



PUBLIC SAFETY COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Friday, January 3, 2020

9:00 AM

Sullivan Chamber

I. Call to Order

Attendee Name	Present	Absent	Late	Arrived
Craig A. Kelley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jan Devereux	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

The Public Safety Committee will meet to review the City's Short-Term Rental registration efforts and maintenance/removal of abandoned bike share vehicles from the public way.



PUBLIC SAFETY COMMITTEE - JANUARY 3, 2020

TRANSCRIPT OF PROCEEDINGS

Craig Kelley: Okay everyone, thanks for coming. A quorum of the Public Safety Committee being present, I'll call it to Order. The Public Safety Committee will meet to review the City's short-term rental registration efforts and maintenance removal of abandoned bike-share vehicles from the public way. Um, I've got a PowerPoint presentation. I will, big surprise, right? I'll go through to frame. The two separate things we want to, hopefully, hopefully, get out of here by 10:00. Um, I, I do care about Airbnbs and short-term rentals and I do care about Ant Bicycles. I care much more about the City's seeming inability to merge it's operations into the platform-based digital economy of the 21st century. And honestly we- we're not doing it well and we need to get much, much better at it because that's where the world lives and the world won't take any excuses for not catching up to it. It'll just keep doing what the world does. Um, so so somehow we need to get better at realizing that things are things and uh, our policies, procedures, whatever, sometimes laws need to change. So, how does Cambridge manage the emerging and emerged challenges of the platform-based economy? That's the laser that no one can see. Um, do, this is the short-term Rental Ordinance Enforcement discussion. We passed the Ordinance over two years ago, which is a long, long, long, long time ago. Um, and we have a very good registration website and the people who have used it are very impressed with it. Um, but we don't have super great compliance. And these are all the Airbnbs listed in Cambridge as of the end of last year. Um, they're spread out all over but they're mostly clustered around Harvard and MIT. And uh, these are a breakdown of Airbnb units and you can see there's been a little bit of a drop and we'll see it better in the next slide over the past few years but relatively flat. And we have almost an even split between the entire home which is not the same as a house it's an apartment or a house um, and private rooms and apparently there is just about no shared rooms where I guess you would have a room and an extra bed or something like that. Um, and then you can see the rental size on the bottom one. So, these are, are fairly significant units in our housing world. Uh, and you can see that since it's gone down a hair since 2016 . Not much. It is- there's not a lot of data there to say whether it's because people tried it and didn't like it or the idea of Airbnbs and short-term rentals is, is slowing. Um, but, but it hasn't disappeared at all. It's about where it was three years ago and it's gonna stay here I can only imagine. And you can see that Airbnbs, this one here on the left, in Cambridge and almost everywhere else Airbnb is synonymous with short-term rentals. There are other platforms out there. People list on multiple platforms, but really it's Airbnb that does the short-term rental business. Um, so, this is a Boston Airbnb rental and Boston was involved in a lawsuit, which I'm sure we'll discuss later and Cambridge wasn't. And at the end of the lawsuit, Boston had a requirement that Airbnb units get posted up on, if I understand things correctly, posted up on the platform to be rented. So, this, I don't know whose space this is, but this is someone's space. And if you contact to read more about the space, you see the short-term rental number. Um, now they're not the only places with short-term rental numbers and I have not checked all of Boston's hundreds and hundreds and hundreds and hundreds of short-term rentals. But it seems pretty universal that if you have a short-term rental in Boston, your number is up there. Uh, this is

Ripton, Vermont where I'm staying in a month when my son graduates from college there, and they have a short-term rental number. Now Cambridge does too. This could be a place in Cambridge as well. Uh, so, in fairness to Cambridge, other places that do it like Ripton, it's spotty. Not all the places that are listed have short-term rental numbers. Associate or at least the website can be confusing. Boston's always seem to be in the same place and it's not clear that every other place has them listed in the same part of the website. But anyhow, that's Ripton, Vermont. Cambridge, if you sort it through some of the Cambridge sites, I found about 40% in a very, very, very, very small search had them. But I don't know that- what the actual numbers are, but hopefully we'll find out soon. So, so, what is- these are the things that I would like to discuss it. What is Cambridge doing and or not doing? So, we didn't join the lawsuit. So, that's one of the things we're not doing or didn't do. So, to be fair to hosts who are already compliant, and this is a, to me, one of the biggest issues here is a fairness issue. If you follow the rules, you're often at a competitive disadvantage to people who don't follow the rules. And if, if we want people to follow the rules, we have to make sure we treat them fairly. Uh, help stabilize traditional housing in neighborhoods. We still have problems with a big chunk of our housing. Uh, what would probably be just traditional rental housing being turned into month to- not month to month, day to day, week to day, week to week type housing takes it away from people who would live here longer-term and also makes the neighborhoods a little less stable. And I don't know what the tax ramifications are but they can only be positive for Cambridge. It's not like we need the money but it'd be nice to have the money. So, this is Jake's site. It's uh, it's probably a quarter mile from here. Airbnb as you know doesn't actually list the locations of where they have places. Um, so, you can see Jake says that he lives in Boston. Lives in Boston, Mass. Uh, he's a real estate developer. I just found him randomly. I could not find a registration number on his platform. So, he is listing the entire home. And the home's got room for four people. It's got a bedroom with one king bed and a common space for the sofa bed. And in addition to not having the, the registration, I don't know if that common space, and I suppose Inspectual Services would be able to tell us, if that common space is actually something that people can legally sleep in or rent to sleep in. Um, and Jake offers discounts if you stay there longer. And that's Jake's common space sofa bed. Um, I mean again I don't know what the actual rules are but looking at it I'm thinking that Jake stretched this one a little bit and arguably it's not a legal place to sleep. But I do not know and I'll bet no one here knows either because as far as I can tell this unit has not been inspected or approved. So, if Jake is not operating legally, we want to say- I actually wrote this five times to make sure I was talking about Jake's short-term rental, not Jake himself. Um, but we don't want that. We passed this law over two years ago where the people tell us, at least we tell ourselves, with the innovation City of the world, of the universe, and, you know, we got Jake. So, how do we tell Jake we love Jake but not the way he operates his short-term rental. So, any questions or comments from my peers? No. Jan?

