



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

May 3, 2022

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Ben Ewen-Campen	Vice Chair	Present	
Willie Burnley Jr.	City Councilor At Large	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	

This meeting was held via GoToWebinar and was called to order by Chair Davis at 6:06 pm and adjourned at 7:47 pm. Councilor Burnley moved to adjourn and the motion was approved by roll call vote: 4 Yes and 1 Absent (Councilor Burnley).

Others present: Aneesh Sahni - Mayor's Office, Hannah Carrillo - Mayor's Office, David Shapiro - Law Office, Sean Sheehan - SPD, Nicholas Antanavica - ISD, Brendan Salisbury - Legislative & Policy Analyst, Stephanie Widzowski - Assistant Clerk of Committees.

Approval of the March 29, 2022 Minutes

Councilor Ewen-Campen moved to approve both sets of minutes.

RESULT:	ACCEPTED
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Approval of the April 5, 2022 Minutes

RESULT:	ACCEPTED
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Short Term Rental Ordinance

212956: That the Director of Housing provide a written update on the current status of compliance with the Short-Term Rental Ordinance.

Dir. Antanavica said that when the Short-Term Rental Ordinance was passed, they did get a vendor on board that provides a monthly update of potential short-term rentals in the city; however, the ordinance is complaint-based. ISD has a list of criteria a short-term rental needs to comply, but there is not currently a way to go out and find short-term rentals. ISD receives an average of 4-5 complaints a month. Each complaint is assigned an inspector who verifies the

complaint, logs it in the vendor software, and then takes the necessary actions to bring the property into compliance.

Chair Davis asked if the Director of Housing will submit an update about this. Dir. Sahni answered that he felt it was appropriate for Dir. Antanavica to give a shared update on this and item 213446, but said he could bring an update to the committee for next time.

Councilor Ewen-Campen expressed confusion that the ordinance is complaint-based. He referred to discussions in May 2019 with Dir. Proakis and Dir. Antanavica about how to enforce the ordinance and what it would cost to hire a third-party vendor. He expected a more proactive enforcement strategy coming out of those discussions and asked why that was not happening. Dir. Antanavica replied that it was for resource and practicality reasons. The criteria in the ordinance are specific and difficult to work with when there are non-owner adjacent situations. ISD does use a vendor to help confirm short-term rentals, but to determine all compliant rentals would require a dedicated position - someone to review monthly reports and proactively ensure compliance. Councilor Ewen-Campen said he thinks the city should devote a lot of resources to this issue because the Council works hard to create housing opportunities, and it is easy for short-term rentals to exploit that.

Councilor Scott echoed a desire for proactive enforcement and asked for clarification that Dir. Antanavica thought one full-time position for enforcement would be needed. Dir. Antanavica said he could not speak to the number needed because he does not have the exact volume. However, ISD is looking at budget items to request improvements to efficiency, and they are also open to reviewing the ordinance and adding items to make enforcement easier. He said ISD would like to work with the Council to implement changes where appropriate.

Councilor Scott asked if ISD requested a full-time position for enforcement in the FY23 budget, to which Dir. Antanavica said that none of the requests were specific to any ordinance or action. Councilor Scott asked what kinds of modifications ISD would like to make to improve efficiency. Dir. Antanavica said one idea is to review the registration process again, like what was included in the original version of the ordinance. This would not change what is allowed as a short-term rental, but it would require property owners to register their units in advance. Councilor Scott asked if ISD had a desired timeline for these ideas, to which Dir. Antanavica said the department is engaged with their current work, but that he would be available to discuss a timeline.

Councilor Clingan said his feelings were similar to Councilor Ewen-Campen's, and that he imagined this technology would be able to find units listed as short-term rentals across various rental platforms. He asked if ISD had an idea of the scope of the short-term rental market in Somerville since this ordinance was passed. Dir. Antanavica said that they do get a monthly report from the vendor of potential units that comply with the ordinance, but they do not verify all of them. He said that from the last report, there are potentially 178 active short-term rentals, lower than the typical 200-260 on other reports. Their vendor verifies units through roughly 30 short-term rental sites for addresses and listings and shares this with ISD.

Councilor Clingan asked if ISD has had to take action against any properties yet. Dir. Antanavica answered yes, that there have been multiple cases of illegal short-term rentals. The action taken depends on the owner - in some cases they corrected immediately; others have been taken to court. Dir. Antanavica said he could provide a list of complaints received since 2019.

Councilor Clingan said he would like to determine if there would need to be a dedicated position for enforcement or if there can be cross-training. Chair Davis added that he also felt proactive enforcement would be more feasible with this vendor, and said that while the Council, the Administration, and ISD have all been in agreement about giving ISD more resources, he would like to see better enforcement going forward.

RESULT:

KEPT IN COMMITTEE

213446: That the Superintendent of Inspectional Services explain to this Council how the Short Term Residential Ordinance is enforced.

RESULT:

WORK COMPLETED

Surveillance Technology Ordinance

213635: Submitting an updated third version of the 2021 Surveillance Technology Annual Report.

