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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Amityville

Local Law No. 6 of the year 2019

A **local law** to amend chapter 137 of the Code of the Village of Amityville regarding short term rentals of residential property.

Be it enacted by the Board of Trustees of the Village of Amityville as follows:

Section 1. The Board of Trustees finds that to protect the safety and welfare of the residents of the Village of Amityville that it is necessary to regulate short term rentals of residential properties within the Village.

Section 2. Section 137-2 of the Code of the Village of Amityville is hereby amended to read as follows:

“§137-2 Permit required. It shall be unlawful for the owner of any building, or portion thereof, used for residential purposes to allow, permit or suffer the occupancy thereof as a separate dwelling unit for someone other than the owner for thirty (30) consecutive days or more without a rental permit pursuant to Article I of this chapter. Short term rentals of less than thirty (30) consecutive days shall be regulated as provided in Article II of this chapter. It shall be immaterial whether or not rent or any other consideration is paid to the owner by the occupant of such dwelling unit.”

Section 3. Chapter 137 of the Code of the Village of Amityville is hereby amended by adding an Article II as follows:

“Article II Short term rentals

§137-9 Definitions

Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Owner

An individual or group of individuals who are in possession of and have a fee interest in real property. The term “owner” shall not include a business entity or association, a trustee, receiver or guardian of an estate, or a mortgagee or lien holder.

Owner-Occupied

A one or two family dwelling, or parent-child residence used by the owner as his or her or their principal residence (domicile).

Room or Rooms

A bedroom or group of bedrooms in a one or two family dwelling, or a parent-child residence, used for short term rentals, where there are no provisions for eating or cooking, but may include the use of private or shared bathroom facilities.

Short Term Rental

A dwelling unit(s), a room, or a group of rooms legally established within one or two family residences that are owner-occupied, including parent-child residences where the dwelling, unit(s), room or group of rooms are rented, leased or otherwise assigned for a tenancy of less than thirty (30) consecutive days, and where no meals are served. The term "short term rental" does not include mixed-use buildings, multiple dwelling buildings, dormitories, hotel or motel rooms, bed and breakfast inns, or boarding or lodging houses.

§137-10 Prohibited Acts

A. Permit required.

It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short term rental without first having obtained a short term rental permit. The failure or refusal to obtain a short term rental permit shall be deemed a violation of the Article.

B. Owner-Occupancy.

It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short term rental if the property is not owner occupied. The failure of the owner to occupy the property as his residence (domicile) shall be deemed a violation of this Article.

C. Advertisement.

An application for a short term rental permit shall be filed before the room(s) or dwelling unit(s) are advertised for short term rental, and if the spaces are not advertised, then such permit shall be obtained before the room(s) or dwelling unit(s) are leased or rented. The short term rental permit number shall be noted on the advertisement. Any person who advertises the space for rent or lease, or rents the room(s) or dwelling unit(s) as short term rentals without first having obtained a short term rental permit shall be deemed to be in violation of this Article.

D. Signage.

It shall be unlawful to place signage on property advertising or identifying any portion of the property as a short term rental. Any person who violates the provisions of this section shall be deemed to be in violation of this Article.

E. Parking.

All vehicles attributable to short term rentals shall be parked on-site in parking spaces provided for such purpose when the vehicles are not in use. All parking shall comply with the provisions of §183-129 and §183-147. Any person who violates the provisions of this section shall be deemed to be in violation of this Article.

F. Permitted number of days.

It shall be unlawful for the property owner to use, establish, maintain, operate, occupy, rent or lease any portion of his property as a short term rental for more than one hundred and twenty (120) days out of a calendar year. A person who violates this section shall be deemed to be in violation of this Article.

G. Number of bedrooms.

It shall be unlawful for the property owner to use, establish, maintain, operate, occupy, rent or lease more than two (2) bedrooms within a dwelling unit. Any person who violates the provisions of this section shall be deemed to be in violation of this Article.

H. Cooking and sleeping facilities.

It shall be unlawful to have cooking facilities in rooms used for short term rental, except for those premises having a valid certificate of occupancy for a two-family dwelling or a parent-child residence. There shall not be any rooms for overnight guests other than in the main building on the lot. Any person who violates the provisions of this section shall be deemed to be in violation of this Article.

