

Nantucket Short Term Rental Working Group

Public Input Session #2

Meeting Summary

June 1, 2023 | 6:00 PM – 8:00 PM ET

Meeting Objectives

- Share the STRWG's current policy ideas with the public.
- Elicit input from Nantucket STR stakeholders about the STRWG's proposals in progress to inform their thinking and recommendations.

To find meeting materials, please visit the project website [here](#).

Welcome & Overview

Stacie Smith, Consensus Building Institute (CBI), welcomed members of the Short-Term Rental Working Group (STRWG) and the public to the second public input session. She thanked members of the public for their interest and participation and explained that this was the STRWG's opportunity to hear feedback from the public in order to finalize their policy packet. She reviewed the meeting agenda and discussion guidelines.

Of the 260 people who registered for the meeting, there were 169 people in attendance. During the registration process, people were asked to include demographic information about themselves such as their voter status, resident status, and STR operator status. Below are the demographics of the 260 people who registered:

Are you a voter?

⇒ Yes: 159

⇒ No: 101

Resident type:

⇒ Year-Round Resident: 147

⇒ Seasonal Resident: 98

⇒ Other: 15

Homeownership type:

⇒ Homeowner: 230

⇒ Renter: 17

⇒ Neither: 13

Relationship to STRs:

⇒ STR operator: 84

⇒ Neither operate nor use STRs: 101

⇒ Both operator and user on the island: 20

⇒ STR user on the island: 7

⇒ Other: 48

To see the full list of WG members and alternates in attendance, please see Appendix A.

Overview of the STRWG's Progress and Current Ideas

Stacie gave a brief presentation outlining an overview of the STRWG, its membership, and its charter. She reviewed the Working Group process so far and described the categories of data they have heard from Process First. Next, she detailed the purposes of the draft bylaw, and then explained each of the draft policy proposals. She noted that these policy levers were in draft form and not agreed upon by all members of the group.

Draft By-Law Purposes:

- (1) Protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities for persons to keep their homes, now and into the future, through short-term rentals, to allow such persons to afford to live either full-time or part-time on Nantucket;
- (2) avoid adverse impacts on the local economy stemming from a loss of existing short term rental revenue, STR taxes, and visitor spending;
- (3) prohibit additional corporate ownership of residential properties for the exclusive purpose of operating them as short-term rentals rather than housing for either full-time or part-time residences.
- (4) limit the conversion of residential units to short-term rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock; and
- (5) provide a regulatory structure that reduces the threat of litigation challenging short-term rental use by full-time and part-time residents.

Draft General Bylaw Provisions (to take effect ONLY if Zoning Bylaw also passes):

- An owner may register to operate only one dwelling unit as a short-term rentals
- Dwelling units owned by a corporation shall not be eligible to receive a certificate of registration - every shareholder, partner, and members of Trust, LLCs, or other legal entities must be a "natural person".
- Short-term rentals are not allowed in units deed restricted for affordable or attainable housing
- Short-term rentals in apartment buildings, multi-family dwelling units, and townhouses will be limited to 4 weeks per year
- No short-term rental unit may change occupancy more than 9 times during July and August
- Those with existing short-term rental certificates may continue to engage in short-term rentals until the unit is transferred, conveyed, or not renewed.

Draft Zoning Bylaw Provision (to take effect ONLY if General Bylaw also passes):

- Add a definition of Short-Term Rental as “A dwelling unit or portion thereof registered and operated by the owner in accordance with Chapter 123 of the Town Code.”
- Amend the use chart to allow Short-term rentals as a permissible use in all districts.

Small Group Discussions: Public Input on STRWG Proposals

Stacie then explained the process and ground rules for the small group discussion, where the members of the public were split up into small groups of 7-8 to discuss the policy packet. The following is a summary of the notes that were taken by a chosen member of each group.

1. (General Bylaw) An owner may register to operate only one dwelling unit as a short-term rental

What People Liked:

People liked this policy lever because they felt it would help limit the number of people who owned rental properties who were never present on the island, and many felt that this was a very thoughtful and fair approach to the issue. People noted that this was in keeping with the tradition of renting for families who want to maintain or pass down their home.

