

October 12, 2023

Newburyport City Council
City Hall, City Council Chambers
60 Pleasant Street
Newburyport, MA 01950

Dear City Council Members:

We address you today as the Newburyport Homeowners Group, NHG. The primary goal of the NHG was, and continues to be, to collaborate with all interested parties on the drafting of rational and equitable legislation regarding the administration of Short-Term Rentals in the City of Newburyport. Unfortunately, rather than rely on a data driven methodology to address any potential issues created by Short Term Rentals as has been recommended ad nauseam by STRU owners, the Council has instead chosen to anchor its argument against STRU's on anecdotal rhetoric and simple misinformation.

This being said, we were encouraged by the tone struck in the meeting of September 21st, as there were hints of a shift towards rational and constructive discussion. Unfortunately, the tone of the last meeting did not offer much encouragement, with talk of 'amnesty', a special permitting process, and a 3 year operating window for so called 'investment' units. Particularly short-sighted and inappropriate is the mention of 'amnesty', which implies STRU owners are doing something wrong or illegal. Will the City also be granted 'amnesty' to continue to accept taxes from short term rentals?

We now have no choice but to accept the fact that the Council is not interested in a rational discussion, and more interested in passing an ordinance that they simply think can get passed for reasons that remain unclear. A frequent argument to ban STRUs involves a particularly raucous party that took place on Boardman St. some time ago. Illegal activity was involved and the authorities were called. The owners of the property had vacated the house for 2 weeks or more and decided to rent the property in their absence. There's only one problem: The current proposed ordinance ALLOWS for this type of absentee renting. This is just one of many shortcomings and inconsistencies present in the proposed ordinance.

We are informally, at this point, asking all Councilors who own investment property in NBPT, or who have gone on record stating that they plan to rent rooms in their home on a short-term basis, to recuse themselves from voting on any ordinance concerning the administration of Short Term Rentals. Passing of the ordinance may result in some owners being forced to sell their properties; the undisputed economic fact is that the potential removal of even a single unit of rental stock (be it STRU or otherwise) from the current inventory in NBPT represents a potential competitive advantage for any remaining rental unit and its owner(s). We further note

the striking preferential treatment and competitive advantage afforded to Plum Island in the proposed ordinance and request that any councilor with a constituency or political interest of any kind in Plum Island also recuse themselves from such a vote. The City Solicitor's opinion that different zones can have different rules is certainly valid, but an opinion is very far from a declaration of legality: only a court can make that determination on this issue, as well as issues concerning conflict of interest and personal liability.

Additionally, we direct the Council's attention to *City of Quincy v. Liao*, Norfolk Superior Ct. No. 2382-CV-432 (September 8, 2023), particularly the Superior Court's decision to deny the City of Quincy's motion for relief. We will leave it to the Councilors and the City solicitor to interpret the implications of this ruling.

Finally, we would have preferred to approach this from a different angle, but feel we have no choice at this point as we have exhausted almost all options. Should the Council wish to discuss a more rational and equitable policy the Group is more than willing to collaborate, particularly concerning the grandfathering of investor-owned units and the expiration of the STRU option upon sale. Such a policy ensures the eventual elimination of all mainland 'investor' STRUs.

Sincerely,

Newburyport Homeowners Group

Jo Ann Clemens

Tim Smith

Sam & Michelle Kimball

Theresa DiPiro

Math & Jenn Ainsworth

Steve & Kristen French

Lesli Suggs

Sean Bakhtiari

Keith Ablow

Lisa Freeman

Lucia Parker

Kevin Stromski

Kevin Stromski

Liann DiMare

Chris Petzy

Kelly Gray

Karen Anderson

Daniel Carlat

Michael DeMarco

Matt Daigle

Jake Cross

Michael Dionne

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