

MEETING POSTING

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TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with
Town Clerk's Office and posted at least 48 hours prior to the meeting
(excluding Saturdays, Sundays and Holidays)

Committee/Board/s | FINANCE COMMITTEE

Day, Date, and Time | Monday, February 5th, 2024 @ 4 PM

Location / Address | PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE
PARTICIPATION VIA ZOOM WEBINAR

**Signature of Chair or
Authorized Person** | Mariya Basheva

**WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF
MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML
STATUTE, NO MEETING MAY BE HELD!**

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

YOU TUBE LINK FOR VIEWING ONLY:

https://www.youtube.com/watch?v=SS-M_W5Q5Vo

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN__4FdZiXrQKkInATGulKocw

1. Call to Order
2. Approval of Agenda
3. Public Comment
4. Public Hearing on Annual Town Meeting 2024 Warrant Articles; Potential Adoption of Motions
5. Committee Reports
6. Date of Next Meeting – Thursday, February 8th, 2024 @ 4 PM
7. Other Business
8. Adjournment

Text that is common or very similar between 2 or more of the proposed articles.

Current Chapter 123	Select Board's changes	Mr. Cohen's changes	Mr. Kopko's changes
<p>123-1 Purpose and Intent</p> <p>This bylaw is enacted...</p> <p>...and is intended to provide for an orderly process for identifying, registering, and regulating short-term rentals within the Town so as to insure that such short-term rentals do not create or cause any nuisance conditions within the Town.</p>	<p>Added:</p> <ol style="list-style-type: none"> 1. (reformatted) Provide for an orderly process for identifying, registering, and regulating Short-Term Rentals (STR)¹ within the Town so as to ensure that such STRs do not create or cause any nuisance conditions within the Town. 2. Protect the time-honored tradition of home rentals in Nantucket and preserve economic opportunities through STRs for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time in Nantucket. 3. Avoid adverse impacts on the local economy stemming from a loss of existing STR revenue, including rooms excise tax revenue and visitor spending. 4. Prohibit additional corporate ownership and discourage 	<p>Added:</p> <ol style="list-style-type: none"> 1. (reformatted) Provide for an orderly process for identifying, registering, and regulating Short-Term Rentals (STR) within the Town so as to ensure that such STRs do not create or cause any nuisance conditions within the Town. 2. Prevent the further growth of residential dwellings owned by corporations and used for the purpose of STRs. 3. Continue to permit the operation of STRs by natural persons. 4. Allow the Town to implement STR registration process and to collect sufficient data to accurately assess the practice of STRs, including the impact (if any) this practice may have on affordable/attainable housing and to subsequently develop additional regulations, if such data demonstrates additional regulation is necessary. 	<p>No changes to the current Chapter 123-1.</p>

¹ Using the abbreviation of STR for this document. It is spelled out in the existing Bylaw and proposed articles.

Current Chapter 123	Select Board's changes	Mr. Cohen's changes	Mr. Kopko's changes
	<p>investment-only ownership of residential properties for the exclusive purpose of operating them as STRs rather than housing for either full-time or part-time residences.</p> <p>5. Reduce the neighborhood churn caused by numerous turnovers of occupancy of STRs in residential neighborhoods.</p> <p>6. Limit the conversion of residential units to STRs which has had the deleterious effect of removing residential units from the available year-round rental housing stock.</p> <p>7. Protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching therein, including commercialization caused by misuse of single-family residences. Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses</p>		

Current Chapter 123	Select Board's changes	Mr. Cohen's changes	Mr. Kopko's changes
	<p>due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use in inappropriate in residential areas due to increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.</p>		
<p>123-2 Definitions</p> <p>OPERATOR A person operating a short-term rental, ...</p> <p>SHORT-TERM RENTAL</p> <p>TRANSIENT RESIDENTIAL FACILITY</p>	<p>Added:</p> <p>CORPORATION All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, ...</p> <p>OPERATOR A person or other legal entity ...</p> <p><i>(The following is not highlighted in the article, but it is not in Ch. 123.)</i></p> <p>OWNER Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in</p>	<p>Added:</p> <p>CORPORATIONS All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, ...</p> <p>NATURAL PERSON A natural person is a title used to identify an individual human being.</p>	<p>No changes to the current Chapter 123-2.</p>

Current Chapter 123	Select Board's changes	Mr. Cohen's changes	Mr. Kopko's changes
	<p>possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC or a Trust. The Owner may also be referred to as the operator, or Host.</p> <p>TIME SHARE, INTERVAL OR FRACTIONAL OWNERSHIP UNIT Any Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or designees' use of the property to fractional reservations through stay limitations of any duration. Such</p>		