Others noted that this would address the concerns around STRs becoming business for investors rather than opportunities for homeowners, and that it would prevent an accumulation of investment properties over time.

Concerns:

People felt concerned that this lever would impact people's property rights, and felt that as long as a person was renting responsibly, there is no difference if they have more than one property. A group raised concerns about clusters of homes (such as the Corkish Cottages) and asked if they were sold to one new owner, why that new owner could not rent them.

There were concerns for new homeowners and the barriers it would create for them to rent on the island, and some people noted that while the idea in theory is not bad, they expressed concerns over whether 1 was the right number. Some people noted that they would like more than one STR to buy and afford expensive construction on historic preservation sites. Some groups suggested a limit of two dwellings or three units, or offering exceptions for year-round residents. Others suggested allowing multiple units on the same property.

Some people felt this policy was easy to get around, especially for married couples who could each own a rental property. People wanted clarification about exactly what terms like "units", "properties", "listings", etc. meant. Others wanted more clarity on how this lever would impact property owners and their families.

2. (General Bylaw) Dwelling units owned by a corporation shall not be eligible to receive a certificate of registration - every shareholder, partner, and members of Trust, LLCs, or other legal entities must be a “natural person”.

What People Liked:

People liked this lever because it stopped hotel and hedge funds from buying up homes and competing with "human owned" STRs. While it is not a huge problem right now, people liked the idea of taking steps to limit corporate ownership in the future. Others noted that people renting without a connection to the island is a big problem. One group noted that this topic was the reason for the STR debate on the island and supported a lever that restricted that type of ownership.

Some people who liked the policy lever also wanted more clarity on how it would be enacted and how the loopholes would be addressed.

Others supported this lever because they felt that corporate STR ownership took away housing availability for workers, and that there has been damage done from their participation.

Concerns:

Several groups noted concerns about corporations finding loopholes. Specifically, there was concern around the term "natural person" being too broad or manipulated. Members noted that the legal language needs to be strong enough that it can stand up to expected pushback from corporations. People were also concerned that some legitimate operators would be penalized by this regulation, which would diminish its objective.

Some people suggested that because corporate ownership is so small on the island, this lever is unnecessary. Other people felt that this lever did not go far enough, and that commercial STR operations by "natural persons" should be restricted the same as corporations.

Overall, multiple groups stated concern about the ability for corporations to get around this lever, and several distrusted the Town's ability to successfully implement it.

3. (General Bylaw) Short-term rentals are not allowed in units deed restricted for affordable or attainable housing.

What People Liked:

People liked this policy lever because it protects affordable and attainable housing for its primary purpose. One group felt that owners or renters in affordable housing should not be able to engage in STRs with taxpayer-subsidized housing.

One group liked this idea but raised concerns about its legality and fairness.

Concerns:

Some people felt that this lever needed more investigation and were confused about how it would be enforced. One group wanted clarification if people in deed restricted housing would still be allowed to rent the 14 days per year that is not considered STRs.

A few groups suggested allowing a limited period of time for renting of these units, noting that if the owner/renter of these properties are teachers or people who can leave the island for part of the year, they should also be allowed to supplement their income by renting. They noted that this felt like penalizing people who needed the most help.

4. (General Bylaw) Short-term rentals in apartment buildings, multi-family dwelling units, and townhouses will be limited to 4 weeks per year.

What People Liked:

People expressed support for this lever since it addressed the disruption, they have noted from STRs in multi-family units, and would make a more peaceful environment for neighbor's. One group liked that this lever would prevent visitors from moving in and out of dense living quarters and felt that this lever was a way to help protect neighborhoods. Another group noted that this addressed the safety concern of strangers coming in and out of the same entryways and hallways of multi-family units.