Jan Devereux: Is Jake an owner-occupant? Could you tell that? Because that's required too, right? He lives in Boston.

Craig Kelley: Well, because Jake says on his website, I don't know Jake. And he lives in Boston, he said he lives in Boston. So, sometimes people say Boston when they mean Cambridge. But looking at the thing on the website, uh, you know, if Jake lives there, he's not someone I want to go and have a beer with because there's like, you know, there's no element of Jake's personality in that unit. So, my guess is not. And I went through the reviews as well and it sounds really clear that he's got a turnkey operation and someone in the area that comes over and helps people out if necessary. I'd be shocked if he lived there. So, on that note, uh, and I did send the Manager a list of related issues. Dennis, Jan, questions? No. Oh, and this is being uh, whatever John does, surveilled I guess. It's being surveilled. All right. And, you know, I'm trying to be humorous about this just because it hurts less. But we have not done this for two years. So, I mean, I don't take my smiles or whatever for thinking that this is at all what our City should be doing because I think we have either failed to do it or we've failed to explain to people like me why we're where we are. Okay, it's all yours, Dave.

David Kale: So, thank you Councillor. So, I think we also wanted an update on the um, bike issue and I think we can...

Craig Kelley: That's the next part. I figured it would get through this and then I've got a whole another slideshow about the bikes.

David Kale: Okay.

Craig Kelley: With even more pictures.

David Kale: Okay um, so, in the interest of time I think when people uh, speak they can introduce themselves but we clearly have representatives from uh, City Manager's Office, Budget Office, CD um, Public Works, Law Office, ISD um, and we're here to answer questions. So, I guess to start with I think that this is an ongoing conversation we've had with the subcommittee to provide you updates. And I think the things that we have said in the past is still true, which is we do take the Ordinance seriously. We do take the uh, compliance seriously. I think, well, hopefully, share with you some things that we've done since the last time we met. Um, I think it is a complicated indi- industry. I think it's a complicated um, uh, enforcement mechanism that we're trying to deal with in terms of getting people to register. Um, but I think we're um, trying to move in a prudent way to get compliance uh, and we have some strategies that we've been working on. I would also just point out that we have taken the time to notify our residents who may be interested in doing short-term rentals um, about the Ordinance and about the compliance and about the state um, requirement to Register. Um, and we in 2017, December um, every household received the City View Weekly Newsletter uh, that talked about the new Ordinance and how they needed to register by April 1, 2018. We also created short-term videos and social media for social media and for cable TV. And we did several um, media releases related to the SDR Ordinance. UM, we also uh, in March sent a specific letter to all property owners talking about the SDR Ordinance, uh, that was going to effect for April. Um, in addition to that, we did a follow up in May of 2019 once the state law uh, had been enacted to notify them about their obligations not only to the City and to the

state in terms of registering. Um, as you know the state um, legislation was signed into law in December of '18 which required SDRs uh, to um, be eligible for or to pay room occupancy tax effective July 1. Um, we have received our first payment. Unfortunately that payment was um, buried in, in our room occupancy tax allocation with the hotel motel tax. So, we're trying to get a breakout to see what exactly we receive related specifically to STRs. So, we're working with that. The budget office is working with the DOR to see if we can get that information broken out. Um, we also have um, um, as I noted as the STRs, you're under the state legislation you're required to register. So, we're taking a look at the registration uh, log and seeing if we can do a cross check between people who've registered in Cambridge and who've registered with the state. So, we can basically have the ability to um, ask folks who have registered with the state who may not have registered with the City to do so. So, I think we're again, all this is information how you get the information easily and how we use it to basically um, um, do enforcement and compliance. So, I think that's, that's a positive thing because now that the law has been implemented and actually been acted upon, we are going to be able to get information to help with our um, enforcement. Um, and let's see. Um, I would also note that ISD does do investigations on an ongoing basis and we'll talk a little bit about that in a moment. I there have been about 16 cases initiated um, by ISD which have resulted in folks um, who have taken their units off the market or have um, complied with the Ordinance. Um, so, I think that's just an intro talking about where we are in terms of outreach and in terms of having the state law kick in. Um, one of the things that we talked about last time was um, a scraping tool or, I've been uh, uh, advised to call it the third party compliance tool. Um, we've actually- there's been a working group uh, that's included ISD, Finance, Purchasing, the Law Department, and Manager's Office. Uh, and we've drafted a uh, short-term rental compliance invitation for bid, to basically go out to bid, potentially for a scraping tool that will allow us to hire a company um, to take a look at the various STR websites and to take a look about who's in Cambridge and whether or not they're registered with the City of Cambridge. Boston has recently um, engaged in this type of software uh, procurement. Um, and um, we've been in close contact with them. Dan from the Manager's Office has been our lead there. And basically we've kept in touch with Boston to see um, how the implementation is going. How the outcomes are going and to see if in fact it has yielded the results um, that we think it may or may not uh, may yield in terms of um, increasing compliance. Um, so, Boston has implemented the third-party tool. We've written our RFP so, that we um, as we have more analysis are ready to go out to bid for this tool. Um, the tool basically works as initial matching between what's on the web page and um, um, what is registered, not registered in Cambridge. Then there's a series of communications with the property owners. Um, and uh, two-weeks notification to say we understand that you're listening, but you're compli- you're not registered with Cambridge. And then frankly there's um, uh, some more um, language and letters that are issued to the property owners indicating that they really do need to comply with our Ordinance. So, it's a- that that is a multi-phase process. But again, I think we talked uh, back in the spring and obviously this uh, there is now

