

**MEETING NOTES**  
**SAFE AND HEALTHY NEIGHBORHOODS – WORKING GROUP**

**JANUARY 8, 2013**

Dave Ziomek opened the meeting and reviewed where SHNWG info can be found on the website. Public Comment taken during the last 15 minutes of the meeting. Members of the public should keep their comments to 3 minutes. Public Forum coming up on January 22 – it will be posted in 3 places on the website: News and Announcements on the Home Page, the Community Calendar and the Committee Calendar.

The meeting schedule was reviewed – there were a couple of Fridays inadvertently included on the timeline. The meetings are held every Tuesday through March 5, with Public Forums on January 22<sup>nd</sup> and February 19.

Nancy Buffone of UMass indicated that they have one student who is interested in serving on the committee. Dave Ziomek asked her to give contact info to Libby, so packet info can be sent out.

Housekeeping request – group would like to receive the packet info as word documents as well as pdfs, so that they can edit the material.

The Group spent time reviewing SOK's *Why*, *What* and *How* lists. Before we get to the regulations themselves, the group needs to answer why are we here, what are the problems, what is our goal with the whole rental registration process? Hence the *Why* list, which the group reviewed last week. The *What* list – represents what is it we want to come up with at the end of the day? What will it translate into? When in agreement with the *Why* and the *What*, the group will pursue how to get there. Changes on the lists from last meeting are indicated in red.

### **Why List**

Phil Jackson wanted to be sure that the group will be creating something that is consistent, scalable, repeatable, sustainable. This concept will be included as #10 on the *Why* list. He was also concerned that efforts to inspect, enforce, etc. be coordinated between the multiple entities involved (FD, Public Health, Public Safety). This will be addressed in either the *What* or the *How* and that regulating, inspecting and permitting will all be addressed in the *Hows*. He further suggested that wording regarding protecting the housing stock by tied to the Master Plan.

Further suggestions – Add property owners and parents of student renters under *Why* #2.

Phil further questioned why zoning was not included on this list? The Group sees that as a *How* not a *Why*, so was not included on the *Why* list

## **What List:**

The Group reviewed the revisions to the *What* list with a few questions/suggestions.

### **#1 Owner/manager contact information...**

Ken requested that both owner and manager contact information should be on file and the change should be made throughout the list where appropriate.

Janet Keller wanted clarification why #2a & 2b were struck. It is because they are part of the *How*s. She also asked for clarification why #10 was struck. Stephanie indicated that the Group is not in total agreement on that point yet.

### **#8 & 9 Access to property for inspection...**

There was discussion about gaining entry for inspection purposes and how to get the tenant to comply. Julie Federman indicated that the Health Department already deals with this on a regular basis when dealing with complaints and that a court order is often the only solution. It was suggested that the Group confer with Town Counsel about how to proceed in these cases, but it was determined that State law trumps anything the Town might want to do. It was decided to collapse #8 & #9.

There was concern that the landlord would be put in position of liability and question whether the regulations would be reviewed by the Attorney General. Stephanie O’Keeffe assured that they will be reviewed by the Attorney General.

Phil Jackson felt that rental property needs to be on a master list of rentals and to make it available to the public. Create system of escalation? Is there a one to one relationship between *what*, *why* and *how*? We do need to make sure the *Whats* and the *Whys* are captured in the *How*s.

Stephanie O’Keeffe will make revisions for the next meeting to reflect discussions today.

## **How List**

Group in agreement with the elements that they want to address – Stephanie O’Keeffe phrased it as, “The first thing we are doing is saying, at a high level of *How*, how do we implement this? What are the mechanisms we are going to be using to try and meet all of our *Whats*? Once we get all those high level *How*s established, then we will be getting into all the complicated stuff - the multi levels of inspections, the multi levels of violations, the nitty gritty of the *How*.” The Group proceeded to go through the draft How List and discussed the high level of *How*s.

Stephanie took all the points on the *What* list and transferred them to the *How* list, then added in red what the high level mechanism would be to accomplish each point.

### **#1 Contact info**

**Mechanism = property registration**

### **#2 Property has passed health & safety inspection**

**Mechanism = baseline & renewal inspections**

**#3 Owner & Manager understands, agrees to and makes clear the maximum number of tenants allowed...**

**What will the mechanism be?**

Discussion – to whom are we making it clear – tenant? Neighbors?

If permit required, than that is a public document between the landlord and tenant.

Phil Jackson understands the mechanisms to be: Registration, Inspection, Lease, Complaints, Investigation, Enforcement

The Group discussed the pros and cons of posting a certificate in rental units and whether tenants would leave them posted. There was further discussion about insuring that efforts to provide that information will not be duplicated, since the Town Clerk's Office requires per MGL Chap10A, Sect 51, that managers of 8 units and above provide a list to the Town with the number of tenants in each unit. There was also concern that the Town would be going after the landlord to guarantee that there will only be 4 people in an apartment. It was reiterated that the landlord is being asked to attest that s/he has just made the rules clear to the tenant. And that once we have the *How's* enumerated, then we can talk about the details.

**#4 Approved Parking Plan**

**Mechanism – part of the application process**

Concerns were aired that large complexes will have to submit this information again, when they had to provide this information when they were originally built. It was pointed out that much of the problem lies with smaller rental properties that do not have parking plans. It is important that the mechanism be scalable and that they need to be held to similar standard that the complexes are already held to. It was agreed that there will be an approved parking plan for rental units and there will be different mechanisms to ensure that.

**#5 Regs/bylaws regarding trash and recycling, etc. – getting to the Why #3.**

**Mechanism = ?**

The group was asked if they agree with the Town about the obligations that a property has, and that the owner/mgr and/or tenants understand that they are going to take care of these. For some these obligations are spelled out in the lease.

