

# RENTAL REGISTRY COMMITTEE

## PRELIMINARY MINUTES

August 24, 2022

5:30 PM

### HOWARD BARTON JR, CONFERENCE ROOM

#### MEMBERS PRESENT:

Justin Hyjek, Chairman	Peter Kolenda	Ryan Silvestri
Eric Alden	Noah Schmidt	Penny Trick
Scott Baitz (phone)		

#### MEMBERS ABSENT:

Rose Goings	Scott Murphy	Charlie Rimer
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#### OTHERS PRESENT:

Suzanne Garvey	Gary MacIntyre	Robert Greenslet – Okemo Valley TV
Michael Normyle		

#### I. CALL TO ORDER

1. Justin Hyjek called the meeting to order at 5:31 p.m.

#### II. CHANGES OR ADDITIONS TO THE AGENDA

1. There were none.

#### III. APPROVE MINUTES

1. Justin Hyjek advised that the minutes to be approved are from the meetings of August 8, 2022. He noted that we Zoomed with Granicus at that meeting.
2. Penny Trick noted that on page 3, 4<sup>th</sup> sentence from the top, it should read "...cleaning fees, etc."
3. Penny Trick noted that on page 4, last paragraph of the minutes, should read "...artificial intelligence."
4. Penny Trick noted that on page 5, 5th sentence up from the bottom, should read "...to attend remotely."
5. **MOTION by Justin Hyjek and seconded by Noah Schmidt to approve the minutes from August 8, 2022 as corrected. Motion unanimously.**

#### IV. ORGANIZE DATA AND PLAN PRESENTATION TO THE SELECT BOARD

1. Justin Hyjek distributed packets that he had prepared as evidence to support this committee's recommendations when they present to the Select Board. The packet included citing from State Statutes, Granicus documents, and the Municipal Plan. He quoted Section 1.1 of the Municipal Plan:

In accordance with 24 V.S.A., Chapter 117 (the Vermont Municipal and Regional Planning and Development Act, or "the Act"), the purpose of the Ludlow Municipal Plan is "to guide future growth and development of land, public services and facilities, and to protect the environment" in the best interest of the citizens of the Town and Village of Ludlow. This Plan is intended to:

- Include all elements required by 24 V.S.A. §4382;
- To be consistent with state planning goals in 24 V.S.A. §4302;
- Compatible with approved plans of other municipalities in the region;
- Compatible with the Southern Windsor County Regional Plan; and,
- To meet the enhanced energy planning requirements in 24 V.S.A. §4352.

Justin Hyjek continued, saying that on page 4 of the VT State Housing, it prioritizes addressing housing criteria and new and rehabilitated housing, saying the Safe Housing is a priority. He said the committee has 2 weeks until we make our presentation to the Select Board. He then quoted Section 2.1 of the Municipal Plan:

Ludlow wishes to foster a strong and diverse economy while, at the same time, maintain its picturesque nature including open meadows, sustainable forests, farms, scenic mountain vistas and outdoor recreation. The town and village promote increased housing for residence, safe roads, good schools, public services, and recreational opportunities with clean waters, mixed wildlife habitat, and undeveloped land.

2. Noah Schmidt said that Granicus asked us what our goal is. Is it economic development, increased housing for residents. He said that the registry should tie into the Municipal Plan.
3. Justin Hyjek said they do need to adhere to the Municipal Plan. He said the packets also included information from VTSTRA (Vermont Short Term Rental Alliance). He said that the group is looking to regulate short term rentals and stressed working with local governments to craft STR registries. Granicus asked if we have a need for a short-term rental registry. Justin Hyjek suggested that we work with VTSTRA, along with state and town leaders. He said that their Mission Statement is, "To represent and advance the interests of short-term rental operators and vacation rental owners in Vermont; while providing members with the educational, networking, and other resources they need to run responsible and profitable businesses.
4. Ryan Silvestri asked if they plan to present all of this to the Select Board.
5. Justin Hyjek said it is too much information. They need to combine the information into one smaller presentation.
6. Ryan Silvestri asked if they plan to start off with, "We feel that the town needs a STR..."
7. Justin Hyjek said the presentation should show the Select Board data. He said the numbers in information he got from the Regional Planning Commission are old.
8. Eric Alden said that he is a member of VTSTRA and has the updated data. It refers to the economic impacts on the towns. He will share the links with the committee. It covers laws, Data, VT housing.
9. Justin Hyjek suggested meeting once more before the Select Board Meeting.
10. Eric Alden said that at this point, he does not know what their presentation to the Select Board will be. If we recommend a STR, the Select Board will ask and want to know why.
11. Noah Schmidt said we should tell them what we have done, what information we have and what we recommend.

