



**CAPE COD & ISLANDS**  
ASSOCIATION of REALTORS®, INC.  
& MULTIPLE LISTING SERVICE, INC.

## **INTRODUCTION**

CCIAOR is a non-partisan organization and does not endorse any specific political party. The Association takes action and reviews policy proposals made by the municipal, county, state and federal governments which relate to real estate, private property rights, or a REALTOR®'s ability to work and earn a living, and the quality of life of the region. Any recommendations for an official position must be approved by the CCIAOR Board of Directors for approval, prior to these positions being made public, if it not covered in this subsequent policy.

## **GUIDING PRINCIPLES OF REALTOR® PUBLIC POLICY**

The Cape Cod & Islands Association of REALTORS® (“CCIAOR” or “The Association”) promotes the highest standards of professionalism, ethics, education, and technology, ensuring REALTOR® members are the primary source for real estate on Cape Cod, Martha’s Vineyard and Nantucket.

REALTORS® are dedicated to the opportunity for ownership of real property for all who desire it, within the framework of a democratic free enterprise system. Real property ownership positively impacts neighborhoods, communities, and the region’s economic stability.

REALTORS® believe the right of property ownership confers with it the freedom to use for highest and best use and should not be abridged.

REALTORS® are committed to the protection and preservation of private property rights. Private, individual ownership of land should be respected at all levels of government and the value of that land should not be artificially affected by government intrusion.

REALTORS® believe in the free transfer of real property. The fundamental right to own property is guaranteed in the Constitution of the United States and that right should not be infringed upon, nor should property be taken by the government for a public use without just compensation.

REALTORS® support policies which encourage property choice, economic development and adequate infrastructure to protect the quality of life on Cape Cod, Nantucket and Martha’s Vineyard.

REALTORS® are committed to the proposition that all persons, regardless of race, color, religion, national origin, familial status, disability, sex, or sexual orientation, have a right to own real property. Equal opportunity in housing can best be achieved through education and observance of the law, and cooperation of the real estate industry and the public in a free and open housing market.



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## ZONING

### OVERVIEW

Zoning is put into place by governing jurisdictions to protect the health, safety and welfare of its citizens. Zoning was ruled constitutional by the United State Supreme Court in 1926 in a case challenging the zoning laws of Euclid, Ohio. Post World War II zoning traditionally has separated properties based on use (commercial, residential, industrial, and multi-family) with separate sectors assigned minimum lot sizes and buffers. However, traditional zoning pre-World War II exhibited more compact, mixed use and walkable land use patterns. A mix of lot sizes, building footprints and uses gave a greater number of choices for housing and commercial properties. Historically this can be seen throughout Cape Cod, Nantucket and Martha's Village in the village concept with examples in villages like Osterville, Chatham, Provincetown, Edgartown and Nantucket.

### POSITION

CCIAOR supports property owners' exercising choice with respect to zoning. Zoning policies should provide for the flexibility of the free market, account for use change over time, and allow for the highest and best use of the subject parcel. Every citizen should have the right to acquire real property with the confidence and certainty that the value of such property will not be diminished by governmental action without just compensation or the owner's express consent. No committee, panel, board or organization shall prevent zoning matters from being given open, fair and timely hearings before the appropriate legislative body. CCIAOR supports the village concept, where appropriate, and the ability to create a mix of uses, density and housing types to create sustainable communities.

## HOUSING AFFORDABILITY

### OVERVIEW

A basic need for an individual or family is shelter. This means that the housing stock in area neighborhoods must be diverse and compliment the community's needs. Traditionally, Cape Cod's government regulation of larger lot size requirements, lack of infrastructure and suburban zoning has driven up costs and made housing more unattainable.

### POSITION

CCIAOR supports initiatives increasing the availability and affordability of housing and believes the increase in the housing stock will result in more housing affordability allowing more people to achieve the goal of homeownership. Among the initiatives CCIAOR supports, includes:

- The expansion of property rights by permitting by-right accessory units, which increases the affordability of single-family homes and increases the affordability of available year-round rental housing.



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- Consideration of programs that alleviate homelessness and encourage housing for low-income individuals and first-time home buyers—programs that can help instill the sense of pride and stability that comes with home ownership and increase the percentage of owner occupied homes in area neighborhoods.
- The use of market-based incentives and public and private partnerships as vehicles for the promotion of housing affordability. When the government is involved, however, it must consider its fiscal responsibility to taxpayers.
- Increased communication within and between governments to expedite the development approval process. Improved coordination of the permitting process at the local levels could result in lower building costs. Often the various levels of governmental authorities do not have effective communication and co-approval systems, which causes unnecessary delays, increases construction costs, and ultimately hinders housing affordability.
- A consistent zoning code that permits by-right to allow mixed-use, cluster, multi-family, accessory dwelling, and small lot zoning in appropriate locations. This will encourage diverse growth patterns to sustain and enhance a town's affordability.