Pat Kamins doesn't interpret it that way. He sees it as the Town is going to teach a brand new landlord how to operate in Amherst. How is the Town going to teach a brand new landlord what he's supposed to do in this Town? How is he going to know the regs about # of people in a unit, parking, snow removal, etc.? Dave Ziomek and Stephanie O'Keeffe assured him that the Town is prepared to supply this information.

Julie Federman likes the idea of using a permit as the mechanism for how to implement the rules and regulations of the Town. When talking about the idea of a permit, she envisions similar process when businesses apply for permits from the Health Dept. to open a business. Likes the concept of a permit, because we will be sitting down with people to go over what is required of them. We are essentially saying, "We want you to be successful; here are the expectations,

responsibilities and the laws that apply here locally in this community and this State.” Giving someone a permit is giving them the info they need to be successful. We are not trying to catch people when they make a mistake, but are trying to prevent mistakes before they happen.

Steve Walczak would rather see registration with mandatory registration, including fines for non-compliance instead of a permit. He doesn't like the thought of having a permit that can be taken away because of a mistake and feels the Town putting itself in a tough position trying to issue it, defend it, hold hearings, etc. He sees it as a major bureaucracy.

Ken Rosenthal believes the process is essential and that it is part of the charge to this committee to consider permits. He sees a permit as a renewable permit with the vast majority of license/permit holders having the process be automatic and w/o controversy. Very few rental units are in serious violation. He believes that a permit is a right to operate an activity, not a property right. If not properly done, they lose their privilege.

Stephanie O’Keeffe believes they are saying the same thing using different language. In essence they agree that properties need to be in compliance with the list of Town requirements. That compliant properties are going to be registered with the Town, they need to be inspected, they will attest to fact that they have max # of people, they have an approved parking plan, that they will have accepted from the Town & communicated to the residents about standards re: snow shoveling, trash, etc. We are all on the same page so far with this and that we are not going to talk about permits at this point, because we don't want to get distracted about specifics and we don't need to be there yet. We agree on the elements that will define compliance at this point and ultimately either you are going to be in compliance or not and if not, then there are going to be sanctions (to be determined).

Stephanie will capture the group's suggestions for the *What, Why & How* lists and will bring them back to the group to review and to continue with the rest of the list at the next regular meeting. The Group is getting to points of greater clarity and when they talk about regs those regs are going to represent the policies this board has agree upon. Not dealing with regs yet because the regs need to reflect policy decisions that haven't been made yet. Hope that with just a little more clarity, the regs are going to flow from there.

Dave Ziomek hopes that the group will be ready after the January 15<sup>th</sup> meeting to turn this over to the staff to take the decisions they have made and translate them into language that will be ready for review at subsequent meeting. Next meeting will be primarily on the How List.

Reviewed calendar and noted changes to the proposed meeting schedule.

### **Public Comment**

- **Hilda Greenbaum:** Long term tenants are worried about the cost of the program to them. The costs will be passed on to the tenants and it will become harder and harder to maintain affordable rents. If this is a very important value to the Town, thinks the cost of the fees for initial permits and inspections should be covered by town taxes so that it is shared by everyone who benefits from it (homeowner & landlord), has a stake in paying for it and that it doesn't become a tenant responsibility.

- **Maryanne ?:** There is a big distinction between 8+ units that are covered by Mass law and 1-7 units which we are trying to get covered – perhaps by Amherst Bylaws. Suggested that there should be distinction: Class I = units of 8 or more stipulating that they are meeting Mass law and Class II = units of 1-7.
- Annual turnover – another distinct that crosscuts Class I & Class II. It is the annual turnover units that need level of supervision and inspection that long term tenancies general seem not to.
- Argues very strongly that a permit, as with driver’s license, but more w/rest & bars is permissible for commercial use. Commercial use is not a property right, comm. use has to be earned and maintained. Register is essentially a statement of purpose I intend to rent, inspect what does it look like, what is the lease, what is the parking plan and then the permit –we agree that you have met all the criteria for either Class I or Class II. A Permit unlike registration, is that a permit can be removed if someone chronically violates. Tremendously important
- Consensus – sometimes over rated thinks allowing more space for debate and visions that come from different interests would be very instructive.
- **Louis Greenbaum:** Argues that landlords are already regulated and very severely and very justifiably reg. Licensed already by laws of Commonwealth, bldg codes, sanitary codes, the rental codes, fire codes in the TOA. Heard more than once that none of this is necessary because we have the legislation on the books right now in order to proceed against violations. Believes permitting is coercive and punitive and thinks it will create hostility.
- ? Believes there needs to be a permitting system so that landlords that are intentionally circumnavigating the system & rules, that they lose their right to rent in Amherst. Doesn’t think a fine is enough, as it will just become the cost of doing business.
- ? Vast majority of landlords do the right thing. Perhaps only those that are not following the rules, would require a permit, that would be reviewable and once they become compliant, they wouldn’t need a permit any more.
- **Carol Albano:** Feels that those that are following the rules & regulations already – will be terribly punished by the extra regulations this would entail. It will cost a lot of time and money. She is concerned with who is going to cover these costs. She believes that problem properties should be the focus, not those that are already following the rules.
- ??: Sees one of the major goals of the system being to actually define the rules, responsibilities and privileges of all the stakeholders. Renting is a privilege and along with these privileges come responsibilities and rights. Homeowners and neighbors have same set of privileges and responsibilities. This system should define for each of the stakeholders what the benefits, responsibilities and rights of each of them. The Town being one of the stakeholders too. We are going to have a database of all the houses that are being rented. Sees this as one of the biggest things this system can accomplish.