12. Justin Hyjek said that the VTSTRA suggested standards and self-certification verified by a 3<sup>rd</sup> party. They have a form that is available.
  13. Ryan Silvestri said that there is a lack of data to prove economic impact. How will the town use the registry? The registry will create data.
  14. Penny Trick said that Granicus emphasized, what is our goal. Our role is to tell the Select Board what our suggestion is. It is up to the Select Board to set the goal.
  15. Justin Hyjek said our task is, do we recommend moving forward.
  16. Penny Trick said that we are one of the last towns in the area to have a registry.
  17. Eric Alden said only 5 towns do. He suggested doing an economic study first.
  18. Justin Hyjek said that Chester passed the registry on August 22<sup>nd</sup>.
  19. Eric Alden said that at the last Planning Commission meeting, he asked that they put “Housing Needs Assessment” on their next agenda. He said the numbers don’t make sense.
  20. Justin Hyjek said that the data in our MPL is outdated.
  21. Eric Alden said that Jason Rasmussen sent the last assessment from 2019 and the numbers don’t make sense. The data has changed.
  22. Justin Hyjek said that VTSTRA wants to work with the Towns, for safety, population and community.
  23. Noah Schmidt said it is good for all sides to have a seat at the table. We should have a simple registry that would satisfy safety needs and work in our interest.
  24. Ryan Silvestri said safety and data collection is important. If we go into all of this (the packet) it won’t hit home with the Select Board and the Trustees.
  25. Scott Baitz said that we need safety data and to make the presentation as simple as possible and not push too much.
  26. Justin Hyjek said that the material in the packets is not the presentation material.
  27. Noah Schmidt asked if VTSTRA is in favor of registries.
  28. Eric Alden said they are not against them,
  29. Peter Kolenda said they need to address the economic side. There will be issues with implementation and we need to deal with it.
  30. Justin Hyjek said that they will charge a certain fee per registration. He read from Section 2.3 of the Municipal Plan:
    1. Maintain and grow a population consisting of residents and families of all incomes, ages, and types, and provide for their health, safety, education and housing.
    2. Protect and preserve scenic and historic features, open spaces and improve the quality of air, water, wildlife and land resources.
    3. Allot sufficient space in appropriate locations for residences, commercial businesses, recreation, and agriculture in order to meet the needs of the town.
    4. Encourage a strong, stable and diverse economy that provides satisfying and rewarding job opportunities and contributes toward a strong sense of community.
    5. Maintain the Town's characteristic pattern of settlement typified by the Village of Ludlow, recreational and resort areas, and clustered residential developments separated by rural countryside.
    6. Encourage the efficient use of energy and the development of renewable energy resources.
- He continued, saying that the #1 goal is to grow the population. He then read from Section 5 – Community, Item 5
5. Of the 284 new housing units constructed during the last decade, 21 are in the Village. Many of the 263 new units constructed outside of the Village are used for seasonal housing.

31. Eric Alden said he is opposed to debating the Municipal Plan. He said that 90% of the STR are where the owner does not live there.
32. Noah Schmidt said that a question on the registration form should be is the owner uses the home.
33. Ryan Silvestri said that a registry will not fix the housing problems. The registry will prove the data and there are parts of town where we may want to change the zoning standards. He said that he believes that we need to look at safety and identify the data.
34. Justin Hyjek said we need to collect data and go be the safety checklist. We are not at that point yet.
35. Ryan Silvestri asked if we do need to do housing needs assessment. He said that would be step #1 of many before we present to the Select Board.
36. Peter Kolenda said that we already have STR's and it is important to collect the data.
37. Justin Hyjek said that most of the employees in town do not live in town. He referred to the Land Use Map.
38. Eric Alden asked how they would see adding this to the presentation.
39. Justin Hyjek said just the data points.
40. Eric Alden asked if that is connected to STR.
41. Noah Schmidt said we have issues. A registry will help identify the housing.
42. Peter Kolenda said a registry doesn't pertain to our current housing situation.
43. Eric Alden said that if short term rentals were banned, it would.
44. Michael Normyle asked if the committee has a mockup of the questions that would be on the registry. Is this for life safety. Is the goal to find out how many people are staying in units. Is it to help with the economy, safety, and zoning regulations. Is this about taxes.
45. Justin Hyjek said this committee will use a safety check list.
46. Ryan Silvestri said some of what Michael Normyle asked would be good to know.
47. Justin Hyjek said that the 3<sup>rd</sup> party vendor would craft the questions on the registry. They work with other towns.
48. Ryan Silvestri said that he spoke with Janet Hurley who is the Zoning Administrator for the town of Manchester. She said they are creating a study committee. Manchester has a different character of the community and area retail and restaurant industries and how they would be affected. That information would tie into this and he will gather more data.
49. Justin Hyjek said that Steamboat banned it and Ludlow does not have enough beds.
50. Scott Baitz asked Justin Hyjek where he got that information.
51. Justin Hyjek said he is in the business and even with Jackson Gore, we still do not have enough beds.
52. Michael Normyle said, not in the true sense of old-style motels. He said that Air B&B and VRBO are the new hotel beds.
53. Justin Hyjek said there are over 800 Air B&B units.
54. Ryan Silvestri said that all of the listings don't book until the last minute when they can raise the rates. If there are enough beds, there would be enough to meet the demand. He said that the Chester Planning Commission met on Monday, August 22<sup>nd</sup> and approved an ordinance for STR and their Select Board will have to approve the ordinance.
55. Justin Hyjek said it would regulate short term rentals. He said we will have to work with the Planning Commission and DRB.
56. Noah Schmidt asked if the ordinance addresses hosted and unhosted units.
57. Scott Baitz asked if, of the towns that have adopted this, have there been any repercussions from investors. Have there been any law suits.
58. Justin Hyjek said, nationwide, yes.
59. Eric Alden said there is a group in Burlington that it putting together a class action law suit.
60. Peter Kolenda asked if motels would be covered under this.

