

Short-Term Rental Committee
Minutes November 2, 2021

Present: Bea Phear, Dan Rossi, Sheila Morse, Reid Silva, and John Rau
Also Jeffrey DuBard (member of the public)

The minutes of the meeting of October 19, 2021 were approved as amended.

John reported that he had emailed Board of Health agent, Omar, but not yet received a response. He will continue to try to contact him.

Reid reported that he had tried to contact Mitzi Pratt of Aquinnah, but no response. He is fairly sure Aquinnah has no regulations or plans in effect.

John said that Nantucket will release their final draft of a warrant article for a fall special town meeting soon, and he will distribute it to us when he receives it. He asked if the Planning Board or Select Board had discussed the Styler Supreme Judicial Court case decided in June, which held that STRs are a business and not zoned for in residential districts unless specified in a bylaw. He thinks the West Tisbury preamble is similar to Lynnfield – to protect the character – and therefore STRs may not be allowed here. Bea pointed out that renting up to three bedrooms is explicitly permitted, but John thought that did not imply the whole house.

Reid said it would be up to the building inspector to enforce the bylaw, and we would need counsel's opinion. Bea pointed out that we would have to ask the select board for permission to contact counsel. Reid said he want to look at the big picture, as a lot of people depend on the rental income, looking at the benefits and detriments of a bylaw, and cannot see the benefit of creating a whole new infrastructure. Yes there may be health and safety issues, but he cannot make the connection between the loss of affordability and STRs. If a house is selling for \$1.5 million, the loss of a few rentals is not going to bring that into affordability.

Sheila said Tisbury is focusing on safety. She also said she was surprised at the census figure of 64% occupied.

John said he agreed that he could not see a clear link between STRs and affordability, and would like to focus more on preserving neighborhoods. He knows the people on his street and does not want Marriott patrons.

Bea asked about the need to protect tax revenue if the realtors and the Internet platforms are doing a good job of collecting it from tenants. Dan said the only way to skirt the tax would be to do it completely on your own. Sheila said some landlords do have repeat tenants under the radar and could avoid it, but she thinks it is very few.

Jefrey introduced himself, a board member of IHT and a member of the town affordable housing committee and community preservation committee. He said he thought the tax does have an impact as it lowers the demand for properties and deters buyers. Sheila and John disagreed, thinking the impact was minimal on the market. Reid thought there would be no impact on affordability even if we limited the rentals to 30 days. Looking at all the people he has worked with none would have said no. It wouldn't change the equation of who is buying.

John asked Sheila if people factored in rental income when buying. She said yes they do, but with one million as the entry price there is still no affordability. She thinks the revenue from the rental tax should be put to housing.

Jefrey said his committee had originally said that revenue should go to the Housing Bank committee, but now they will put a proposal out that it go to the affordable housing committee. He said that Marriott is looking at the cheaper properties, not the multi-million ones.

Sheila wondered how to restrict a big corporation. John said Nantucket would say you cannot rent more than 30 days if you are not a resident.

John asked if the building inspector could inspect as a right. Reid thought there had to be a complaint. Dan said nobody has more power than the board of health.

Reid said the preservation of character was his priority. Edgartown and Oak Bluffs are turning into transient communities, which is not necessarily a problem for West Tisbury now. Sheila said we should put something in place to protect for the future.

John said we would need a zoning bylaw to limit STRs. Reid thought it did not have to be a giant leap. Bea mentioned that Somerville has restrictions, but no registration or inspection burden. There is a penalty, which could kick in if there were a complaint.

John suggested no restrictions on resident owner landlords and restrictions on non-resident owners to prohibit rentals of less than a week and allow a maximum of 45 days for STRs, which are defined as less than 30 days.

Sheila asked about the Boston owner who uses their house in the shoulder season and holidays, but rents all summer. She would not want to limit them to 45 days. Jefrey asked whether these people should have that luxury, when looking at the need for year round housing. He doesn't have sympathy for those who leave their house vacant for six months. Reid asked how we find the number? We need a rationale. The STR impact is how many people for how much time, and he would not want to preclude the three months. Some people need to rent for July and August. He said his mother rents to a year-round tenant because she likes them, but it is less lucrative.

Dan said 45 days is a little crazy, as most people rent for 90 days, He thought the minimum rental has to be 7 days.

Bea said she had promised to let people go after an hour, and we should all chew on these ideas and talk to people for feedback.

Next meeting: Tuesday, November 30 at 5:30 pm.

Respectfully submitted,
Bea Phear

Approved on January 19, 2022