Concerns:

Multiple groups expressed confusion about the objective of this policy lever, and wanted further clarification on definitions and which units specifically would be impacted by this. Discussions showed confusion about what counted as "multi-family" (multiple cottages on a lot?), and why townhouses were different from other houses. One group raised concerns that this lever was discriminatory, and another raised concerns around enforcement and felt that would need to be explained to voters before they passed this policy.

A few raised concerns that this might drive the purchase prices higher and/or hurt people who have the most modest means. One group wondered if an appeal process could be implemented for hardship. Another group noted that these properties are still priced above affordable prices and people need to supplement their income to keep these properties. Another group noted that some of these types of homes were built to be summer rentals (such as Tristram's Landing), and noted concern about devaluing the properties that fit the definition, which would negatively impact the property owner when they sold it.

5. (General Bylaw) No short-term rental unit may change occupancy more than 9 times during July and August.

What People Liked:

People noted that this lever was fair and liked that it encouraged longer stays with less turnovers and churn. Several groups who expressed support for this lever noted that 9 contracts might be too high. Other people noted that this would be helpful to neighbors who find turnover activity disruptive, such as cleaners coming and going. Others noted that this lever might also have a positive impact on reducing ferry usage.

Concerns:

Some people expressed concerns if this also applied to hosted stays in owner-occupied homes, since these types of rentals tended to be shorter and were important for some

owners to augment income. Some people noted that they did not see churn as a problem, and wanted to see more data and explanation for why this is necessary.

Some people suggested extending the timeframe and contract number, with some recommending Memorial Day to Columbus Day, with total contract limits of 11 or 12.

Some groups were concerned about harms. One group expressed concern about the unintended consequence this could have to middle income owners who might need more STR income, or middle income visitors who could only afford to stay for a weekend. People noted that this might also hurt housekeepers and cleaners by limiting the number of jobs they get. A group noted that this could cause income loss for smaller properties that are often rented for less than a week. Some referenced platform cancellation policies that led owners to allow less than one-week rentals to fill late cancellations. Another group felt that STR durations should be free to respond to the market, and that operators are at the mercy of what renters are able and willing to do.

A few concerns were raised about implementation. One group expressed concern that this would be turning neighbor against neighbor if people began reporting each other for violating a policy that was unenforceable by the town. There was also concern raised about rental operators having to share information about their rental contracts in the application process.

6. (General Bylaw) Those with existing short-term rental certificates may continue to engage in short-term rentals until the unit is transferred, conveyed, or not renewed.

What People Liked:

Many people expressed interest and support for grandfathering individuals and felt that this was the right thing to do. They liked that it avoided harming people who had purchased property based on existing laws and assumptions. Multiple groups expressed interest in keeping this in the packet.

Concerns:

Multiple groups expressed dissatisfaction that corporations received grandfathering, and several people saw this as a deal breaker. One group suggested the provision limit grandfathering only to properties registered with the State by 2021 or earlier. Other groups expressed similar worries that corporations quickly purchase or register STRs to be included in the grandfathering.

Some had questions about the requirements for inclusion. Several asked for clarity that transfers to heirs are protected, and wondered about other scenarios that might end the grandfathering protections (e.g., death or dispute in the family, hiatus from renting for some reason). People wanted clarity on how legacy families would be protected in handing down property. Some asked questions about how this lever would be enforced and feared that it would promote neighbors turning on neighbors.

Some people expressed concerns about their property value when they wanted to sell their home if potential buyers would have more limited rights to STR. A group raised concerns that this created different classes of STR owners (based on when you started renting), and that everyone should be treated the same.

7. (Zoning Bylaw) Add a definition of Short-Term Rental as "A dwelling unit or portion thereof registered and operated by the owner in accordance with Chapter 123 of the Town Code."

What People Liked:

Many people supported this lever and felt it was critical to include, to protect people against lawsuits and support the traditional use of STRs on the Island.

Concerns:

Some concerns were raised about the fact that the Town registry is not yet active, and about whether this would impact this policy. One group noted concern that this was not an adequate or sufficiently clear definition. Another noted that many people did not understand the town code, and that there was a need for education programs to reduce confusion before the Special Town Meeting.

