

Airbnb in Northampton County Court (6)

The Bethlehem Gadfly | Airbnb, Gadfly's posts, Serious Issues | October 25, 2018

(6th in a series of posts on Airbnb)

Old news. Just filling out the record. Gadfly likes a full record.

In post #1 in this series on the Airbnb Controversy, Gadfly gave you a timeline. He now wants to bring you up to date before moving on to another neighborhood issue at 2 W. Market St.

In that timeline Gadfly said that there were hearings before Northampton County Court and before local judge Manwaring. The issue is renting three properties owned by Jay Brew and Mary Ellen Williams – 258 E. Market, 265 E. Market, and 4 W. Church St. — in the Northside Historical District through Airbnb.

Here's info on the Northampton County Court front.

Nicole Radzievich, "Airbnb owners in Bethlehem score first legal victory in clash with city." Morning Call, October 3, 2018.

On October 3, "The couple renting out a trio of stately, historic Bethlehem homes on the Airbnb home-sharing platform scored their first legal victory over the city. Northampton County Judge Craig Dally ruled against the city's initial arguments to toss the challenge of its new home-sharing ordinance and is allowing the case to proceed."

"Leo DeVito, attorney for the plaintiffs, argued in court papers that the restrictions should have been addressed through a zoning ordinance, and that the city didn't go that route because it would mean those existing rentals in the historic district would have been 'grandfathered in.'"

"The city argued that the ordinance affects properties citywide to protect the health and welfare of its residents. The city has the power to regulate that outside the zoning code".

"In his nine-page ruling against the city's preliminary objections, Dally said the city hadn't met its legal burden yet to dismiss the case at this time."

"While it may be true, as Defendant contends, that the [short-term lodging ordinance] contains provisions at least nominally directed at health and safety of Bethlehem residents, this does not obscure the fact that the overall impact of the [ordinance] indicates that it is effectively an amendment to the city's zoning ordinance, intended to classify and restrict a new use previously unaddressed,' Dally writes."

“The judge also pointed out that the city initially tried to cite the owners under the current zoning ordinance before creating the new ordinance.”

“If the plaintiff’s claims are true, Dally said, there is enough legal basis on which the plaintiffs could establish their right to relief.”

“The lawsuit is asking a judge to rule the ordinance invalid, allow the short-term residential rental business to continue and stop the city from prosecuting them under the ordinance.”

Score one for homeowners Jay Brew and Mary Ellen Williams against their neighbors and the City of Bethlehem.

Now on to the local judge.