a company or several companies that do this kind of compliance and scraping tool analysis. So, we're in the process of uh, following what Boston is doing, seeing what their success rate is and but we're ready to go and uh, we're just waiting for a final analysis about where we should go next. Um, so, um, I think that's another front that we've moved on that wasn't the case back in the spring. Um, as you mentioned the Boston situation um, again um, Boston has um, instituted its own short-term rental Ordinance back in January of '19. Um, and Boston's STR Ordinance explicitly imposes certain obligations and consequences on hosting platforms. Um, what has happened is um, as a result of these requirements, Airbnb sued uh, Bosin Federal Court uh, alleging violations of Federal Law and Federal and MA Con- uh, constitutions. However, as a result of that lawsuit, Boston Airbnb entered into a settled agreement in August of 2019. So, just a few months ago. And I guess the- one of the key takeaways of that is, is on December 1, 2019 um, all listings in Boston be required to enter and display a city formatted registration number or that site- well that listing will be taken down. So, um, again I think Boston had its Ordinance that was passed a year ago. It got challenged and uh, they now are seeing um, a settlement agreement that gives uh, the ability for them to monitor who is listing Airbnbs uh, in the City of Boston. Um, in addition to that, um, after we understood the settlement agreement with Boston, the Law Office outreach to Airbnb and trying to come up with ways that we can receive the similar um, treatment as Boston. Uh, initially we now have the ability or they- the Airbnb has provided the ability for um, uh, registrants to enter the City's registration number voluntarily. Uh, we're in ongoing conversations with Airbnb to basically uh, see if we can have more enhancement in terms of what has been implemented in Boston. Uh, we're taking a look at our um, Ordinance to see if we need to come back to the Council for some amendments that will allow us to um, maybe be in a better position to negotiate um, different terms with Airbnb in terms of their compliance similar to Boston. Um, and um, as I said voluntarily they've added a field so, that uh, um, providers can add the city's registration number. Um, so, I think the takeaway is that we're in a position now where we're able, with the state registry up and going, to do some cross uh, checking to make sure everybody's in compliance who's registered with the state, who op- operate an Airbnb in Cambridge. Uh, we've, we've done homework and analysis on a third-party compliance tool that we're ready to move forward on. Um, I think we've continued our conversations with Airbnb. Um, and we're looking at potential Ordinance changes that we'll bring for the contr- uh, Council. And we'll see where those things lead us. Um, but again, we meet regularly on this issue. And um, we do have monitoring in effect and enforcement that uh, ISD does. Um, I think (Ce C) or Ranjit can provide you some statistics of where we are. But again, we do take the enforcement piece seriously. I think we're trying to move in a um, um, logical and prudent manner so, that we can have the maximum uh, compliance in a way that again talks about um, trying to be respectful to not only those who have actually complied, but also folks who need to be educated about compliance. I think we're- we have a multi-prong attack and I think that we will be happy to keep the Council informed as we make progress on those items.

So, with that, Ranjit, why don't you do a quick summary about where we're at and then we can take questions if folks would like to ask some questions.

Ranjit Singanayagam: Good morning, Councillor. So, as of today, we have about 221 registered short-term rentals and uh, there are 23 pending applications. And of the number of non-renewals is 34. So, then I'm just going through the numbers. ((cross-talk))

Craig Kelley: Twenty-three pending applications. What was the next one?

Ranjit Singanayagam: Non-renewals. They are not renewed. Those are already registered and not renewed for the second year.

Craig Kelley: I'm sorry. Can you explain that?

Ranjit Singanayagam: Because registration is either yearly of \$500 for five years. So, they have registered the first year for \$100. They have to register it again for the next year. So, they have not done it yet. Thirty-four registrants.

Craig Kelley: So, 34 who were on the list of uh, inspected STRs have chosen not to continue.

Ranjit Singanayagam: Probably yes. Yeah. Then the rejected, we have rejected 107 and they have performed about 255 inspections. As far as uh, enforcement, we normally send letters. First letter out of the 16 enforcement issues, 10 on the sort of complied with the first letter. {Inaudible} Yeah, since April of 2019. So, then five with the second letter and we also referred one to the court. There are a couple of cases pending in court. I think uh, the Law Department will relate to that.

David Kale: I would also note as the ISD Department receives um, information from residents about maybe folks who need to register they do follow up.

Ranjit Singanayagam: Yes, yes we do.

David Kale: And basically we, we do send letters and we do notify um, a property owner that if they are using their home as a um, for STR that basically that they need to comply with the City Ordinance and um, in some cases folks come in and apply for an application to have their uh, property inspected and registered. Some decide that they don't want to continue and say they're no longer interested. And um, in some cases we do follow up um, with letters and um, warnings about compliance. And once we know about this uh, and there has been some referrals to the Law Office for folks who don't comply with those requests.

Ranjit Singanayagam: Yeah. In one case they in fact appeal(sic) our decision to the {Inaudible} and that was denied. But apparently they're appealing that too.

Craig Kelley: So, so, we've got 221 currently registered. (Yes) We have 23 pending Applications. We have over 1500 listed Airbnbs. So, you know, maybe one out of every seven pays attention. Um, which I think goes back to my point that this isn't working very well and has not been. And I know there are reasons for it, but I don't know. I don't know that those reasons are sufficient to explain a

one in seven compliance rate. Um, so, and we have had 16 enforcement actions. Do we do stings? Do we- because I understand that one of the challenges with at least one enforcement action was because there was no actual transaction that took place, it got tossed out of court. So, do we go on websites and actually reserve them and pass a credit card and then say you guys aren't compliant and now we can take you to court and fine you?

Ranjit Singanayagam: No, we don't do that yet.

Craig Kelley: Why don't we do that?

Unknown Male: So, I mean um, we don't do sting operations. Um, it's something we could look into. There are some practical difficulties such as when you go to the site, as you mentioned, you don't see a street address. So, in order to find out the exact street address you have to book the site. And our understanding is you have to actually pay for the site in order to see the street address. So, there is- that's one of the difficulties we would have with a sting operation.