8. (Zoning Bylaw) Amend the use chart to allow short-term rentals in all district columns.

What People Liked:

People noted that zoning is a major issue, and that this was the avenue with the most promise. Many people supported this lever and felt it was critical to include, to protect people against lawsuits and support the traditional use of STRs on the Island.

Concerns:

Some people noted skepticism about the problem with STRs requiring any of the regulations. One group wondered if it was better to limit the capacity of the island (via number of cars or people) rather than focusing on restricting STRs. Some people felt that these regulations were a backwards attempt to solve the housing problem on the island.

Some raised concerns about the broadness of this policy. One group proposed that it should be limited to certain "residential" areas, not the whole island.

Several people raised concerns about the lower threshold for changing the STR regulations in the General Bylaws as compared to the allowance of STRs in the Zoning by-law. Some participants expressed confusion about the impact of future changes in the General by-law on this one. Some supported the permission to STR in zoning as subservient to the General Bylaws, which can be adapted later for future issues and considerations. Some noted concern that opponents to STRs could continue to offer new restrictions in General Bylaws that would only need a simple majority. Others suggested that there be an amendment that the STR general bylaws must be linked to the zoning bylaw with a 2/3rds threshold.

Several people urged the STRWG to make sure voters understand what the Zoning Bylaws mean and don't mean, and clearly explain the required connection between the Zoning and General Bylaws.

Other Comments

People expressed appreciation for the STRWG and the work they have put into developing this policy package.

Overall, people felt that the reasoning behind the policy levers should be clarified, and that the definitions within each policy should be outlined and clarified for the public. Many people noted that educating the public on the rationale and impact of these levers would be vital for them to pass at the Special Town Meeting.

Participants continued to express concern and disagreement about the nature of the problem with STRs or if there even was one. Some noted that there was a lack of data showing the growth of STR activity over the past five years, and insisted that the public see data on the active STR landscape before passing this package. Others expressed concerns that the NAREB STR data is going to show something different than the data the group is currently working off. Some people also expressed concerns around the legality or constitutionality around some policy levers, and that people's property rights were important to consider.

Full Group: Survey and Next Steps

After the small group discussions, Stacie launched a poll to the public that asked them to rate each policy lever on a scale of 1 – 5 where 1 = strongly oppose, 2 = oppose, 3 = neither oppose nor support, 4 = support, and 5 = strongly support. Please note that the below results are not a quantitative measure of the islander's support of this draft policy packet, but rather a temperature check for the STRWG to work off. To see the final poll results, please click [here](#).

Of the 169 people who attended the meeting, 105 people filled out the Zoom survey. Below is the demographic information from the registration for the participants who filled out the survey.

Are you a voter?

- ⇒ Yes: 75
- ⇒ No: 30

Resident type:

- ⇒ Year-Round Resident: 68
- ⇒ Seasonal Resident: 32
- ⇒ Other: 5

Homeownership type:

- ⇒ Homeowner: 95
- ⇒ Renter: 6
- ⇒ Neither: 4

Relationship to STRs:

- ⇒ STR operator: 36
- ⇒ Neither operate nor use STRs: 43
- ⇒ Both operator and user on the island: 8

- ⇒ STR user on the island: 4
- ⇒ Other: 14

Public Comment

Along with the input elicited during the meeting, CBI also collected comments from the public. Please See Appendix B to see all public comments sent in during this process.

Next Steps

Stacie Smith went over the next steps and action items:

- CBI will create a meeting summary.
- CBI to share survey results with the Public Input Registration list.
- Town staff to post meeting materials to the project website.

Appendix A: Subgroup Members and Attendance

Working Group Members

John Kitchener, At Large
Karen Zagayko, At Large
Dave Iverson, Planning Board Member
Peter Schaeffer, Finance Committee Member
Julie Lindner, ACK Now
Thomas Dixon, Affordable Housing Advocate
Jim Sulzer, At Large
Kathy Baird, Nantucket Together
Peter Kahn, Advisory Committee of Non-Voting Taxpayer

Working Group Alternates:

Robin Nydes, Nantucket Together
Jon Delano, At Large

Working Group Staff

Stacie Smith, Consensus Building Institute
Simenesh Semine, Consensus Building Institute
Adrian Rodriguez, Administrative Team

Appendix B: Written Public Comment

Comment 1:

A lot of concerns of over 90% of it.

