

Article 19 Article 19 Nuisance House Bylaw Change by Melissa Perot

The purpose of the Nuisance House bylaw of 2008 remains the same:

To protect the health, safety and welfare of the inhabitants of the town and to permit the town to impose liability on those responsible for unruly and disturbing gatherings.

In the past 4 years neither of these objectives has been achieved. Indeed, the contrary is evident.

This amendments seeks to strengthen the existing bylaw put forth by the Select board to address a problem that has thus far been tolerated as simply the downside of the upside of living in a University town which, besides educational, cultural and athletic opportunities provides the opportunity for income from student rentals.

Like climate change we are now experiencing the build up to a perfect storm as far as the life of this historic town is concerned. Communication technology, increased student population, a depressed economy and present assumptions about rights and civil behavior are coming together at an alarming speed.

Article 19 seeks to slow down the present trend and reverse the current increase in frequency, size and extent of disturbances that feature in our newspapers, give Amherst a bad reputation and distress those who came here to live in vibrant, respectful, mixed neighborhoods.

We 'give teeth' to the bylaw in the following ways.

First. The specific inclusion of Rental Property Managers is vital to the success of the article, given the compelling data presented earlier, that nuisance houses are not well managed and well-managed student housing is not a nuisance.

Property owners are not always identifiable or accessible given the virus of LLC's that has infected the town. The inclusion of local

management companies more clearly defines “other responsible persons” already stated in the original bylaw purpose.

Second. Following consultation with the Town Manager, the police department is identified as the body responsible for sending out notices when a public nuisance occurs. It is helpful to understand that the police department has not and will not send out notices regarding every nuisance call. Verbal warnings are often appropriate and responded to. We and the police department are anxious that their time not be spent in fruitless court hearings so notification of a nuisance generally occurs only when there are additional alcohol violations, violence, or disregard of police directives to cease the activity and disperse.

Third. The existing bylaw defines response costs as being set forth in a schedule established by the Select Board. In 4 years no such schedule has been available. However the Town Manager has agreed that this will be done in conjunction with the Police Department and we have provided them with response costs from other towns to help guide them in this.

Finally. “shall” replaces “may” with regard to liability of responsible persons. In 4 years ‘may’ has not protected the health, safety and welfare of town residents. Town bylaws need to be enforced to be effective. ‘Shall’ enables the enforcement of the Nuisance House Bylaw. Property owners and management companies will receive not one but two written warnings, during which time they can seek neighborhood mediation or hire private security, (both of which have recently been used to good effect), or find ways to enforce their leases other than eviction which is undesirable and very rarely appropriate.

Such restorative measures and the liability for inaction is the cost of doing business in residential neighborhoods. The extensive police response costs are presently born entirely by the tax paying residents of the town.

The Nuisance House bylaw will benefit from the greater clarity the amendment gives. Responsible managers of rental properties will benefit when student behavior in general is brought under control. Property owners will benefit when property values are

sustained in the area. Year-round residents will benefit from more peaceful, integrated neighborhoods in which they have invested not just money, but their lives.

Amherst needs this bylaw. Please vote for Article 19