Craig Kelley: Right. But if, I mean, I know we do sting operations for underage liquor sales.

Unknown Male: Yes.

Craig Kelley: So, do we not buy the liquor when we charge people for selling underage people liquor?

Unknown Male: Well, my understanding is we do buy the liquor, but that is a couple of dollars as opposed to hundreds of dollars. I- I'm not saying that a sting operation of some sort is impossible, but there are some practical difficulties. We have not instituted those as of yet.

David Kale: I think -I think the other issue too is while that may be a tool in the toolbox. I think we believe that our ability to put some resources in now that we have a registry listing with the state to basically cross check to make sure everybody who's registered with the state as a starting point um, is a good place to start to have a higher percentage of uh, compliance. I think that when we um, move forward on the third party compliance tool that will increase participation. As I noted, I think we've tried to be proactive in making sure that residents who are interested in partaking in the STR industry are notified of what their obligations are. And I think we've um, done a good job at that. But I think now we have to move forward with the cross-checking and the third-party compliance tool and then take a look at our Ordinance to see if we need to add some additional uh, um, provisions that, that makes our enforcement a little bit stronger. And then frankly um, I think Boston based upon its settlement um, has seen a decrease in the number of listings that Airbnb has provided. So, um, I, so, I think we're on the path to do all those things. And I think once we do them um, we'll have a higher compliance rate or we'll have fewer listings for uh, STRs in the first place once those things uh, take place. Um, I would also say that I think in general um, we as a percentage are not necessarily far off of where Boston was before um, their lawsuit in terms of compliance. So, I think um, we've tried to do the right

notifications but now we're going to move forward on as I said cross-checking now that we have a registry uh, with the state um, the scraping tool or the third-party compliance. And then taking a look what changes to the Ordinance that we need to bring to the Council that will require um, more enforcement or I should say more compliance from our Airbnbs. So, I think as I said this is new. I think we- I think everyone the Ordinance was uh, well crafted. I think the piece that now we have to focus in on is the compliance and what the implications are folks who don't comply. So, I think that's the piece that we're working on now. And again, this is as you mentioned Councillor while two years is a long time, at the same token for a industry is complicated. This is an industry that now is being regulated for the for- first time. It actually, when you look at the chronological of Boston, actually it isn't that long of a period in terms of trying to get um, strategies in place to really force folks who really don't want to do the right thing.

Craig Kelley: So, the Vice Mayor had a question or comment, but since you brought it up, I, I think that's the entire point. The world and the way people do business is changing so quickly that we do not have the luxury to say, you know what, we'll wait for two years. We'll wait for two years. And it took us, I don't know how many years to get the Ordinance in place. So, you know, we can either get better or we can get bypassed by the rest of the world. And I guess that's the choice for the people in this room to make. Uh, Vice Mayor.

Jan Devereux: Um, I just had a question, the state registry, how do hosts find out that they need to comply with that? And what do we think the level of compliance is with the state registry?

David Kale: Well, I would say that uh, we sent out a notification, as I said in the spring, notifying them of their obligation to register with the City, but also their ability to register with the state. Um, I think the state will probably be in the same position we're in, which is continued to look at who hasn't registered. But I know all the providers have, I, I assume, have notified their customers that basically they need to register with the state. Um, I think generally speaking, folks are a little more cautious when uh, they don't comply with state law or state DOR regulations. Um, again, same kind of issue which is I think they're going to be um, focusing on whether the net has been cast far enough to encompass everybody that uh, needs to be encompassed. I would also point out that u- under the current state law if, in fact, you say that you're not going to use your property for a short-term rental for 14 days or less. You're exempt. So, I think there's some of that conversation going on about what people are really doing and whether they're invoking the 14 day rule and what that means. If that really is what they're going to do or not do. I think, you know, again, this is the state has just come up to speed as of July 1. So, I think their methodology of enforcement is going to be evolving also. And I think, you know, um, as I said, I think we've got some strategies going forward. Um, but again, I think we wanted to make sure that we didn't run into a third um, uh, party compliance tool if it wasn't going to work. So, we wanted to get some experience from other communities, especially Boston. And I think now we have some more information. Again, um, I think we've tried to get people to comply voluntarily. Obviously, that's been somewhat successful

but not totally. But now we have other options to use to push people to um, comply with the City Ordinance and that may require Ordinance changes to basically help that enforcement.

Jan Devereux: Thanks. Um, I also wanted to say on the sting thing, I, I realized you have to create a profile and do a booking to get the exact address. But in a City as small as ours, it's pretty easy to figure out. And the other thing is that many hosts allow you to cancel. I mean, I have done that. Some of them are, they lock you in, but others don't. So, you could potentially cancel that would impact your rating as a guest. So, you'd have to probably create multiple profiles and you'd have to be pretty clever so, that you didn't get busted. It's like reviewing restaurants wearing disguises. Um, were you, I mean, what kind of changes to the Ordinance do you think uh, Councillor Carlone and others should be considering next term, right?

Unknown Male: Well, for example, through you, Mr. Chair, in Boston, there were specific requirements put on the host platforms and in the Cambridge Ordinance, we don't have those. So, we could look into amending the Ordinance to put specific requirements on the host platform. That's why Airbnb sued Boston, in fact, because there were specific requirements put on them in the Ordinance. So, um, you know, and some of those requirements could be unless someone is registered in the municipality, they don't get to list themselves on the host platform. Um, things like that. So, we, we don't have that in our current Ordinance.

Jan Devereux: Thanks. And so, since Boston's law was upheld by the court, we could essentially have a fair amount of confidence that if we did- added the things that they have, they would be legal because the court has already upheld them. I'm not a lawyer but...

Unknown Male: Um, I- through you Mr. Chair. I don't believe that is the case. Um, what happened was there was a lawsuit and a settlement reached. So, I don't believe there was any ruling by the court that the Boston Ordinance would actually withstand the legal challenges that were brought against them.