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	<p>use is established by any of the following elements:</p> <ol style="list-style-type: none"> 1. Co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times; 2. Centralized or professional management; 3. Reservation systems; 4. Maximum or minimum day limits on each interest holder's occupancy or use of the property, or; 5. Management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be canceled individually or by any party. 		
<p>123-3 Registration, permitting, inspection and fees</p> <p>A. No person shall operate ...</p>	<p>Added:</p> <p>A. No person or other legal entity shall operate ...</p> <p>B through E are the same as the current 123-3.</p>	<p>Added:</p> <p>A. No person or other legal entity shall operate ...</p> <p>B through G are the same as the current 123-3.</p>	<p>A through G are the same as the current 123-3.</p> <p>Added:</p> <p>H.</p>

Current Chapter 123	Select Board's changes	Mr. Cohen's changes	Mr. Kopko's changes
	<p>F was changed to add the following sentence: A renewal application shall include an attestation that the STR was operated in accordance with all bylaws and regulations during the previous year.</p> <p>G is the same as the current 123-3.</p> <p>Added: H. STRs are prohibited in dwelling units owned by a Corporation. STRs are permitted in dwelling units owned by an LLC, Trust, or S Corporation only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.</p> <p>I. STRs are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance</p>	<p>Added: H. Any corporation, who owned a property and the structure(s) thereon and has been issued a Certificate of Occupancy (as applicable as determined by the Building Commissioner), unless a Certificate of Occupancy was not required for a dwelling unit prior to the adoption of the State Building Code as determined by the Building Commissioner, prior to the May 2024 Annual Town Meeting, shall be allowed to STR such property as has been customary in Nantucket, and shall be exempt from Subsection I of 123-3. When a dwelling unit is transferred or conveyed, or the certificate of registration issued by the Town pursuant to 123-3 of this chapter is not renewed, any subsequent STR of the dwelling unit shall be subject to all of the requirement of this chapter, including Section I, except that if a dwelling unit is transferred to a person or other beneficiary by will, inheritance or gift, any STR activities shall be exempt from subsection I. Any STR contract for a period of time in</p>	<p>STRs are prohibited in dwelling units owned by a corporation. STRs are permitted in dwelling units owned by an LLC or Trust only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.</p> <p>I. An owner may register to operate only two dwelling units as a STR. If a person owns three or more properties, or owns two and is listed as a manager or agent for a third or more that is or are owned by an LLC, for example, that person must choose two to be registered as a STR. No person shall</p>

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	<p>under local, state or federal programs or law.</p> <p>J. Time Share, Fractional and Interval Ownership Units. No Fractional Ownership, Interval or Time Share unit may engage in STR activities or be eligible to receive a Certificate of registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.</p> <p>K.</p>	<p>Calendar Year 2024 that is entered prior to the effective date of this bylaw amendment shall be exempt from the provisions of subsection I.</p> <p>I. STRs are prohibited in dwelling units owned by a corporation and shall not be eligible to receive a certificate of registration. STRs are permitted and eligible to receive a certificate of registration in dwelling units owned by an LLC or Trust or a solely family-owned S Corporation, only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration. The Board of Health may adopt regulations pursuant to 123-4 establishing the documentation required to establish eligibility under this section. This registration documentation shall include an attestation that the operator(s) are not a corporation and are all natural persons.</p>	<p>have more than two legal or equitable titles or beneficial interests in any dwelling unit used for a STR except as provided for above. An Owner may hire a property management company to list and manage STRs, but the registration must be in the Owner's name.</p>

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	<p>Any person or other legal entity, including Corporations, LLC's, Trusts, and S Corporations, which hold a STR Certificate on the effective date of this bylaw may continue to engage in STRs in accordance with the existing Rental Certificate, until the dwelling unit is transferred or conveyed, or the Rental Certificate is not renewed or is revoked by the Board of Health. If a property is bequeathed to a person or other beneficiary through a will, trust, or other instrument, the new owner may continue to engage in STR activities in accordance with this section.</p>		
123-4 Regulations	No changes.	No changes.	<p>Added:</p> <p>Events that include tents or amplified music or which would customarily require a license or permit are not allowed in STRs.</p>
123-5 Enforcement	No changes.	No changes.	No changes.
123-6 Severability	No changes.	No changes.	No changes.
123-7 Effective date	No date specified.	Struck out.	No changes.