



March 7, 2023

Re: Bill 6-23, Housing - Sharing Economy Rental

Council President Glass, Council Vice-President Friedson and members of the County Council:

On behalf of Swimply, I am here today in support of Bill 6-23, with proposed amendments. This bill would recognize and regulate home amenity rentals in Montgomery County.

Swimply is a home amenity rental platform, which allows homeowners to share underutilized portions of their home with their neighbors. While Swimply has started with the sharing of pools, we are moving towards a platform where all underutilized spaces which are not sleeping quarters can be shared, be it your yard for a dog to run, or sharing your garage for someone to work on their car. We are an extension of the home sharing economy.

While an extension of the home sharing economy, our concept is still new and as often is the case with technology it expanded faster than regulations could keep up. We support this bill to ensure home owners may share their amenities within a framework. However, we have a few amendments to propose to ensure smooth oversight.

First, we ask under the zoning amendment, ZTA 23-01, that the restriction on sites with Accessory Dwelling Units (ADUs)¹ be removed. While this restriction may have been applicable for short-term rentals, it is not applicable for home amenity rentals. There is no lodging occurring and the ADU may actually be a space that could be shared, for example it may house the bathroom facilities for a pool rental.

Second, we respectfully request that the inspection requirement in section 25C-6 be removed. There are currently no such inspections required for short-term rentals. It is unclear why these two home sharing platforms would not be treated equally. Furthermore, there are a variety of questions that remain outstanding, including, but not limited to, whether there is the bandwidth to conduct such inspections and if there are clear and concise rules and standards around what is being inspected. We believe any interest in inspections warrants a separate discussion with short-term rental providers at the table.

And finally, the restriction on no more than 6 adults per rental is not only hard to enforce, it would have a detrimental effect on home amenity rentals, and it is also unequal to the treatment of short-term rentals. Swimply does not charge different rates for adults and minors and thus hosts do not always have this information up front. Furthermore, forcing hosts to limit their space in this way would be chilling to their rentals—many of their spaces can appropriately fit more than 6 adults without causing a nuisance and thus the number appears arbitrary. And short-term rentals may only have 6 adults for lodging purposes—the regulation does not restrict those lodging guests from inviting more adults over to enjoy the amenities the home provides. Thus, if a neighbor complained about a property being shared, and there were ten adults using the pool

¹ Section 3.3.3.(1)(2)(a) Accessory Residential Uses



and it was a short-term rental there would be no violation, but a home amenity rental host could be fined. We believe that the regulations in place around hours, primary residence, and the ability for one to lose their license for violations will help ensure any concerns around nuisance are abated.

I thank you for your time and respectfully ask that you all pass Bill 6-23 with our proposed amendments.

Thank you,

Cameron Kilberg
Head of Legal Affairs and Government Relations
Swimply