

## **A Summary of the Main Elements of Proposed Law of 2024 Amending Town Code, Chapter 125, Article 5, “Short Term Rentals”**

To read the full draft of this proposed code, go to Rhinebeck Town Government Agenda webpage at <https://ecode360.com/RH0960/documents/Agendas>. Scroll down to Town Board 2024 Agendas and choose the agenda for the Monday, March 11th meeting. Once at the agenda page, scroll all the way down to page 65 where the draft of the full code is located.

### **New Chapter 125-61 et. seq.**

Short Term Rentals (STR) will require owner(s) to obtain a (STR) permit from the Town to continue or commence operation of an STR.

### **Intent and Purpose.**

The provisions of the new code are intended to preserve the health, character, safety and general welfare of the residential neighborhoods and rural areas where STRs are operated, and to mitigate the adverse impacts of STRs.

### **Definitions.**

- **Short Term Rental (STR)** – Any portion of real property rented for compensation in exchange for lodging for a period of not more than 30 consecutive days. STRs shall not be permitted in campgrounds, tent sites or platforms and other temporary structures on a parcel or in condominium apartments. STR shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel, or ongoing month-to-month tenancies.

### **Presumption of dwelling unit as STR property.**

- All or part of property is offered for lease on a STR website, including but not limited to Airbnb, Home Away and VROB, for a rental period of less than 30 days; and/or
- All or part of property is offered for lease for a period or 30 days or less through any form of advertising.

### **Required permit.**

- Owners shall not use their property as a STR without (first) obtaining a revocable STR permit.
- Permit will be valid for two years.
- Such permit not transferable to a new homeowner.
- Homeowners currently using their property as a STR may continue to use property for such purpose but will be required to apply for a STR permit within 90 days of the new law’s effective date. If the application is denied, all previous commitments shall be cancelled.
- The STR property, **must be the owner’s primary residence and during the STR use, the property must be owner occupied either in the main residence or in an accessory residential structure.** [Emphasis added.]
- If the property is owned by a LLC, corporation or trust, the principal shareholder or beneficiary of the corporation, LLC or trust shall be deemed the owner.

### **STR permit application requirements.**

- STR permits may be obtained and then submitted to the town's Code Enforcement Officer (CEO), including a non-refundable permit fee, to be determined by the town board (TB).

The application shall include the following:

- A list of property owners (names, addresses, telephone numbers and email addresses).
- Contact information of owner's agent, authorized to act on owner's behalf to promptly remedy any violation of the code
- Signatures of all owners or designated agents.
- CEO and fire inspector will inspect the property to ensure compliance with all requirements and standards in this code.
- A demonstration of adequate off-road parking spaces for the STR.
- Accurate floor plan for each level of the dwelling, which needs to have included: (Partial list)
  - a) Location of building and required parking.
  - b) Basement location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units.
  - f) A statement that none of the owners of subject property have had a STR permit revoked within the previous year on any rental properties owned individually or together with others.
- All STR applications within the Rhinecliff Hamlet; Rhinecliff Hamlet Overlay; Rhinecliff Hamlet Transition; and Rhinecliff Business District will be required to secure a **special use permit** from the town's Planning Board.

### **STR Standards. (Partial list)**

- Property must meet all current NYS Uniform Building and Fire Codes.
- Working smoke detector in each sleeping room, an additional one for each floor, as well as a carbon monoxide detector.
- Posted evacuation procedure(s).
- ABC fire extinguisher on each floor and in kitchen.
- A clear and visible house number located on the road and dwelling.
- Code compliant fireplaces and electrical systems.
- No on-street parking allowed.
- Maximum occupancy shall not exceed two people per bedroom. The maximum occupancy of an STR unit shall not exceed 12 people, including permanent residents and renters.
- Required property insurance and copy of "certificate of liability insurance."
- Weekly garbage removal with secured garbage containers.
- Rental contract including:
  - (3) Good neighbor statement stating:
    - (a) Renters should be considerate of residents in neighboring homes.
    - (b) Guests observe quiet hours from 11:00 p.m. through 7:00 a.m.
    - (c) Guests must comply with noise requirements from the Town Code and NYS statutory law regarding disorderly conduct.

- (d) No littering.
- (e) Recreational campfires must comply with Town and NYS Fire Codes.

### **Compliance and Penalties**

- A. Violations of this section or STR permit shall be subject to enforcement and penalties proscribed in this chapter and elsewhere in Town Code.
- B. If the Town's CEO witnesses or receives a written complaint, the CEO shall record such, investigate the complaint. If it is determined that a violation has occurred, the owners shall be notified in writing. Once issued, the CEO may do any or all of the following:
  - (1) Attach additional corrective conditions to the existing STR permit.
  - (2) Suspend the STR permit.
  - (3) Require corrective action to be completed and approved within 30 days of the CEO's notice. Failure to comply with the CEO's corrective action(s) could result in the revocation of the STR permit.
  - (4) Issuance of a court appearance ticket for violation of Town Code.
  - (5) Revocation of the STR permit.
  - (6) If owner(s) are convicted of a violation of this chapter by a local court, the penalty for the first violation shall be a \$750.00 fine; a second violation a \$2000.00 fine; and a third violation a \$5,000.00 fine.

### **Grounds for a suspension or revocation or permit.**

- A. The CEO may immediately suspend a STR permit based on any of the following grounds:
  - (1) Applicant has falsified or failed to provide information in the application for a permit or application for a permit renewal.
  - (2) Applicant failed to meet or comply with any of the requirements in this chapter.
  - (3) Owner is in violation of any provision of the town's codes or NYS Fire Code.
  - (4) Owner violated NYS penal Code which occurred at, or related to the occupancy of a STR.
  - (5) Any conduct on the premises which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.
  - (6) Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

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