Jan Devereux: Thanks for clarifying.

David Kale: And I would point out that again that settlement was only entered into in August. So, it's not as if um, this is something that's been languishing for a long time. It's just happened in August and now we have a path about, you know, what a settlement agreement may look like with Airbnb. So.

Dennis J. Carlone: So, thank you Mr.- thank you, Mr. Chair. Um, the third party compliance. Are we on a schedule for an RFP? I mean, do we see it in the next few months?

David Kale: I, I think that uh, we have been working. We've developed it. I think we're ready to issue it. I think we, as I said, we wanted to get some sense about how well it was working um, in Boston. Um, so, I think we're gathering data on that to see if in fact it's worth the investment of uh, time and money. Um, I also

know we had to work out some things with the Law Office in terms of compliance letters that get sent out to make sure that um, everyone was on board in terms of what that language was and who was going to send that out. So, there was a little preliminary work that we need to do a little investigation, a little prudence and making sure that before we bought this and implemented that it actually was going to be a- of a useful tool. Um, I think we're starting to get some feedback from Boston that will inform our decision about moving forward. But the- I believe that the invitation for bid is ready to go. So, I think we can move on it once we gather all that- finish gathering that information and are comfortable that it's worth the investment of time and effort.

Dennis J. Carlone: And we would appreciate knowing whatever you learn pro or con about proceeding with that. Um, I, I assume the state penalty for not registering is a minimum number like it seems most state law dictates. Is that true? Do we know what the penalty is for not registering?

Unknown Male: I actually don't know that off the top of my head. We can get that information pretty easily.

Dennis J. Carlone: That'd be great. And the City penalty is minimal, I assume.

Ranjit Singanayagam: Yes, we have a penalty for I think \$300 fine.

Dennis J. Carlone: One fine \$300, not \$300 a week or a day.

Ranjit Singanayagam: It's a ticketed fine. So, it's one fine.

Dennis J. Carlone: One fine.

Unknown Male: Through you, Mr. Chair. So, this is the Ordinance in Cambridge is a zoning Ordinance. So, it's zoning enforcement. So, there's also the power in the Commissioner to issue the cease and desist letters to enforce the zoning Ordinance. And that is what he has done in this case.

Dennis J. Carlone: Oh, i- are there other methods uh, relating to real estate tax or hotel tax that we need to put into effect? In other words, not just zoning, lack of payment or...

Unknown Male: I think that we'll take a look at what the board- the Boston Ordinance says and sort of replicate that so, they can help with those issues.

Dennis J. Carlone: Okay, thank you. Thank you, Mr. Chair.

Craig Kelley: Okay, So, I have a Motion. And my Motion is that the City Council ask the Manager to report back on the possibility of instituting a sting operation style enforcement mechanism for short-term rentals. All in favor? Aye. Felt good to do that one last time. Um...

Dennis J. Carlone: Unanimous.

Craig Kelley: Unanimous too. I like that. Tim, you're unanimous as well. So, other questions? I'm gonna push on this sting just a little bit. I want to go back to

that one in seven or eight of compliance of we, we do have underage people purchasing stuff to make sure that liquor stores are doing the right thing and not selling to underage people and they, they pass money and it's just this big thing and people get their licenses revoked for it. I mean, it's a really big thing because we think it's important. And so, we, we appear to have the jurisdictional authority to do that, but we're not. And I haven't heard in the City with the budget of hundreds and hundreds of millions of dollars to, to think that a little bit here and a little bit there for enforcement on something that could bring in even more money. I- and I just don't think we're taking it seriously enough. But I know we want to get out of here soon.

David Kale: Mr. Chair, just so- I just want to be clear. Uh, the host compliance software actually is our sting operation because at the end of the day when we say to you on the first letter you- we've identified you as posting your property for rental as an Airbnb. Could you please comply with the City? At the second letter it basically is a little more stern. And what it really says is, okay, here's your listing on the Airbnb. Here's a picture of your house. Basically, you're not in compliance. And here's evidence that you haven't complied with the Ordinance. And so, I think that's maybe a better sting operation to prove to somebody that we know that you're listing your Airbnb and we have evidence with the picture of your house and a picture of the listing. And so, uh, it's the same thing. And again, I'm not saying that isn't a tool that we can't use, but in essence that is where at the end of the day, we got ya. Which is here's your listing. Here's your property. And if you don't comply, we're gonna move forward in, in, in the- in the uh, enforcement area in terms of through the Law Office. Is that correct, and about basically how it works? So, I think it's, it's a sort of electronic sting operation as opposed to saying to somebody we like to rent your property and then giving you a credit card number and doing it and saying- it's sort of the same thing. And I think it's more efficient to basically use the third party to basically have them do the work of um, providing evidence that you've got your property listed and here's a picture of your house and so, it's one and the same and you need to comply. So, I think we're talking the same thing but I think the uh, compliance tool basically uh, does that in a different kind of way in terms of a sting operation.

Craig Kelley: I appreciate that but, you know, years down the line we've been talking about the scraping for a long time in the RFP. I understand you're saying it's ready to go out but it's not out. And I don't know when it will be out and at the end of the day my understanding from Inspectional Service was it's difficult to enforce- to run the enforcement cases if there's not money that changes hands. So, we may be able to identify people who are not in compliance, but actually being able to take them to court and prove that they're doing something that we can find them for is a different beast.

David Kale: I would say you're absolutely correct. I would also say if you look at what's happened in Boston, um, if, in fact, Airbnb won't list your listing without a City registration number that solves all this problem frankly. And that's where I think we're trying to get to which is that's the most efficient way to get at this which is you don't get listed by the Airbnb unless you have a City registration

number. And I think that's why you've seen such a significant drop in number of listings because actually Airbnb is helping with the compliance and helping with the enforcement. That's the most efficient way to do it because otherwise it's sort of a case by case. Whereas if you have a blanket uh, policy or blanket um, uh, implementation with the air- with the providers basically it's self-enforcing. No, no registration number, no listing. It, it- that is the most efficient way and I think that's where we're trying to get to. Similar to what Boston has done but Boston basically has plowed the field and now we're basically trying to plow our own field and figure out ways to do that similarly.