I. Conditions and restrictions.

It shall be unlawful for a property owner to violate, fail, neglect or refuse to fully comply with any condition, restriction or requirement of the short term rental permit. Any person who violates the provisions of this section shall be deemed to be in violation of this Article.

§137-11 Presumption of Short Term Rental

The presence or existence of any of the following shall create a rebuttable presumption that a property is being utilized as a short term rental:

A. The property is offered for lease or rent on a short term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites; or

B. The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than thirty (30) days.

§137-12 Application for Permit

Application for a short term rental permit shall be made to the Code Enforcement Officer in accordance with §137-3 of this chapter.

§137-13 Issuance of Permit; conditions and restrictions.

A. Transferability. Short term rental permits are not transferable. Any person who transfers a permit or uses a permit that has been transferred shall be in violation of this Article.

B. Conditions and restrictions of permit. All permits issued pursuant to this Article shall be subject to the following conditions and restrictions, whether or not they are itemized on the permit:

(1) The property used for short term rental shall be the principal residence (domicile) of the owner at all times during the term of the permit and;

(2) There shall be no signage on the property advertising or identifying the short term rental; and

(3) The property shall have no commercial-type lighting outside the building; and

(4) All outward appearances of the property in which the short term rental will be located must remain as it was before the permit was issued. A new entrance (doorway) shall not be installed by the applicant to accommodate the new use; and

(5) Sufficient on-site parking must be provided. Said parking shall be in the driveway or in a parking area behind the main residence on the property that is under review for the permit. Accommodations for one (1) car per short term rental stay and two (2) cars for the owner's family shall be the minimum off-street parking to be provided; and

(6) Every bedroom in a short term rental occupied by one (1) person shall contain at least seventy (70) square feet of floor area and every bedroom in a short term rental occupied by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant thereof. Children under five (5) years of age shall not be included in the definition or calculation of occupancy; and

(7) No more than two (2) bedrooms with separate or shared bathrooms within a dwelling unit shall be utilized for a short term rental; and

(8) There shall be no cooking facilities in rooms, except for those premises having a valid certificate of occupancy for a two-family or parent-child residence. There shall not be any rooms for overnight guests, other than in the main building on the lot. There shall be no structural alterations that prevent the building from being used as a residence; and

(9) No more than a total of one hundred twenty (120) days of short term rentals shall occur within a calendar year; and

(10) Traffic attributable to the short-term rental must not result in significant adverse impacts to existing traffic patterns nor create a hazard to pedestrians in the neighborhood; and

(11) Compliance with all applicable provisions of the Code including Noise and Property Maintenance shall be required; and

(12) The property owner shall maintain a registry and the names and dates of occupancy of the short-terms rental occupants. This registry must be produced for review upon the request of the Code Enforcement Officer.

C. Authority of Code Enforcement Officer. The Code Enforcement Officer may issue a permit with such additional restrictions and conditions as he deems reasonable and necessary under the circumstances.

D. Notification Requirements. The Code Enforcement Officer shall provide a packet of information with the issuance of each permit summarizing the restrictions, guidelines and requirements applicable to the short term rental use. The property owner of the short term rental shall provide a copy of the information packet to the occupant(s) of the short term rental property.

§137-14 Term of Permit.

A short term rental permit shall be valid for a period of one year from the date of issuance.

§137-15 Permit fees; late charge for overdue permit renewals

A. The permit fee for short term rentals shall be set by resolution of the Board of Trustees from time to time.

B. A late charge equal to two times the permit fee, pro-rated for the period of time constituting the overdue period, shall be paid for the renewal of any expired short term rental permit required by this Article. Said late charge shall be in addition to the basic permit fee.

§137-16 Authorization for inspections.

The submission of an application for a short term rental permit shall be deemed an authorization for inspections of the premises in accordance with §137-7 of this Chapter.

§137-17 Penalties for offenses.

A violation of this article shall be punishable as provided in §137-8 of this chapter.”

Section 4. This local law shall be effective upon filing with the Secretary of State.