Comment 2:

Jon has it all. No corporate ownership.

Comment 3:

Agree with all general ideas. Don't see need to restrict July/Aug to 9 contracts. Must be in zoning to eliminate lawsuits. If passed, should be provision that makes it difficult to eliminate STRs in the future by a simple majority vote general by-law.

Comment 4:

Joined late and it seems to be connective measure.

Comment 5:

Codifying STR rules via zoning should be a priority. Zoning is tougher to change. Bylaw regulations will be under attack immediately and every year after, and if Zoning allows STR everywhere by anyone, eventually that is what will happen to the island.

Comment 6:

I am a bit confused still about the grandfathering. What if someone has a future plan, but it is not a full reality yet, but nearly so. Can this person still do an STR in future without registering now?

Comment 7:

My concerns are the growing dead zones; the necrotic neighborhood tissue which no one calls home. I call Nantucket home and am committed to staying, I don't want it to turn into an offshore resort industrial zone. I would like to see this perspective reflected in the goals of the group: to preserve the residential nature of the neighborhoods. I am unconvinced that the first 2 provisions can be effective. I'm afraid to say I have less confidence in this working group process after this meeting but I do appreciate your work to host the meeting.

Comment 8:

Too many people had "I, me, mine" comments that bogged down the progression of discussing the items we were charged with covering during tonight's meeting. Grandfathering is a problematic concept for me as it just allows the status quo of STRs to exist. As a community we've been discussing STRs since 2021 or thereabouts so if we do have grandfathering perhaps it be for STRs prior to 2021? Just my humble opinion. Definition of "high season" needs to be extended...perhaps from 6/1-10/15 and the # of STRs increased to 11 or 12 times during that extended time period of "high season". Is it even legal to differentiate ownership entities that

can avail themselves of "grandfathering". Our moderator Jon was brilliant and it's a shame, imho, that he's the at-large nonvoting member of the STWRG...he had a most difficult job of "herding cats" tonight and should be recognized for that!!!

Comment 9:

Several observations from the June 1 session:

1. Has the STR group considered the imposition of a moratorium on str registrations for new owners/new construction? Say, a three year duration, and applicable to those that are neither current on island owners or renters. It could be a static period starting this year, or a rolling period applying to all future owners. Plenty of variations on this theme, but the benefits are obvious without significant downside.
2. Wouldn't the Board of Health greatly benefit from the establishment (by bylaw) of an STR office, funded and staffed? Education for landlords, public outreach to visitors; all with the goal of minimizing neighborhood nuisances, not just prosecuting operators. The same office could collect and monitor data and be pro-active as trends develop.
3. Most established STR's on island will begin to consider leases for 2024 starting 45 days from now with many properties 50% leased in the next 90 days. The registration application is not yet available. Please address timing issues for established STR's, and consider modifying the November 1 deadline to allowing a floating annual registration/renewal (like car tags/inspections).
4. You all have now seen the gaps in the data as well as the leaps of faith necessary to interpret same. The single best way to compile some of the data is to solicit it from STR owners. Wouldn't it help the Department of Health if you all provided a list of information to be solicited in the course of registration? The most notable is number of owner days on island. Critical to understand and follow for future fine tuning, and impossible to compile on short notice.
5. Under 123-3(l), the reference to llc's in the second sentence: llc's have members and managers, not just members. Shouldn't you list both categories as needing to be natural persons? If not, is there intentional ambiguity or intentional omission?