Craig Kelley: I understand that but Boston's a settlement agreement, not a dispositive court case. And it's in their zoning. So, what we can take from Boston as some sort of precedent is not entirely clear to me. Uh, Dennis and then Jan.

Dennis J. Carlone: I, I was just going to ask, you said significant reduction in Boston. Do we know numbers?

David Kale: I, I think it was several thousand. Five or 6000 I think Dan?

Dennis J. Carlone: Reduction?

David Kale: Yeah, um...

Dennis J. Carlone: So, is they had about 10,000 and it's...

Unknown Male: Boston, Boston had about 6500 and they dropped about 5000.

Dennis J. Carlone: Of the 6500?

Unknown Male: Yeah, uh, Airbnb Boston only has 737 approved short-term rentals as if- this was all since December 1st when it actually went into...

Dennis J. Carlone: That is significant.

Unknown Male: So, a huge, huge drop.

Dennis J. Carlone: Thank you Mr. Chair.

Craig Kelley: Madam Vice Mayor.

Jan Devereux: Um, has anyone ever tried to go on the site and message the hosts and say, I'm interested in your unit? You know, I, you know, ask some benign question and then say, I assume you're registered for the City. Do you mind sharing your number? I'm very conscious about safety or something with that. Would that- would that flush out people who then would say, of course, let me provide you with my number and then hosts who go silent and that could give leads on who might need another visit or a letter. You know, sometimes you get information if you ask for it.

David Kale: I don't think we've explicitly tried that yet or into the detail you just said, but I will say that um, recently Airbnb did add a field so, that the um, owner could basically add the City's registration number. So, again, I think somewhat of this is education, which is one would think that if you're renting a unit, you would

want to see that it's been inspected and it's been registered. So, some of this is an education process for the consumer. Um, it's sort of like uh, I won't, I won't give a bad analogy but um, um, it's like renting a car without seeing the uh, inspection sticker on the car. So, I think to the extent that people get educated that they should be looking for that, that'll make this process a little bit easier. Again um, it's an evolving conversation.

Jan Devereux: Just another final thought. The host community also talks among themselves, particularly hosts who are sort of on the super host category. And if word gets out in that network that people are nosing around about registration, then that will hopefully get some people's attention. Just, just a thought.

Craig Kelley: Uh, we have one more and then we're gonna go to Public Comment at the end of this because I think a number of City staff are going to be pushing to get to a funeral for our Deputy City Clerk's father at 11:00. So, that will close the discussion of Airbnb's off and we move on to a related issue which is uh, Ant bicycles. So, you know, honestly, I don't know what more the Council could have done to have removed the Ant bicycles that I saw today. I couldn't get into my PowerPoint, but there's one opposite the FedEx Office in Harvard Square. Um, our inability to pick these abandoned bicycles up to me just makes it unclear how well we will manage other things that are coming our way in terms of platform based transportation options or as I said earlier the platform based economy. Um, Ant has a website and they have bicycles on the street. And as far as I can tell, that's all they have. They don't answer my emails. They don't answer my- the phone's always busy. I've called them probably a dozen times. So, I don't know what else makes a, a uh, a company defunct. But these bicycles, I've got pictures of them going back for months and months and months. You know, they're not being used. Um, and, and when the DPW staff is as much as I love See Click Fix now says these aren't abandoned bicycles. I don't know what their criteria is for an abandoned bicycle. But I, I tried that route and that didn't get anything moved either. So, um, they're abandoned. They don't work. They are in the way. Um, and why are they still here? And, and other things. Most of them are Ant bicycles. There's one or two sort of weird ones that are out in various places because there was a phase where people just dropped stuff off. Um, so, we picked up the Bird scooters, you know, somehow we've managed to pick up all the Bird scooters and those things worked. All right, you could get on those things and ride around. You can't do that with an Ant bicycle and somehow we've allowed them to become not just street furniture but almost monuments. So, if you have doubts that they're abandoned in the way or non-functional, I like the one with the snow on it. Um, not all of those pictures are Ant bicycles. The vast majority are. And not all of them are on City property. Some are on MBTA property. Some are on private property and some are on institutional property. But a bunch of them are on private, on City property. And if we can't get rid of ours, it's difficult to tell other people to get rid of theirs. So, why do we have them? And uh, and how can we get rid of them? And how can we use this as a lesson to, to move forward in this new digital economy?

Owen O'Riordan: Um, through you Mr. Chair. Um, so, I'm happy to uh, provide uh, some context from a Public Parks perspective. Um, and um, over the last couple of days we've just looked at um, some of the uh, statistics that we have in terms of See Click Fix um, uh, responses associated with abandoned bikes. And over the last two years um, we have had 627 abandoned bikes are submitted on See Click Fix. Um, and of those 74 were noted as Ant bikes. Fifty-three in 2019 and 21 in 2018. Um, as of today all except two of those See Click Fix uh, requests have been closed. Um, and of the um, and again in terms of the Service Level Agreement associated with abandoned bikes there's a two weeks allowance for us to be able to respond to those particular um, requests for service. Um, um, in terms of the um, uh, 74 See Click Fix requests specific to Ant bikes uh, when we went out and inspected those 16 were gone at the time of inspection, 28 were found in compliance. And what I mean by compliance is that uh, in, in order for us to remove those bikes they need to be interfering with access for a person with disabilities. In other words there are preventing um, there's inadequate space and that being 36 inches minimally available for a pedestrian to be able to walk on the um, sidewalk or otherwise the bike needs to be in a non-functional state. It needs to be broken down for us to be able to remove immediately. Otherwise in, in accordance with the traffic regulations that we use around enforcement of abandoned bikes, we have to provide the um, owner of that bike 72 hours notice in order for us to be able to remove it. And again, just given the way these uh, bike companies operate, generally those bikes are going to disappear within 72 hours. They'll be picked up by the company or somebody else will rent them and move them along to some other location. Um, 16 were resolved in other ways that uh, that wasn't identified explicitly as to why that was the case. Uh, sometimes we have these bikes that are on private property. We don't go on private property to retrieve bikes. And then some of them may have been in the process of being rehired. And then um, we removed 14 of those bikes. And again if those bikes are not picked up within 30 days of us removing them we generally will either dispose of them or give them if it's a good bike we'll give it to Bikes Not Bombs um, for um, reuse. And so, in terms of um, the process that we have used using the See Click Fix application at this point in time uh, on a- on a monthly basis we're looking at about 30 abandoned bikes in the City and there's a small portion of those that have been Ant bikes. Again in terms of the regulations that are available to the Department of Public Works through the through the Traffic Department um, if a bike um, is placed in a way that any bike interferes with um, pedestrian access. We will remove it straight away if the bike that is in condition that it cannot be reused. We can remove that as well. Otherwise uh, we have to give 72 hours notice to the person who has left that bike and if they haven't removed it within 72 hours then we can remove it at that point in time. And that's the- that's the process that we have been using for the last number of years.

