November 28, 2012

STATEMENT FOR ARTICLE 17:

In proposing the version of Article 17 now before Town Meeting, the petitioners acknowledge the hard work of the Planning Board. Their Article 14 dealt with many of our concerns when converting single-family homes to multi-unit rentals. Consequently, we have reduced our original article from twelve sections to one. Our amended motion adds one clause to paragraph #5 in section 3.3241 (Converted dwelling) of our current zoning bylaw (or paragraph #6 as changed by Article 14):

"The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, **and shall require owner-occupancy or a resident manager in one of the units**, or b) be from one to two units, one of which shall be and remain owner-occupied, which shall be made a condition of any Special Permit issued in such an instance."

By adding this clause we are simply saying there should be no difference between conversions in the neighborhoods described in (a), and (b) other residential neighborhoods in town where an owner-occupancy stipulation already exists. The fact that (a) is not covered leaves neighborhoods surrounding the center of Amherst and other village-centers vulnerable to unsupervised, commercially converted dwellings.

Members of Town Meeting are reminded that this zoning change does not apply to current converted dwellings, which are grandfathered. The owner occupied or resident manager clause only affects future conversions.

This addition is based on research you have seen Monday night which showed the impact of non-owner occupied converted dwellings in residential neighborhoods as described above. These converted dwellings have one thing in common. Property management companies oversee them, without any manager on site. Often these companies manage hundreds of rental units with a small staff. The result is when trouble strikes, usually on weekends between 10 PM and 3AM, there is no one on the premises to manage the situation before it turns into a full-blown crisis. There is no one to respond to neighbors' complaints, send party crashers away, call the police, or enlist security guards.

Common sense tells us all that it would be a great asset to the quality of life of the neighborhood to have a responsible resident manager present and prepared to take immediate action when needed. Judging by the number of nuisance house calls, arrests, and involvement of our police and ambulance crews, what we have right now is not working and has not worked for many years. By including resident manager as an alternative to owner occupancy we are balancing the interests of landlords and neighbors. While some landlords have argued that owner-occupancy or resident manager places an unfair burden on them, we wish to address the unfair burden placed on neighbors who have seen deterioration in their quality of life and a decrease in their home values.

Some in town meeting have commented that zoning should not address issues as these, and that a rental inspection/registration/permitting system is in the offing to deal with our rental house problems. However, the study group only met for the first time on November 27th. While we really hope such a system will be developed and effective, it is

unclear if the study group will decide they need more time and will not have it ready for spring town meeting. And when it comes to town meeting, its passage is not guaranteed. Meanwhile, we have an urgent problem that needs immediate attention, and we need all the tools at hand, both zoning and general bylaws, to remedy the situation.

For these reasons, I urge you to vote "yes" on Article 17; you will be strengthening our zoning bylaw by making its application consistent throughout our residential neighborhoods.

Elissa Rubinstein
Precinct 10
Representing the Citizen Petitions from CAN