



www.cityofmalden.org

Gary Christenson, Mayor

Tuesday, September 8, 2020

Honorable Malden City Council
215 Pleasant Street
Malden, MA 02148

Dear Members of the City Council:

I respectfully submit to you two ordinance revisions for your consideration which I believe will be instrumental in addressing numerous citizen complaints that we have received by way of our Problem Properties Unit. We believe these proposals will also play a small but immediate role in providing affordable housing solutions for our residents.

The first revision creates a new use in our zoning Table of Use Regulations called "Short Term Rental" and to not allow that use in any district within the City. Short Term Rentals are currently not allowed in the city by way of regulations contained within the Massachusetts State Building Code and City of Malden Ordinances. The combined interpretation of these regulations provide enforcement that, while accurate, is cumbersome to explain and difficult to understand. The creation of this use within our table and disallowing it in all districts will be easier for property owners to understand and will provide city officials clear and easily defendable enforcement. (See Attachment A for the proposed language).

The second revision will change the current definition of a family and subsequently the definition of a Rooming House. The current definition limits the number of people living together in a dwelling unit, who are not related by blood, adoption or marriage, to two (2). This number is not compatible with other codes such as Building, Health, and Fire and is also not conducive to modern rental trends or dwelling unit capacity. By revising the number of occupants who are not related by blood, adoption, or marriage to four (4) people our ordinance will be better in line with State of Massachusetts statutes and will not leave any gray areas of occupancy classification. (See Attachment B for the proposed language). Allowing property owners to rent dwelling units of sufficient size to occupy up to 4 people will also create more renting opportunities while allowing a group to spread the monthly cost over a larger group which we believe will result in more affordable housing.

Our Building Commissioner Nelson Miller is prepared to testify on these proposed changes and answer any questions. Thank you for your consideration.

Sincerely,

GARY CHRISTENSON
Mayor

215 Pleasant Street, Malden, MA 02148 | Phone: 781-397-7000 Ext. 2001 | info@cityofmalden.org

Strong Past...Proud Future

Attachment A

Proposed Amendment: To establish a new use category, use regulations, and a definition for Short-Term Rental to regulate the use of property for short term rental for residential use.

Amend Section 12.12.030 Table of Use Regulations: Add the following Residential use category with regulations.

12.12.030	Use	A	B	C	RO	BN	BC	BH	I1	I2
	<u>Residential</u>									
	Short Term Rental	NO	NO	NO	NO	NO	NO	NO	NO	NO

Amend Section 12.32.060 Definitions: Add the following definition.

Short Term Rental: An owner-occupied, tenant-occupied or non-owner occupied building, structure or property, or part thereof, which is not a licensed hotel, motel, or rooming or lodging house, or group dwelling which is used for any residential use on a short term basis, which is herein defined to be thirty (30) days or less, whether through a rental agreement, lease, license or any other type of agreement and whether as a principal use or an accessory use to any other use. Any variance of any language of this definition shall be deemed to be a use variance and is expressly prohibited.

Attachment B

Proposed Amendment: To change the definition of a Family and a Rooming House as they are currently defined in Section 12.32.060.

Current Definitions:

Family: One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

Rooming House: A building in which three (3) or more persons either individually or as families are housed for hire in individual rooms with or without meals and shall include lodging, boarding, and tourists houses.

Revised Definitions:

Family: One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding **four (4)** living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

Rooming House: A building in which **five (5)** or more persons either individually or as families are housed for hire in individual rooms with or without meals and shall include lodging, boarding, and tourists houses.