Craig Kelley: Councillor Carlone.

Dennis J. Carlone: So, we refused, as I understood, I thought we refused as a Council uh, Ant bikes or other bikes on our sidewalks. In other words storage on sidewalks. We own the sidewalk. We own the streets. Um, can't we just simply- if

we don't want them, can't we simply say we don't want them? And if they're found, we changed the law. Our law. Are you saying it's a state law? Um, I agree with Councillor Kelley. This is a nuisance and um, it's also ugly as sin. It looks like we don't care. It's our front lawn. It looks like we don't care. I'm not saying you don't care. I'm saying the City, it looks like it. So, can't we just correct the law? It seems to me that we're in charge of what, when I say we, the City's in charge of what's on the sidewalk and what's left there. Why don't we leave garbage on the sidewalk? Oh, for 72 hours. It's all right. It's refuse. It's trash.

Unknown Male: Through you Mr. Chair um, there are as, as you said there are laws that are being enforced and currently the ones that Mr. Commissioner O'Riordan was referring to I believe are traffic regulations. Um, the Traffic Director has authority over the public traffic on the public ways and vehicles on the public ways. So, um, it is possible of course to change the law and um, that would be in this case, I think a conversation with the Traffic Department. Um, although they're, they're the Council also, I mean it is City property and um, for example there's an Ordinance that governs the display of merchandise on the public way and that can only be done with City Council approval. Um, so, Ordinances can be changed. That Ordinance does not specifically provide for removal of uh, the merchandise. There is a fine provided in that Ordinance.

Dennis J. Carlone: Well here's my point. My point is it isn't the road. It's a pedestrian domain. And this is not a pedestrian use and certainly storage is not a pedestrian use.

Owen O'Riordan: I would say this Councillor is that we have bikes stored legitimately on sidewalks throughout the City. And, and for us to be able to distinguish between one bicycle and another is what's problematic in terms of the existing regulations.

Dennis J. Carlone: If an Ant bike is at a, an official bike storage location on a sidewalk, that's one thing. You saw the pictures. Ninety percent of them are just anywhere they want to be. That's the difference. It seems to me if there's a designated bike place, you can't argue with that. But if it's not, then I think it's problematic. Blind people. Sure. And I know a blind person who's tripped over a bike. It wasn't an Ant bike. It was another bike.

Owen O'Riordan: I mean, I think that's where the issue becomes a little bit more complex is that there's obviously a proliferation of park bikes across the City, not all of the Ant bikes. And we don't necessarily want to discourage people from using their bikes. And so, while we continue to increase the amount of bike parking in the City to begin to remove bikes regardless, even if they're not necessarily interfering with access per se.

Dennis J. Carlone: Ant bikes are not approved in the City, are they?

Owen O'Riordan: They're not approved in the City, but they're not disapproved...

Dennis J. Carlone: Should be two reasons why they shouldn't be on our sidewalks.

Owen O'Riordan: I think this is where perhaps additional legislation is needed. They're not disapproved. There's no bike that's disapproved in the City as such. And, and so, trying to differentiate between one bike and another is what's challenging for from a DPW enforcement perspective at this point.

Dennis J. Carlone: Okay, let me rephrase this. Any bike that's not properly stored in an official location, should be taken away. Any bike that's lying on it's side, even if there's three feet to walk to by it is a nuisance. That, that's all I'm getting at is that we, we- I agree we have to expand bike storage on our about sidewalks. And you are very particular where you put bike storage and I agree with that. You don't just have it randomly. So, any bike, private or anything that isn't done properly is a nuisance. If not physical, aesthetic. It looks like the City doesn't care. Broken window syndrome. I know you know all about that. And usually I mean I've seen bikes that are completely broken, you know, this is the first step to a broken bike lying on its side.

David Kale: So, I think Councillor, Commissioner is outlining what their process is and I think to a degree it does get rid of the Ant bikes eventually but from what we're hearing it's not as quick as you like and it's now spilled over to other kind of bikes not necessarily the Ant bikes or other bike company bikes. So, I think what we're hearing is you want us to go back and think about how we may make a recommendation to amend the regulations in a way that basically gets at the problem. But the same token doesn't necessarily punish um, folks who may have been delinquent in the way they stored their bikes. So, there's a little fine line there and just point out kids bikes. You know, sometimes kids bikes aren't as stored as properly as you would like. So, um, I guess what we're hearing is is you want us to go back and look at the regulations and see if we can find a way to um, make it a little more efficient in the way we get rid of bikes.

Dennis J. Carlone: Here's the difference. The difference is yes, kids typically leave their bikes on an angle, usually on front lawns, not on a sidewalk because it will be taken by some other kid. It happens Ant bikes are different. It's a corporation that locks the bike. It's very different. They're taking advantage of the kids who do it because they're kids. It's very different.