With respect to trusts, there are trustees and beneficiaries. Trusts are not entities in and of themselves like corporations. Neither category are listed, and they should be if the natural person standard is to apply. But trustees are frequently institutional in nature, especially in the estate planning context, and different from the evils of corporations. Please do not hold a trustee to a natural person standard as it could/will have adverse consequences (like under deeds of trust). Requiring beneficiaries to all be natural persons achieves substantially the same outcome. In addition, many lawyers serve as trustees. Is an owner for STR purposes defined as the trustee, all the beneficiaries, or something else? Please address this or it is destined to be overly restrictive or create a large multiple ownership loophole. The word shareholder in that section should be dropped, as only corporations have shareholders (or stockholders) and corporations are prohibited. Partnerships as an entity are not mentioned, but it would seem they should be and the natural persons standard apply to partners.

Comment 10:

We would really prefer that policies relative to STR's continue to allow two dwellings per lot, consistent with the longstanding zoning on Nantucket. While grandfathering may protect us for the moment, the longer term is less predictable. It also brings more into play the concert of property rights and may make the policies based on this switch more vulnerable to legal action. The implications for us are explained below.

Our concerns with the One Dwelling policy

One dwelling unit restriction is a non starter for our situation. We rent and personally use both of the dwelling units on our property in season and in the saddle seasons. The choice of dwelling for personal usage depends on the people in our family using it at any given point of time, or the renter's needs. Financially our break even budget would be put in the red 30+%, we would loose close to 40% of revenues, with only a 2-3% reduction in cleaning costs if we were restricted to one dwelling. The long standing and current zoning for the property is for two dwellings. That is the premise we spent 40 years saving for and developing this property with the understanding we could use it for rentals as well as personal use. Gradually we have been able to build up the family's in season use to seven weeks. Over time we hope to use it more. One of our kids moved his family to the island. After a few years he moved into his own home. Flexibility and the premise of two dwelling availability are at the base of our planning and usage of the property.

Grandfathering language may not cover this concern over time

The 'devil' is in the details here. Grandfathering sounds protective as long as it covers all likely situations. What if - a family owned home is not used for a year or two due to a death in the family, a family dispute, a full family 50th anniversary or 80th Birthday celebration in Europe or elsewhere. How will it be conveyed upon death. Will the legacy be preserved if passed to beneficiaries in an estate.

Comment 11:

1. (General Bylaw) An owner may register to operate only one dwelling unit as a short-term rentals

What you like: It allows everyone the right to have an STR. This is what has been done in the past as a right of ownership. Lets not steal private property rights.

Concerns: Some people might inherit a property after owning a STR and might like to keep it but would be forced to sell it. Could there be an exemption for this.

2. (General Bylaw) Dwelling units owned by a corporation shall not be eligible to receive a certificate of registration - every shareholder, partner, and members of Trust, LLCs, or other legal entities must be a "natural person".

What you like: This works.

Concerns: The Copley Group comes to mind. They own 11 properties(?) and they do a great job. Have an onsite manager and people on hand to fix problems. They have a strong lease and don't stand for problems. The owner lives on Nantucket and is a member of the community. Somehow we are outlawing a good actor.

3. (General Bylaw) Short-term rentals are not allowed in units deed restricted for affordable or attainable housing

What you like: No concerns

4. (General Bylaw) Short-term rentals in apartment buildings, multi-family dwelling units, and townhouses will be limited to 4 weeks per year

What you like: I do NOT like this.

Concerns: I know of apts in the Main St core district that don't have a full kitchen and have no parking. They really aren't suited for anything but short term rentals. They help the downtown economy. These are short term people that eat out every meal and shop.

5. (General Bylaw) No short-term rental unit may change occupancy more than 9 times during July and August

What you like: At least it something

Concerns: Taking away people's property rights. What does this solve? If I rent for the month of July and have 9 Three day rentals in August what's the point?

6. (General Bylaw) Those with existing short-term rental certificates may continue to engage in short-term rentals until the unit is transferred, conveyed, or not renewed.

What you like: It allows continuation of rentals

Concerns: Until it's sold makes me very nervous. Why this concern, if it was a rental why can't it continue. Just because a Billionaire doesn't want rentals because he moved here, why are we going through this act? It's been voted down 3 times at town meetings by a large majority. There aren't really any viable complaints to worry about. My biggest complaints on rentals have been with neighbors that don't rent. But there 20 -something kids throwing big parties when the parents are away.