61. Justin Hyjek said no.
62. Eric Alden said that the Chester Select Board will take the ordinance up in October.
63. Noah Schmidt asked if what we are looking at is health and safety. Would that impact assessment.
64. Ryan Silvestri said that the presentation should be the need for the registry to identify safety and collect data. The Select Board will ask us where the money will come from.
65. Penny Trick said that Granicus gave us numbers.
66. Justin Hyjek said there are 1,194 listings at \$20/listing.
67. Peter Kolenda asked who will collect the money for the registrations and oversee the billing.
68. Justin Hyjek said that Granicus does it all, including the billing. They have modules that do that. There will be an initial, one-time set up fee.
69. Ryan Silvestri said that would be \$18,000 in addition to the listing for the units they mine.
70. Noah Schmidt said they recommend a fee of about \$250 per registration.
71. Justin Hyjek said not everyone will comply.
72. Peter Kolenda asked if the money would go to Granicus.
73. Justin Hyjek said yes, and they would make deposits to the town account. They will bill us.
74. Penny Trick said that if Granicus sends a bill, what if the landlord doesn't comply.
75. Ryan Silvestri said that in Chester, there will be fines for the first offense and others.
76. Penny Trick asked if Granicus goes after them.
77. Justin Hyjek said there would be an additional fee if they have to enforce.
78. Eric Alden suggested that they don't throw out numbers at this point. He said there will be some administrative costs at the Town level.
79. Scott Baitz asked if there is any data on the compliance rate.
80. Justin Hyjek said less than 10% do it voluntarily the first year. He said there will be administrative costs for the town. He said that training is included. He said we can look at their presentation again. They told us ballpark numbers.
81. Scott Baitz asked if they have data of the towns that have been with them for over one year.
82. Justin Hyjek said it goes up to 97%.
83. Ryan Silvestri said there will be costs to the Town over the first few years. He said that someone at the town level will have to handle and converse with the 3<sup>rd</sup> party vendor. He said there are multiple listings on single homes and they will charge us per listing. He said they will set up a town page. The Short-Term Rental Registry consulting to identify homes.
84. Scott Baitz said that safety and data will run \$18,000.
85. Ryan Silvestri said with the listing fees, about \$45,000. He said we need a formal proposal.
86. Peter Kolenda asked about Tourist Lodges. He said there are some on Andover Street.
87. Justin Hyjek said if it is zoned commercial.
88. Peter Kolenda asked if they would be included in the STR.
89. Michael Normyle said if the owner is a resident, is that treated differently. Hosted vs. unhosted.
90. Noah Schmidt said that B&Bs are already regulated.
91. Ryan Silvestri said that homestead vs. non-homestead – the owners have to live in the residence 181 days per year.
92. Scott Baitz asked how they would bill for 10 beds. How do you bill.
93. Ryan Silvestri said that if there is a parcel with 3 STRs it should be billed differently that a parcel with only one STR.
94. Justin Hyjek said there are mother-in-law units. A main unit plus one unit. The owner must live in the main unit.
95. Ryan Silvestri said it comes to what is our cost. What are we going to make. He said that homestead rentals are exempt.
96. Justin Hyjek said that different towns do it per unit and some by bedroom.

