

Article 29. Residential Rental Property Bylaw

AMHERST BULLETIN

Editorial: Finish the job on rental oversight

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Ten years ago, Amherst's health department set up a system to register rental units. Because it lacked enforcement power, only 700 properties were listed, roughly 14 percent of the number of rental units in town today.

It is time to finish the work through passage at Town Meeting of Article 29, the Residential Rental Property Bylaw.

The issue is scheduled to be debated Monday evening. And debate there will be, for this proposal, the fruit of months of work by the town's Safe and Healthy Neighborhoods Working Group, will come before a town long frustrated by how a growing student body at the University of Massachusetts Amherst is driving unwanted change in some neighborhoods.

It will be important for Town Meeting representatives to see Article 29 only for what it is and what it means to accomplish. We think it boils down to this: It will create a true picture of where rental properties are and who owns or manages them. It will detail for landlords and tenants their rights and responsibilities.

And it will give the town the power, moderated by a straightforward appeals process, to suspend rental permits for landlords who engage in what the town calls "egregious non-compliance ... and egregious lack of cooperation."

The proposed bylaw is not an attempt to stamp out "nuisance" houses. There is already a bylaw that targets tenants who disturb public order.

No one likes red tape, so expect to hear opponents of the bylaw say it creates new layers of bureaucracy, that it penalizes law-abiding small landlords, that it is too expensive and that there are already laws in place that just need to be enforced. We think those arguments are empty.

While people who rent residential space will have to comply with some new rules, they are not onerous. The working group took pains to create online forms, such as a one-page "self-certification checklist," that require little more than names, an

address and date and then check marks in about two dozen small boxes. That's it.

No one is saying all landlords are suspect. If the town doubted their integrity, it wouldn't allow them, in this proposal, to inspect their own properties.

The simple self-inspection form will give the town important and needed information about the universe of Amherst rental housing. The details will enable the town to ensure that landlords are living up to their duties to provide safe housing and that tenants are protected from substandard conditions.

Even here, the bylaw seeks a gentle path: Landlords will not face loss of rental permits just because they unknowingly sign up problem tenants. They will, though, be expected to help the town resolve complaints about noise or other tenant problems. An essential piece of the bylaw is the addition of two new staff members. One person will handle the registration process and another will oversee code enforcement and respond to complaints that come in about registered rental housing.

Pressure on the region's rental housing market from growing UMass enrollments will likely intensify. Already, year-round residents in certain neighborhoods with lots of rentals have to live with what results. They have pressed for relief and gotten some help through stepped-up police patrols and regulations like the nuisance house bylaw.

Now, it is entirely fair of the town to ask landlords to do their part to get a handle on this unruly rental market by investing a little time and a relatively small fee of \$100 per property.

The proposed bylaw doesn't attempt to be the answer to every problem that stems from the burgeoning student population in Amherst. But it answers years of calls for the community to more wisely manage a private matter — housing rentals — that has an enormous public impact.