

# “Our neighborhoods are under attack” (10)

The Bethlehem Gadfly Airbnb, Gadfly's posts, Serious Issues November 4, 2018

*(10th in a series of posts on Airbnb)*

The Old info about the Airbnb issue that Gadfly wants to fill in here in this post comes from the Sept 4 City Council meeting, the minutes of which have only recently become available.

Those minutes are available at [Sept 4 City Council minutes \(pages 2-16\)](#).

(All quotes here will be from the minutes, but, as we all know, the Council minutes by Louise Kelchner are very full and good, so that the minutes are virtually transcriptions of the speakers.)

Gadfly wants to provide this “old” information not only to fill a hole in the record of this issue on the blog but also to highlight the high quality of the resident commentary.

Remember, the full minutes are just [a link away](#), and you are encouraged to use that primary source.

Remember, too, that this meeting occurred before the successful Oct. 5 hearing before Judge Manwaring reported on in post #7 and then the appeal of the Judge’s ruling by the owners this past week, as just reported here in post #9.

Gadfly remembers the Sept 4 meeting as one of the best of the year. The air crackled. Tension was thick. The issue was urgent, resident commentators were passionate, Council was involved and concerned, the City solicitor provided necessary factual framework (first time Gadfly had heard him speak at a meeting) to help keep everybody’s eyes on the ball.

In short, everyone was concerned about and frustrated by a continuing problem that a recent ordinance was supposed to fix. Why were the Airbnb rentals still occurring? Why wasn’t the City enforcing the ordinance?

After all, as Frank Boyer said, “our neighborhoods are under attack.”

The basic response to those kinds of questions was mundane and bound simply to raise the collective frustration level: lack of enough enforcer person-power. Chief City code enforcer (and new to the job, Gadfly believes) Michael Simonson detailed the burdens of his limited staff compounded by the fact that violators must be caught in the act, *in flagrante delicto*, which, of course, is almost always after hours and on weekends when his staff is not working. This latter point seemed a genuine surprise to everybody. High hopes and expectations dashed by workaday, practical realities.

Councilman Reynolds asked the key question: why can't the City just shut down these rentals while waiting for the Northampton County court to make a ruling on the validity of the ordinance? City Solicitor Leeson provided an answer as basic and as understandable as Simonson's and just as frustrating: the punishments in our ordinance are only fines and penalties (and we cannot even increase the fines or apply penalties until we get a first adjudication of guilt on the homeowner). And if the City wanted to go further to stop the businesses, it would have to show proof of guilt, which it would not have till it won the case before Judge Manwaring that was not coming up for a month. The City was trapped by circumstance, paralyzed at the moment.

Attorney for the HDNers (Historic District Neighbors) Tim Stephens did not improve anybody's digestion by reporting that the ruling by Northampton County judge Dally could take months and even if in favor of the City, appeals could take years. His advice was to continue enforcement, pile up multiple fines as evidence of guilt, do it throughout the City so that multiple judges are involved, and on that basis petition for a preliminary injunction to halt operation. Even that might not work. The standard is high. But faint hope glimmered.

Enter the residents. Gadfly only began following City Council in January, so he went back to the minutes of the meetings of [Nov. 21](#) and [Dec. 5](#), where this STR ordinance passed its two readings. Large and eloquent resident commentary overwhelmingly favored passage of the ordinance. Go take a look. It's great stuff! This time, however, similarly forceful resident commentary was aimed at urging the City to beef up enforcement of that ordinance.

Ron Yoshida held up the bleak image of Lisbon, which he had just visited, where Airbnb has swallowed half the historic district, and, emphasizing the need to set budget priorities to enforce the STR regulations and fight this cancer, he reminded us of the old Fram oil filter commercial: "[Pay me now, or Pay me later!](#)"

No need to look across the pond for an image of the cancer besetting us, said Stephen Antalics, just look across the river into the Southside, where nonresident landlords destroyed a vibrant community by buying up properties and turning them into student housing. The common denominator between the Airbnb and student housing is simple — it is profit. Be aggressive, fight with every tool you have, counseled Antalics: "You have history here, the death of the south side from a cancer that could spread across the river to the north side." (Gadfly thought Stephen's *ex tempore* here, the most striking, the most powerful he heard all year.)

Riffing on Antalics, Bruce Haines described the significant and dangerous difference between student housing and Airbnb as the difference between the neighbor you can at least get to know and a succession of neighbors you don't know, will never get to know — a succession of complete strangers. Neighbors not at all.

Al Wurth pointed out that the City rules and regulations confer value, the value that provides incentives for home owners to pay the higher prices for houses in the historic district. The City provides assurance to people that where they move will not turn into a nightmare. And that requires a good deal of enforcement of those rules and regulations. “We cannot have let's make a deal, we cannot have sharp lawyers getting around the law.” We must give that assurance so people will want to live in the District.

While other residents focused on what the City can and should do, Bill Scheirer focused on what residents themselves can do. Like being City watchdogs. Catching renters *in flagrante delicto*. Seeing renters arriving at an Airbnb site one day, Scheirer hustled himself right to City Hall and fetched the enforcement officer, who issued a citation. And like being just plain ornery rascals. To wit, when using the library, Scheirer makes it a point to park in front of the nearby Airbnb house when he can, “just to deny them one parking space.” Citizen activism! You gotta love it.

And successful.

Shortly after the meeting the *Bethlehem Press* could report that “[Donchez cracks down on rentals](#).” The Mayor moved to make staffing adjustments aimed at improving the policing of the rental sites: “Effective beginning this weekend, there will be an increase in monitoring and enforcement of Short Term Lodging Facilities throughout the City. We will now have on-call and proactive monitoring of our STL ordinance on Thursday and Friday evenings, as well as on Saturday and Sunday. The public is encouraged to call the City's non-emergency number, 610-865-7187 and speak with a dispatcher, leaving your name and phone number so an inspector can call you back to assess the situation. The inspectors will be available to come out to the site, gather evidence, and cite new violators of this ordinance.”

Nicely done, gadflies.