Wackrow, L. Hartsgrove)

- Roughly 40 people attended
- Overall consensus for 1-week or longer rentals during June-August and scaling back to 3-4 days during the remaining year
- Many preferred Owner Occupied and local mgmt. oversight. Corporate ownership, investor was not favorable
- A variation of existing Rental Registration was mentioned being needed for STR.
- Abutter Notification was strongly preferred.
- STR should be required to keep guest log similar to Lodging licenses
- Request was made, before creating new regulations for hard data to quantify and identify what core problems with STR are.
- Town has many existing regulations/ordinances (noise, parking, occupancy, etc.) that should be enforce

### **Marstons Mills Village Association, December 3, 2019**

(Councilor Schnepf, Councilor Levesque, P. Wackrow, L. Hartsgrove)

- Part of regularly scheduled MMVA meeting (other items on agenda). Approximately 30 people in attendance.
- Discussion over whether STRs should be permitted
- Many preferred that STR hosting would be restricted to Owner Occupied dwellings or second homes
- Emphasis on need for registration process specifically for STRs to allow for appropriate inspections and monitoring
- Some support for minimum night stay requirements
- Support for abutter notifications

### **Greater Hyannis Civic Association, January 7, 2020**

(Gloria McPherson)

- Concerns about “investor-owned” properties taking over neighborhoods
- No trust that the Town will do enforcement, even if there are clearer regulations
- Importance of a single point of contact for all issues – a “Citizens Resource Line” for STRs – and records kept of complaints
- Other issues:
- Limit the length of stay to one week where the owner is not present
- No limit on length of stay when the owner is present and renting a room
- A local agent to respond to complaints should be identified if the owner is not local
- Owner and local agent info required to be given to abutters and property owners within 300 ft. of the rental property
- Opposition to STRs allowed in single-family residential neighborhoods
- There was also discussion about limiting the number of licenses throughout the Town and/or to an individual operator.

### **Cotuit-Santuit Civic Association**

Planning & Development reached out to James Dannhauser, and the CSCA Board decided an in-person meeting was not necessary (they did not have a regularly scheduled meeting again until April). Mr. Dannhauser communicated that the Board would make the public aware of the survey results and send any resulting comments to the Town.

Councilor Cullum asked about the license, one owner one license, correct? Director Jenkins said yes that’s correct, owner only of the home. Attorney Charles McLaughlin said the reason behind it was

because anyone can LLC themselves or Real Estate brokers will be issued the license, but a realtor may have several properties, so we are proposing they can't be licensed; only the owner and you will lose control of the data very quickly. Consistency in the registration of these is key, so too many names, and too many areas to have concern about.

Building Commissioner also stated they are looking at a program right now that will be staffed to handle the complaints that come in, it is software that manages these Short Term Rentals and a phone number linked to this property, we need a system that can handle and get the accurate data on these, so we are looking at several software programs.

Councilor Kris Clark made the motion to make the necessary adjustments recommended by the Committee tonight and present the ideas and the DRAFT workshop to the full Council, all members voted in favor of this motion to have a workshop and present the DRAFT proposal still in the working progress stage by this Committee.

Councilor Cullum made the motion to not limit the stays or a cap on the licenses, and we can revisit again; and to make it fair across the board for all rentals in Barnstable regarding the smoke detectors and carbon monoxide detector upgrades. All members voted in favor of this in the positive. Committee members had a discussion on the number of licenses to be issued.

Councilor Cullum made the motion to review in a year when it's in place, and we review in a year the complaints and a cap on the owners for short term rentals and not limit the stays. If you're living in Barnstable and you're living in a short term rental as the owner that is one license.

Councilor Clark made the motion to cap the total number of licenses issued to an owner, Chair of the Committee will not vote in favor of a cap, so she will not support that motion, we do not have enough data to make that decision yet, however lets vote on this now with a roll call vote:

Councilor Cullum	yes
Councilor Beedenbender	no
Councilor Clark	yes
Councilor Starr	yes
Councilor Schnepf	no

This will be stated at the Town Council workshop about the split vote regarding a cap on the licenses.

Chair of the Committee asked for a motion to adjourn, all members present voted in favor of adjournment

ADJOURN: 6:55pm