David Kale: I think we hear what you're saying.

Dennis J. Carlone: Thank you. Thank you. Mr. Chair.

Craig Kelley: Madam Vice Mayor.

Jan Devereux: Um, couldn't an Ant bike be called non-functioning just de facto since the company by my understanding of what Councillor Kelly said isn't operating anymore. Therefore you actually even if the bike isn't visibly broken, you can't operate it. Isn't that...

Craig Kelley: Yeah, I couldn't download the app and get those things to work, so... so...

Jan Devereux: That's a non functioning bike.

Craig Kelley: I couldn't get them to function.

Jan Devereux: Okay, well then and the other thing is I thought we have an exclusive bike share contract with Blue bikes and therefore any of these are not technically supposed to be parked. I don't have quite as strong an opinion as Councillor Carlone about bikes of all kinds potentially being nuisances. I think we need more bike parking so, that bike parking can be more orderly and people don't need to improvise and sometimes bikes do fall over when locked to a regulation rack and that's unfortunate. So, I mean I'm not- I'm, I'm really principally interested in the fact that we have a commercial company that appears to be out of business. That it's merchandise should be picked up and cleared away and it's only, as you note, a relatively small number of the total bikes that could be considered abandoned in the City. So, it doesn't seem like an insurmountable thing. And if Ant bike in its comes back from the grave and says we want our bikes back, we can tell them where they are.

Owen O'Riordan: I mean, I guess I wanted to um, further respond to your original question Councillor and that was what caused us to be able to um, get rid of the Bird scooters but not the Ant bikes and again Bird scooters are motorized pieces of equipment and so, the law that applied to those was different to that which applied to the ant bikes and so we were...

Craig Kelley: What was that law? I thought that was a Sidewalk Merchandise Ordinance.

Owen O'Riordan: It was a 12, I, I've forgotten exactly the particular regulation or um, law that's applied to that. But that allowed us to take those and remove those pretty immediately.

Unknown Male: There were different um, there were traffic regulations that specifically refer to motorized vehicles and that there can be removal and storage charges for those that don't apply to bicycles. So, there are some differences in the law on those.

Dennis J. Carlone: But did we remove them under those regulations? Did you remove them because they failed to have the Sidewalk Merchandise permit?

Unknown Male: The removal was based on the traffic regulations. There was also a fine imposed based on the Merchandise uh, Ordinance.

Craig Kelley: I'm still a little bit confused. So, if we had not- if we did not have a regulation governing sidewalk merchandise that would have had no impact on the Bird removals?

Unknown Male: {Inaudible}. I'm not sure I would say no impact but I think essentially, yes, that the Ordinance 12.08 um, and I'm forgetting if it's 020 or whatever it is um, that chapter in 12.08 has a penalty provision that allows for ticketing. It doesn't talk about removal of the merchandise.

Craig Kelley: Okay um, that's sort of a sideshow because the, the- I entered a bunch of these in See Click Fix and it came back with these aren't abandoned. I'm

like well they can't be ridden and I don't know what other definition of abandoned one could possibly have than a bicycle that cannot physically be ridden. So, if we're not going to pick up- and we can't confuse these Ant bicycles with other bicycles because other bicycles don't have those big things that say Ant on them. I mean these- that we can't remove those clearly non-functional bicycles from the public way after again a Council Order, multiple See Click Fix entries, face-to-face discussions. Um, you know, I don't, I don't know what else one does. And I'm not hearing uh, an understanding of, you know, why they're still there given that they're not rideable.

Owen O'Riordan: Councillor, as of yesterday there were two open See Click Fix Ant bicycles still on the street and we were in the process of removing those if they were broken down or if they interfered with access. The fact that they're locked and somebody has to pay for their use is not something that- we, we can't necessarily remove them on that basis. They're functional in terms that they can be recycled if someone pays that fee. Um, and we don't have the authority to actually...

Craig Kelley: So, I understand that part, but you can't pay the fee. That's my point that you, you can't. Go try it. We can try it together but you know I've tried many times. You can't pay the fee to allow you to ride the bicycle which means you can't ride the bicycle. And I've tried, the ones that I, I entered and so, they're still there. You know, maybe they got pushed around the corner or something but no one got on them and rode them because you can't.

Owen O'Riordan: So, as of the 31st of December there were two Ant bikes that were still in our See Click Fix uh, system that had not been removed.

Craig Kelley: As the- well the ones I entered it was closed which is different from being removed. I think we're, we're conflating that. So, I entered them I say these bikes are in, you know, in the way as a relative term. They do get in the way because people knock them over and because they're not locked anything and they're not functional So, they're abandoned. But DPW staff said, well, they're fine. We'll just close it. So, closing doesn't mean removing and I don't know why we... independent of the, the Bird thing which I'm still not clear on and, and Dennis's has pointed out, I don't know why we can't remove these abandoned bicycles. And I, I would encourage the City to do that because it makes it really difficult to get people to get behind us with more challenging things like scooters and hoverboards and one wheels when these clearly marked Ant bicycles that are not rideable stay there literally for months at a time. And again, I think that's something for the people in this room throughout the next term. So, other comments? I know people want to run, questions? Okay. Public Comment. Anyone want to speak? Open. See no one. Close Public Comment. Louis looks like you want to say something? No, Louis just wants to go. All right. Thank you all. Um, this issue will not go away and I'm sure we're all ways and various ways in the future. Have a great 2020.

CERTIFICATION

I, Casey Kern, a transcriber for Intellectix, do hereby certify that said proceedings were listened to and transcribed by me and were prepared using standard electronic transcription equipment under my direction and supervision; and I hereby certify that the foregoing transcript of the proceedings is a full, true, and accurate transcript to the best of my ability.

In witness whereof, I have hereunto subscribed my name this 30th day of September 2024.

Casey Kern