97. Ryan Silvestri said that one would gross \$100,000 and the other \$50,000. He doesn't see how we can do that.
98. Justin Hyjek said it is to be explored.
99. Scott Baitz asked about the information from the Vermont Division of Fire Safety (information provided is included at the end of these minutes.)
100. Tax Department - all businesses have to have a Vermont Tax number and submit monthly Rooms and Sales Tax information.
101. Eric Alden said that he is highly against charging by bedroom.
102. Peter Kolenda agreed.
103. Gary MacIntyre said that he was an architect and is familiar with life safety and septic codes. He asked when do these get corrected and who pays. People on septic systems are putting more people in the units that the septic systems were designed to handle.
104. Justin Hyjek said that Granicus has a hot-line number for this and relies on local neighbors to report these situations.
105. Ryan Silvestri said that we will talk about fees and fines later.
106. Gary MacIntyre said that all of the information you need is here in Town Hall.
107. Noah Schmidt said we have talked about self-certification.
108. Peter Kolenda said that the Fire Marshall cannot handle this additional business.
109. Gary MacIntyre said that Vermont has adopted the International Code Council (ICC) guidelines. He said if you can't pinpoint VT codes for rentals, you can look at the ICC codes.
110. Michael Normyle said that only pertains if the zoning regulations has this built into them.
111. Gary MacIntyre said that the ICC codes were adopted by Vermont and apply to rentals if there is a change of use from single family to rental.
112. Ryan Silvestri said that would also go to the Division of Fire Safety.
113. Peter Kolenda said that the Division of Fire Safety cannot handle the additional issues. If we call them, they will come out.
114. Ryan Silvestri said that we are only worried about the non-conforming properties. We shouldn't design our registry based on the Fire Marshall.
115. Eric Alden said that there are \$402,000,000 in rentals
116. Peter Kolenda said that the fire department has to wait for a complaint or if we find a violation, then we can call the fire marshal.
117. Justin Hyjek said that our next step is to craft the presentation to the Select Board.
118. Ryan Silvestri said that we will have to field lots of questions from them.
119. Noah Schmidt said that when we present, we will explain what we have found.
120. Justin Hyjek said we will present the key facts and identifiable points.
121. Eric Alden said that we shouldn't give the allusion that Granicus is our company. There are several other companies that do the same work.
122. Scott Baitz suggested that Ryan Silvestri should make the presentation. We are suggesting the Rental Registry and tell them the reasons behind our recommendation.
123. Justin Hyjek said we will present the key data points.
124. Ryan Silvestri said we need to make it as basic as possible.
125. Penny Trick suggested that this committee meet one more time before the presentation.
126. Scott Baitz said if Ryan Silvestri does the presentation, he will stick to the data and safety questions.
127. Peter Kolenda said he needs to present the basic questions – fire safety.
128. Scott Baitz said that is what our concern is right now.
129. The committee decided to meet again on Monday, August 29<sup>th</sup>.

V. **QUESTIONS AND COMMENTS FROM CITIZENS**

1. There were none.

VI. **ADJOURN**

1. **MOTION by Peter Kolenda and seconded by Ryan Silvestri to adjourn this meeting. Motion passed unanimously.**
2. Meeting adjourned at 6:59 p.m.

Respectfully submitted,

Lisha Klaiber

## Fire Safety Considerations for Short-Term Rental Operators

### Smoke Alarms

- Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.
- Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10-year photoelectric lithium powered tamper resistant type.

### Carbon Monoxide Alarms

- Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.
- Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005, must be directly wired to the building electrical service and have a battery backup.
- Existing One- and Two-family dwellings constructed prior to July 1, 2005, may use plug in style alarm with battery backup or battery power or you may hardwire.

### Guard and Handrails

- Landings, decks, porches or platforms more than 30 inches of grade must be provided with guards and intermediate rails spaced no more than 4 inches apart.
- Graspable handrails must be provided on all stairs.

### Electrical Safety:

Ground Fault Current Interrupters (GFCI) are required in the following areas;

- Bathrooms, Garages and accessory buildings that have a floor located at or below grade level not intended as habitable room and limited to storage areas, work areas, and areas of similar use, outdoors, Crawl spaces, Unfinished portions or areas of the basement not intended as habitable rooms, kitchens, where the receptacles are installed to serve the countertop surfaces, sinks, where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink, boathouses, bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.

### Secondary Means of Escape from Sleeping Rooms

- Every sleeping room must be provided with a primary and secondary means of escape.
- A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.

### Heating System Safety

- Oil, gas, wood, wood pellet and kerosene fuel fired heating systems shall be cleaned and maintained in accordance with manufacturer's installation instructions and shall be inspected at least once during any 2-year period by a certified fuel service technician or Chimney sweep in the case of emergency

For additional details and information, visit the Code Information & Hot Topic Fire Safety Sheet section of our web page.

<https://firesafety.vermont.gov/buildingcode/codesheets>