## REAL ESTATE TRANSFER TAX

### OVERVIEW

A real estate transfer tax, or a deed recordation fee or stamp, is a state or local tax assessed on real property when ownership of the property is exchanged between parties. Although the tax is generally calculated based upon the value of the property, it is assessed only on the sales transaction instead of on an annual basis like the general property tax. Real estate transfer taxes may be assessed on either the buyer or seller, but both are usually jointly and severally liable for the tax.

### POSITION

CCIAOR opposes real estate transfer tax for its negative impact on housing and property cost, for using a sale as a trigger, and because it is a detriment to entire real estate industry. As the tax is levied only on buyers and sellers of property, the burden per taxpayer is much greater than the burden from a more broad-based tax designed to generate the same amount of revenue. Inherently, a real estate transfer tax is an unstable revenue source and discriminatory, as it is unpredictable and it only targets a specific action of the public and yet the revenues are typically used to benefit the community as a whole. Since such a tax is inherently unstable, for existing real estate transfer taxes, collections should not be attached to a general operating budget of either state or local government and only used for non-reoccurring expenses.

## TRANSPORATION



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### OVERVIEW

Transportation is the mode to navigate people whether it is by bicycle, foot, rail, vehicle air or water. Expansion of capacity to transport people represents an important investment in the future growth of our economy and the quality of life in the region. By investing in roads and public transportation, the quality of life is maintained and enhanced and economic potential is increased with the ability to move people efficiently to shopping, work, and schools.

### POSITION

CCIAOR supports coordination of transportation networks with the surrounding land use to ensure compatible usage. CCIAOR supports the construction of additional capacity in our current transportation infrastructure, adding more connections to make mobility more accessible, and adding new routes and options to increase efficiency in our transportation system resulting in a full menu of transportation options including but not limited to roads, bridges and public transportation. CCIAOR supports construction of complete streets which allow all modes of transportation to safely operate and include sidewalks and bicycle lanes. CCIAOR supports the examination of a third bridge to Cape Cod, the Cape Flyer program and expansion of air service serving Cape and the Islands.

### SHORT TERM RENTALS

*updated July 2019*

#### OVERVIEW

In late 2018, Massachusetts passed a law regulating and adding room occupancy tax to short-term rentals. The law provides a definition of a short-term rental (a stay that is 31 days or less) and requires short-term rentals to register with the state and provide \$1 million in legal liability insurance. It also requires the entity collecting rent to assess, collect, and remit the taxes. The state law explicitly allows cities and towns to create a registry and inspection process for short-term rentals.

Short-term rentals are a significant driver of the Cape Cod, Martha's Vineyard, and Nantucket economies. The use of short-term rentals drives jobs directly and indirectly associated with the rentals and economic activity associated directly with the rental of the unit itself and the underlying tourism and service economy.

#### POSITION

To protect the economy of Cape Cod, Martha's Vineyard, and Nantucket and the property rights of homeowners, CCIAOR opposes bans on short-term rentals in cities and towns. CCIAOR would support short-term rental registration and inspection bylaws that are deemed by the Association to foster compliance with existing town bylaws and to hold accountable bad actors, but not ones that are determined by the Association to be targeted at the industry



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as a whole as a way to limit the property rights of homeowners and are detrimental to that town or city's economy.

**ZONING**

CCIAOR believes short-term rental regulations should not be in the zoning bylaw that could affect property rights and are better handled through regulations that affect all homeowners. Most issues can be handled through nuisance laws or other avenues, rather than through restricting zoning, which infringes on the property rights of homeowners.

**COMMUNITY IMPACT FEES**

CCIAOR opposes cities and towns enacting Community Impact Fees on short-term rentals. Community Impact Fees create an unlevel playing field between similar properties and penalize investment in the Cape Cod economy. In addition, it is too difficult and would be burdensome to enforce the community impact fee – especially with the little revenue associated with implementing the fees. In addition, there is no provision in state law to exempt out housing units that are not – either by town bylaw or state environmental regulations – able to be occupied on a year-round basis. Since the purpose of the community impact fee is to offset the stress on housing prices that short-term rental units place on the market, the lack of an ability to exempt these units creates difficulty in fairly implementing a community impact fee.

**LOCAL SHORT-TERM RENTAL REVENUE**

CCIAOR believes revenue derived from local room occupancy tax (on both hotel rooms and short-term rentals) should be used to fund long-term, chronically underfunded initiatives that are related to the tourism economy of Cape Cod, Martha's Vineyard, and Nantucket. CCIAOR supports every town adopting a Community Investment Stabilization Fund where it directs at least 50% of the local option rooms excise tax to be used for housing, wastewater, broadband, transportation, and competitive marketing of Cape Cod, or a subset of a combination thereof.

**SIGNS**

CCIAOR believes allowing vacation rental signage promotes the safety of a town. It allows visitors to find what at times can be confusing and hard to find locations and allows for the proper marketing of a property. However, CCIAOR does support restrictions around short-term rental signage as long the Association does not deem the restrictions to be overly restrictive and an impediment to commerce.