Chair Davis reviewed recent updates to the Surveillance Technology Annual Report and explained the intent behind the changes, which generally are to reflect the transparency that he and other committee members desired. He said that full transparency is just the first step, but he feels that has been accomplished here.

Councilor Burnley noted that the report lists throughout that there have been no complaints about surveillance technology and asked how widely the complaint process for surveillance practices are shared with the community. He said that now and in the past, when the city considers using new types of surveillance technology, civil rights groups speak out about the systematic faults with that technology. To him, the absence of complaints in this report feels disingenuous, given the frequency that organizations raise concerns about surveillance.

Chair Davis replied that concerns were discussed in committee when reviewing impact reports for specific technology, and he agrees that those should be reflected in the report. He suggested that a broader conversation may be needed about what the ordinance says regarding complaints. He also suggested examining whether language revision is needed or another policy should be put in place to make sure community members are able to participate in this discussion.

RESULT:

PLACED ON FILE

213489: Requesting approval of the Surveillance Technology Impact Report for Guardian Indoor Active Shooter Detection System.

Chair Davis explained that this report refers to new proposed technology from SPD subject to Council approval. City Council did receive a communication from ACLU about this item that will be submitted for the record. Chair Davis said that he would like to wait to take action on this item so that the Administration and others have a chance to read that communication.

Dir. Sahni said that the Administration recently learned that basic wiring for this project has already been done at the school, and the school has a purchase order for this technology as well. He said the school department should hold any further work on this, and the Administration will be conducting an internal review and discussion to make sure implementation is appropriate. He

said that Lt. Sheehan is available to answer questions about the technology, even if no vote is held tonight.

Lt. Sheehan explained that the former high school had a similar system to the one that the school is requesting here. There are 10 sensors throughout the school that triangulate any fired shots. He said that they do not record anything, and only send an alert via text or email to the school and SPD in case shots are detected. The only retained information is the alert. He said that the school can also connect their cameras to show the location of fired shots, but that is not required. He stressed that unlike ShotSpotter, there is no recording of the actual shot.

Councilor Burnley added that they also received a communication from the organization Digital First, which helped craft the Surveillance Technology Ordinance. He said that both DF and ACLU were critical of this technology and urged City Council to vote no on it. Their reasons included that the technology's performance were not independently verified at any point - only by the manufacturer - and that the maintenance costs would fall on the municipality, though there is no mention of what those costs would be. Councilor Burnley said that his primary concern is the faultiness of the technology. Without independent review, there is no way to tell how effective the system is, and the closest comparison the Council has is ShotSpotter, and several civil liberty groups consider that product highly untrustworthy. He asked SPD if there has been independent verification of this technology, and what the lasting maintenance costs for the municipality might look like. Lt. Sheehan said he was not aware of any independent review, but can research that further. He also said there are no figures for maintenance costs yet, but explained that those costs are listed as Somerville's responsibility because UASI will sometimes pay for them, but not always. The actual equipment is covered for two years, so there will be no costs in that period. Councilor Burnley said that he would like to see a truly independent, peer-reviewed audit of this technology.

Dir. Sahni added that there is a separate item in Finance for this regarding a grant that would pay for at least the initial cost of the technology. He said that some school department members will be participating in that discussion.

Councilor Burnley thanked Dir. Sahni for his comment about the grant and for acknowledging the miscommunication between departments that led to the premature start of this project. He stated that this should not have happened without the Council's involvement, as this creates external pressure on the decision. He restated his interest in knowing long-term maintenance costs. He also spoke to the disruption false reports could have on students' lives.

Councilor Ewen-Campen asked where the request for this technology came from. Dir. Sahni said that this was initiated by the school department, but while the school committee is aware of this, he is unaware if a formal vote had been taken.

Councilor Ewen-Campen said that his main takeaway from both the ACLU and DF letters is that there is no independent audit of this technology, and little known about it outside of the manufacturer's claims. Therefore, the two letters often refer to ShotSpotter. He said that concerns with ShotSpotter stem from the technology essentially being microphones that record sound, but that this technology does not have microphones. He asked how the equipment works such that it can detect sound without microphones, and how can Somerville make certain that there is no third-party recording system involved. Lt. Sheehan answered that this technology uses microphones within sensors to capture two types of data: sound and the muzzle flash. Only when

those two are triggered, it sends an alert. The manufacturer says that nothing is recorded and no recordings are sent, but Lt. Sheehan said he would be happy to investigate further.

Councilor Ewen-Campen said he is trying to avoid the worst-case scenario where recordings of schools are sent to untrustworthy parties. He said he knew that ShotSpotter had an independent audit done that satisfied reviewers. Chair Davis added that the audit was prepared by the Policing Project at NYU Law.

