



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

February 7, 2019  
REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Katjana Ballantyne	Ward Seven City Councilor	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	
Ben Ewen-Campen	Ward Three City Councilor	Present	
William A. White Jr.	City Councilor At Large	Present	
Mary Jo Rossetti	City Councilor at Large	Present	
Stephanie Hirsch	City Councilor At Large	Present	
Wilfred N. Mbah	City Councilor at Large	Present	

Others present: George Proakis - OSPCD, Shannon Phillips - Law, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Kim Wells - Assistant Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 6:04 PM by Chairman Niedergang and adjourned at 8:43 PM.

### **206811: Conveying the Report of the Clean and Open Elections Task Force.**

Ariel Horowitz, representing the Clean and Open Elections Task Force (COETF), presented a report of recommendations to increase voter participation; improve openness and transparency; and increase candidate access. The Task Force tried to produce a range of recommendations, some that would be easy to implement, while others may require more time and resources. The list of specific recommendations can be found in the attached presentation.

Councilor Hirsch asked how the recommendations were prioritized, and also noted that expanding the voter pool creates another hurdle to non-incumbents or poorly-funded candidates to reach voters (since there are more of them) and noted that this would work best if connected to campaign finance reform. Ms. Horowitz responded that consolidating elections would be much more effective in increasing the number of voters than any of the other options. Increasing the voter base is more about creating equity in suffrage.

Councilor McLaughlin asked whether getting the Legislature to pass a Home Rule petition would be a concern. Ms. Horowitz replied that there are a few jurisdictions that took a similar step in other states and have not found additional issues, but there is no precedent in Massachusetts, although it is possible that similar Home Rule petitions have been submitted and not approved by the Legislature.

Councilor White noted the importance for young people to be active in the community but shared a concern that there are legal issues related to the decisions that individuals under the age of 18 are able to make. Ms. Horowitz added that the question about age of majority for various activities was considered, but the larger picture is the goal to create a lifelong habit of voting. Andrew Levine, another COETF member, added that if voting is about representing interests, young people should have the right to vote on those interests.

**RESULT:**

**KEPT IN COMMITTEE**

**207393: Requesting approval of a Home Rule Petition to provide legal voting rights in municipal elections for residents aged 16 and 17 years old.**

Felix Brody and Jack Torres, Somerville High School students, are participating in a statewide campaign to lower the voting age for municipal elections. Mr. Brody shared that there are two decision making processes: hot cognition and cold cognition. Hot cognition is quick and reactionary. This is not developed by 16. Cold cognition is already developed at the same level at 16 as is it at 18, and is a more weighed, thoughtful decision-making process. Mr. Torres added that creating a culture of civic engagement is very important and seeing the effects of this engagement at 16 builds a greater faith and trust in government and politics. It also helps develop the long-term habit of voting.

Mr. Brody shared that there are many other municipalities where students are pursuing this right.

Councilor White asked for data to better inform this decision, particularly around the legal implications. He also expressed a desire for a public hearing around this issue. Mr. Brody asked that a public hearing be held at a time that is accessible to high school students. A good time would be after school or on a weekend.

Councilor Davis shared that the engagement of these students and their ability to organize and speak about complex issues makes a strong case for enfranchising this age group. Councilor Mbah noted that, as Parkland demonstrated, young people can teach adults how to lead. Councilor Ballantyne noted a connection to the civic education law that was recently passed.

Councilor Hirsch commented that the census data only list people 18 or older, and younger individuals are considered children, and thus their data remain private, so we would have to resolve the technical question of how to get these individuals added to the voter rolls.

Councilor Ewen-Campen and Councilor Scott requested information about what the opposing argument is. Councilor White responded that one argument is the legal age of majority, but he would also like to hear both sides of the debate. Councilor McLaughlin shared his support regardless of additional information. Chair Niedergang agreed with this sentiment. Councilor White added that taking additional steps, such as a public hearing, will likely help with getting approval from the state legislature. Councilor Clingan agreed that a public hearing would be a good idea. Chair Niedergang acceded, and said that he would schedule it, probably for both an afternoon and evening on the same day, with the understanding the Councilors with day jobs would not be able to attend during the day.