7. (Zoning Bylaw) Add a definition of Short-Term Rental as "A dwelling unit or portion thereof registered and operated by the owner in accordance with Chapter

123 of the Town Code."

What you like: It what's its been just not codified

Concerns: None

8. (Zoning Bylaw) Amend the use chart to allow Short-term rentals in all of the district columns.

What you like: It is what it is. People bought here with this in mind

Comment 12:

We are seasonal residents who rent our house through brokers, and online sites during the summer as well as use the house in June, August and September.

We appreciate all the work you have done and continue to do! Unfortunately I have a conflict today but, I wanted to share my feedback:

I was fine with the proposals discussed/presented last week and there appears to be agreement on #5 which limits the STR to 9 over July and August. Why are you now proposing that upon a sale, only 4 rentals will be allowed in July and August? I DISAGREE WITH THIS. It will decrease rent availability on the island and decrease real estate values.

Also, shouldn't we address co-ownership of houses? I am surprised that they are even allowed on Nantucket. I am not in favor or at least there should be some restrictions in terms of the owners renting out their "property".

Thanks so much for your work.

Comment 13:

I zoomed the Thursday session and participated in the breakout session led by Jon, the alternate on the work group. Emmy Kilvert was in my breakout group.

Jon tried to keep the breakout group under control without much luck. Most of the participants rambled about personal issues. Emmy was excellent -- her major concern is grandfathering all current STRs. I focused on commercial STRs in a residential neighborhood. The breakout group did not deal with either of these major issues, only fringe issues.

Discouraging.

Comment 14:

I oppose the bylaw change of restricting new construction or sales of existing homes to two week rental limits over July and August. This would phase out rentals over time as sales take place.

Why restrict the engine or ultimately kill it, that drives our economy. It would become a place for only the uber rich to vacation with the price of two week accommodations as a minimum.

I would like to have full disclosure of how and where the existing 6.5 percent tax on rentals have been spent since implementing. We just allocated 6.5 million in perpetuity at Town meeting to affordable housing. Maybe it is time to have a billionaire tax on Nantucket to take care of affordable housing. Rental income minus 11.5 % to state, minus 15% commission to realtor, minus Federal tax and minus state income tax, and any basic maintenance, there is not a lot left in the coffers. Many including myself depend on this income to afford to continue to live here on Nantucket especially as retirement approaches.

Please consider another in person meeting be before all is finalized for our community!
Navigating the zoom is very difficult.

Comment 15:

I am strongly against the grandfathering of current STR's - it would greatly defeat the original mission.

I am, however, in accord with allowing Nantucket Residents to rent their houses for an indeterminate amount of time.

It is the Corporate entities such as Copley Group and PACASO who profit from Short Term rentals that I want to legally ban from Nantucket.

Comment 16:

I strongly oppose the current draft proposal of the STRWG. It does not go far enough to combat the corporate depletion of Nantucket housing for STR's and the resulting obliteration of our community.

Nantucket is turning into one big hotel room, with short term visitors who feel no attachment to the community and rob the island of homes for hard working residents. Obtainable housing for all island workers must be a priority along with strengthening our year round community and neighborhoods.

Comment 17:

I wanted to comment on one issue that came up at the Town Meeting. Several speakers said that a solution for the short-term rental problem, and one that the STR Working Group was seriously considering, would be to say in the regulations that corporations cannot rent properties on a short-term basis.

I wanted to say that using the term "corporation" in the regulations will be easily evaded. Big corporations will simply form other legal structures to do the same thing they would have done as corporations. For example, Corporation X could form a partnership, trust, back to back transaction (where the corporation transfers its rental properties to a named individual, with a contract requiring him or her to give the profits back to the corporation), or a nominee trust.

The idea of using the word "corporation" in the regulations is well-intentioned, and I support it in general, but it will be necessary to address this issue of changes in legal structure to evade the

regulation. Given the large return that can be made on Nantucket for short-term rentals, corporations would certainly be willing to bear the costs necessary to create new legal structures.