Councilor Scott said that he looked through the Finance Committee's agendas for items related to this, but could only find one about a UASI grant, around \$46,000, for high school physical security. He said that there was no mention of this surveillance technology in that grant. He stated that this Council relies on the work of the Legislative Matters Committee with respect to surveillance technology, and expressed his continuing concerns with this item after doing research. For Councilor Scott, there are two issues: it is sometimes not clear what UASI funds are to be spent on, and he thinks it is the role of this committee to think about the role of technology. He shared others' concerns about long-term funding. In his time as a councilor, the Council has been increasingly critical of UASI and Homeland Security grants to the point of rejecting them, and expects more of this in the future.

Councilor Scott said that if the school committee feels strongly about whether the technology should be allowed, then it would be appropriate for them to appear before this committee. He asked how the Council might revoke authorization for technology in the impact report. Chair Davis said that there is ambiguity in the Surveillance Technology Ordinance, but City Council can make an assessment upon receiving the report that the costs for a piece of technology outweigh the benefits. Councilors can then recommend changes to the Surveillance Use Policy and/or request a report from the Mayor that lists steps taken to address the concerns. There is also a specific provision allowing the Council to enact a law prohibiting the use of certain technology. There was discussion about the Surveillance Use Policy and funding. Councilor Scott suggested bringing the contract before this committee to get a sense of the scope and length of maintenance contracts. Chair Davis said that financial aspect of the contract was squarely in the Finance Committee's domain, but that the civil issues raised would fall within this committee and should be considered. He said he would support a member of the school department appearing before the committee to share that information.

Councilor Scott acknowledged the separate role of the Finance and Legislative Matters committees, but said that if it were not for this discussion, they would have no way of knowing the UASI grant for high school physical security would be spent on surveillance technology. Chair Davis said that if the Council felt it necessary, they could specify that any request for funding explicitly mention if it is for anything subjected to the Surveillance Technology Ordinance.

RESULT:	KEPT IN COMMITTEE
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Traffic Quotas Ordinance

213186: That the City Solicitor advise this Council on its ability to ban quotas in law enforcement, including the application for grants that require additional enforcement as a prerequisite.

Taken together w/ item 213461.

RESULT:

PLACED ON FILE

213461: Submitting an ordinance prohibiting traffic quotas and acceptance of grants mandating quotas.

Taken together w/ item 213186. Councilor Burnley explained that this proposed ordinance came from a discussion in the Confirmation of Appointments and Personnel Matters committee. There had been an item that seemed like a quota to him, but SPD said they would not enforce it. This ordinance would prohibit Somerville from enforcing any traffic stop and traffic citation quotas, as well as applying for any grants which mandate such quotas. He noted that traffic citation quotas are already illegal. Chair Davis confirmed the existence of that law and mentioned the possibility of a loophole around the term “mandate” in this ordinance, but said that could be resolved later.

Councilor Burnley moved to recommend approval.

RESULT:

APPROVED. [UNANIMOUS]

AYES:

Davis, Ewen-Campen, Burnley Jr., Scott, Clingan

Hazardous Materials

213342: That the appropriate departments work with this Council to draft an Ordinance regarding the commercial use of hazardous industrial materials in retrofitted older buildings.

Councilor Ewen-Campen said he spoke with Environmental Health Coordinator Colin Zeigler about how to move forward with this item. The inspiration for this item was the recent Biotechnology Ordinance, which codifies state and federal guidelines for working with biohazards. Councilor Ewen-Campen stated that there is a thriving local industry of “tough tech” such as batteries. He said that from conversations he has had, it is clear Greentown labs has been upstanding with safety. The intent going forward is to research safe practices for other municipalities across the country and take steps specifically to improve Somerville. After this research, the next step is to return to this committee with a proposal.

RESULT:

KEPT IN COMMITTEE

Crosswalk Parking Enforcement

213227: That the City Solicitor prepare a revision to the appropriate ordinance so vehicles that are parked in a crosswalk, or blocking a bicycle lane, ADA ramp, bus stop, or sidewalk may be towed as well as ticketed.

Dir. Sahni confirmed that he is still discussing this item with Councilor McLaughlin, the original sponsor, and wishes to keep this in committee for future discussion.

RESULT:

KEPT IN COMMITTEE

To consider for closing

213017: Conveying language for the rescission of the adoption of G. L. Chapter 48, Sections 59B, 59C and 59D relative to a Reserve Fire Force.

Chair Davis said he confirmed with Dir. Sahni that the Administration is not planning to revive the reserve list at the moment, but that the Mayor may want to have a discussion about it in the future.

RESULT:	PLACED ON FILE
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213018: Conveying language for the rescission of the adoption of G. L. Chapter 147, Sections 11, 12 and 13 relative to a Reserve Police Force.

RESULT:	PLACED ON FILE
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213002: Re-submitting the updated 2021 Surveillance Technology Annual Report.

RESULT:	PLACED ON FILE
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213616: That the Administration update this Council on the rescission of the police and fire reserve lists.

RESULT:	PLACED ON FILE
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Reference Material:

- ACLU Vote No (with 213489)
- D4 Testimony to Leg Mat 2022-05-03 on GIASDS (with 213489)