**RESULT:**

**KEPT IN COMMITTEE**

**206804: Requesting approval of a Home Rule Petition to provide legal voting rights for residents aged 16 and older.**

See 207393

**RESULT:**

**KEPT IN COMMITTEE**

**206368: That the Administration present this Board with legal options for granting non-citizen residents the right to vote in local elections.**

**RESULT:**

**KEPT IN COMMITTEE**

**206403: That the City Solicitor draft a home rule petition to grant Permanent Residents the right to vote in municipal elections.**

**RESULT:**

**KEPT IN COMMITTEE**

**207392: Requesting approval of a Home Rule Petition providing for legal voting rights in municipal elections for non-citizen residents.**

**RESULT:**

**KEPT IN COMMITTEE**

**206613: City Solicitor submitting an ordinance to require the registration of short term rental properties.**

Mr. Proakis made a presentation on short term rentals (STRs) on November 15th, which was followed by discussion and several questions and requests for information from the Councilors. Chair Niedergang asked the Administration for responses to those questions. Ms. Connor stated that there was a question about whether more money could be made on short-term rentals vs. long-term rentals. The average rent for a 2 bedroom is \$3200/month. The average nightly price for a unit ranges from \$140-\$350. Using the median, it would take only 14 nights to receive the same amount of rent from a STR as a long-term rental. For an owner-adjacent unit, under the proposed ordinance, there is no limit to the number of nights that it could be rented. For the proposed home-share units (an owner-occupant rents out their unit while they are away), the limit is 90 nights per year. However, enforcing a limit on the number of nights per year is difficult. There is no limit on nights for the limited-share arrangement, in which the occupant (owner or renter if they have agreement from their landlord) shares their unit with guests.

Councilor White asked for comparisons to Boston's and Cambridge's owner-adjacent limitations in their ordinances. Attorney Philips stated that Boston has an owner-adjacent definition in their ordinance, but there is no limit to the number of times such a unit can be rented. Councilor McLaughlin said that Cambridge also allows owner-adjacent units to be STRed, even including a unit in a separate structure on the same property.

Ms. Connor also answered a question about the cost of enforcement. She said it could be done in-house, with an estimate of 3 full-time inspectors and a full-time paralegal. Another option would be to do this through a vendor, who would do the licensing, monitoring and enforcement for approximately \$60,000 per year, though it may also require additional staff time.

Ms. Connor said that a tax would need to be adopted by the Council for STRs. Councilor White said that revenue projections are on the agenda for the Finance Committee. Councilor Hirsch argued revenue and tax issues should be tied to strategic goals around affordability, so that we can maintain affordable housing at various price-points for residents. But a number of Councilors disagreed that revenue from STRs should be a primary consideration for this ordinance. Councilor Ewen-Campen noted that another calculation in the cost-benefit analysis should be loss of hotel tax revenue. Councilor Rossetti also asked

about the cost of permitting and fees. Ms. Connor replied that by state law the fee cannot be more than the cost to issue and administer the permit, but aside from that has not yet been determined.

Councilor Ballantyne shared a belief that the adjacent dwelling units are in direct contrast with SomerVision and trying to create more density and more available units. Even if the revenue projections are higher, this is not what we want our community to be, she said.

Councilor McLaughlin asked how many of the short-term rental units are owner-adjacent units. Ms. Connor said that they do not have that information but that some data could be helpful as background. For FY19, 756 three-family homes qualified for the residential exemption (approximately 30%); and for two-family homes, the number was 2,820 (about 56%). They are working to determine more details. Councilor White asked for more information about the trend of this data on owner occupancy.