Please let me know if you have any questions or would like to discuss this issue. I can be reached at this email or by phone at 202-997-1351. Thank you.

Comment 18:

(General Bylaw) An owner may register to operate only one dwelling unit as a short-term rentals

What you like: It allows everyone the right to have an STR. This is what has been done in the past as a right of ownership. Lets not steal private property rights.

Concerns: Some people might inherit a property after owning a STR and might like to keep it but would be forced to sell it. Could there be an exemption for this.

(General Bylaw) Dwelling units owned by a corporation shall not be eligible to receive a certificate of registration - every shareholder, partner, and members of Trust, LLCs, or other legal entities must be a "natural person".

What you like: This works.

Concerns: The Copley Group comes to mind. They own 11 properties(?) and they do a great job. Have an onsite manager and people on hand to fix problems. They have a strong lease and don't stand for problems. The owner lives on Nantucket and is a member of the community. Somehow we are outlawing a good actor.

(General Bylaw) Short-term rentals are not allowed in units deed restricted for affordable or attainable housing

What you like: No concern

Concerns:

(General Bylaw) Short-term rentals in apartment buildings, multi-family dwelling units, and townhouses will be limited to 4 weeks per year

What you like: I do NOT like this.

Concerns: I know of apts in the Main St core district that don't have a full kitchen and have no parking. They really aren't suited for anything but short term rentals. They help the downtown economy. These are short term people that eat out every meal and shop.

(General Bylaw) No short-term rental unit may change occupancy more than 9 times during July and August

What you like: At least it something

Concerns: Taking away people's property rights. What does this solve? If I rent for the month of July and have 9 Three day rentals in August what's the point?

(General Bylaw) Those with existing short-term rental certificates may continue to engage in short-term rentals until the unit is transferred, conveyed, or not renewed.

What you like: It allows continuation of rentals

Concerns: Until it's sold makes me very nervous. Why this concern, if it was a rental why can't it continue. Just because a Billionaire doesn't want rentals because he moved here, why are we going through this act? It's been voted down 3 times at town meetings by a large majority. There aren't really any viable complaints to worry about. My biggest complaints on rentals have been with neighbors that don't rent. But there 20 -something kids throwing big parties when the parents are away.

(Zoning Bylaw) Add a definition of Short-Term Rental as "A dwelling unit or portion thereof registered and operated by the owner in accordance with Chapter 123 of the Town Code."

What you like: It what's it's been just not codified

Concerns: None

(Zoning Bylaw) Amend the use chart to allow Short-term rentals in all of the district columns.

What you like: It is what it is. People bought here with this in mind.

Concerns: None

Comment 19:

1. The Public Meeting lasted 2 hours. Almost 1/2 of that time was devoted to the moderator's opening comments (about 50 minutes).

2. The breakout group I was in (#7, I think) almost exclusively talked about the various components of the draft by-law. Discussion of other alternatives (for instance, regulating based on "usage" instead of "ownership") was actively discouraged. There was, then, an implicit bias in favor of the draft proposal which would permit STRs of any sort anywhere on the island, regardless of zoning, subject to the by-law regulations.

3. I strongly believe that several of the draft by-law "regulations" invite gamesmanship. For example, what is now a corporation in ownership form can quickly be changed to an LLC, partnership, etc.

4. I strongly believe that grandfathering in all existing STRs is unfair and rewards those who have been operating businesses in areas zoned residential-only (like the one owned and operated at 32 Monomoy). The Copley Group owns this property and uses it EXCLUSIVELY for STR purposes. That is a business, pure and simple. People who bought their properties in areas zoned "residential only" have a right to see that their property rights are protected. Why should those who disrespect the residential nature of an island neighborhood be rewarded for doing so?

That trumps the rights of many other property owners and may constitute an impermissible "taking."

5. I hope that the STRWG does not support the arguments that I've heard made grandfathering must be permitted to avoid litigation. What is the basis of that argument? Is it based on entities like Copley who have been sued by property owners