Mr. Proakis noted that neither owner-adjacent nor non-owner-adjacent short-term rentals are permitted under our current rules, but his staff will try to determine how many fall into each category. OSPCD's recommendation was based on a series of public meetings held prior to writing the ordinance.

Councilor Scott emphasized that the market will expand to fill the remainder of the units if we make it legally possible to do so. Authorizing short-term rentals on owner-adjacent units would remove approximately 10% of the housing stock in the city, and no amount of tax revenue can compensate for that loss. Councilor Ewen-Campen agreed that he is opposed to allowing owner-adjacent units and highlighted that the cost of housing will go up across the city if this is permitted.

Councilor Scott moved to amend Section 2 c. to delete the words "or whose primary residence is adjacent to the unit being offered for short term rental as defined in the term 'owner-adjacent unit' below; to delete Section 2 f.; to delete Section 5 e.; to amend Section 6. a. iv. to read 'Limited Share or Home Share Short-Term Rental'. The motion passed unanimously on a voice vote.

Ms. Phillips shared some additional changes the administration suggests to the draft ordinance, specifically to section 7 d., stating that the Director could enter into an agreement with booking agents or other third parties for assistance with enforcement.

Councilor White said that related to section 7 a, we will also need to discuss fines that would accompany a violation. Councilor Scott asked how many bed and breakfasts and tourist homes currently exist, and if the language in section 4 a. would supersede existing regulations on those types of properties. Mr. Proakis answered that this would dovetail with the current proposed zoning updates, such that once those are addressed, they will be regulated through this ordinance and not through zoning. Councilor White asked further if Section 4 a. was related just to registration, and not all of the requirements for these properties. Mr. Proakis will investigate further to refine the language there.

Ms. Phillips detailed the further change of deleting Section 8 about data sharing. Councilor Niedergang asked if the administration has a preference for an effective date and Ms. Connor requested time to consult with ISD and potential enforcement vendors to determine a reasonable timeframe.

Councilor Davis moved to amend the ordinance to adopt all of the changes in the update that Ms. Phillips provided, with the exception of those previously amended, and the exception of the change proposed to Section 7 a. The motion passed unanimously on a voice vote.

Councilor Davis asked further about thoughts on the fine structure and Ms. Connor will present a proposal for what the fines should look like. Councilor Davis asked for information on the Boston and Cambridge fine structures. Attorney Phillips answered that Boston fines \$300 per unit per day. Additionally, operating after a license has been suspended incurs an additional fine of \$100 per day. Councilor Davis asked that the administration explore options other than fines. Councilor White added that the option to pursue criminal charges in these cases should be explored as well. Councilor White asked further whether health code violations could result in a larger fine than the maximum \$300 allowable and whether the two could be connected.

Councilor Scott asked about Section 6 a. iii. and what the intention of the alternative twelve-month registration period is. Mr. Proakis will consult with ISD to determine what the goal of that language was.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206892: Chris Dwan submitting comments re: #206613, a proposed Ordinance for short-term rental properties.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**207450: That the Women's Commission Ordinance 2-283 be amended to provide that a majority of Commissioners who currently serve shall constitute a quorum.**

Councilor Ballantyne shared that the Women's Commission has struggled to achieve a quorum. Its bylaws have language requiring a quorum but the ordinance does not. Any tool that we can use to help this Commission function should be utilized. The Committee voted to amend the item to allow up to two co-chairpersons instead of a single chairperson. The motion passed unanimously on a voice vote.

<b>RESULT:</b>	<b>APPROVED AS AMENDED</b>
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**207451: That the Human Rights Commission Ordinance 2-240 be amended to provide that a majority of the Commissioners who currently serve shall constitute a quorum.**

Councilor Ballantyne shared that this Commission has been unable to meet because it cannot meet its quorum. Amending the quorum language would allow the Commission to operate.

The motion passed unanimously on a voice vote.

<b>RESULT:</b>	<b>APPROVED</b>
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**Handouts:**

- Presentation (with 206811)
- Short Term Rentals (with 206613)