





Regulating Short Term Rentals

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Westlaw Signon x Westlaw Signon x Cortland, NY, United States x Consolidation/Dissolution x

← → ↻  https://www.airbnb.com/s/Cortland--NY--United-States?checkin=07%2F30%2F2016&checkout=08%2F06%2F2016&guests=1&zoom=10&search_by_map=true&sw_lat=41.91634941399695&sw_lng=-76.68548707310623&ne_lat=41.91634941399695&ne_lng=-76.68548707310623


 Cortland, NY, United States Become a Host Help Sign Up Log In

Filters Only 9% of listings are left for these dates. We recommend booking soon, or trying different dates.




\$58

The Seltzer Room at The Millstone
Private room · 2 guests · ★★★★★ · 23 reviews




\$35

A Tiny Room in a Whimsical Village
Private room · 1 guest · ★★★★★ · 43 reviews




\$21 ⚡

Small private room in the basement
Private room · 1 guest




\$99 ⚡

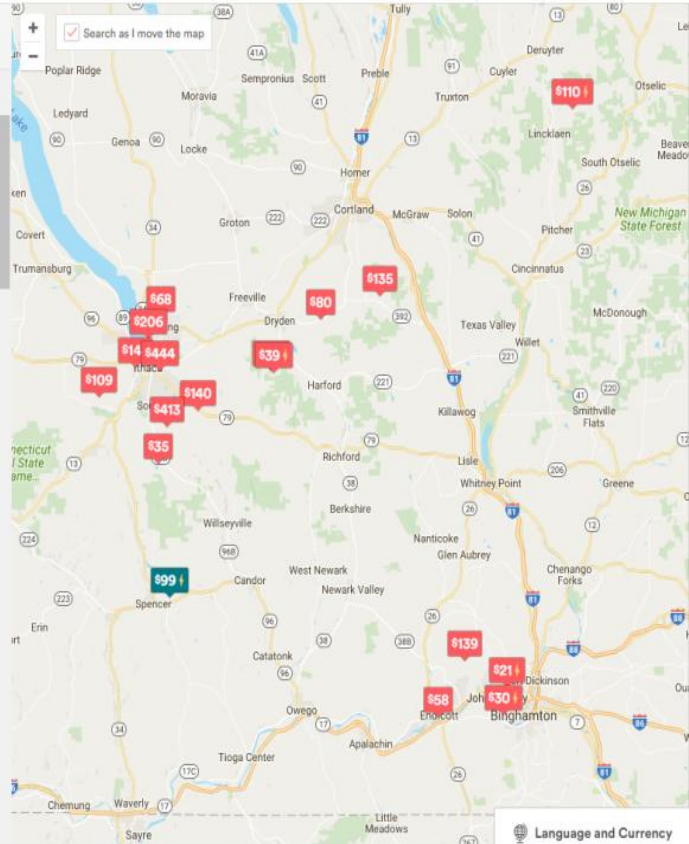
Come stay in this Victorian Mansion
Private room · 2 guests · 1 review



Heart icon



Heart icon



Search as I move the map

Language and Currency

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<https://www.airbnb.com/rooms/13787263?checkin=07%2F30%2F2016&checkout=08%2F06%2F2016&guests=1&is=sK75d7wK>

Windows taskbar: Internet Explorer, VLC, File Explorer, Mail, Skype, Word, PDF Reader, System tray: 10:13 AM 7/27/2016



Windows Signon x Windows Signon x Red House, NY, United States x ConsolidatedDiscussion x

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airbnb Red House, NY, United States

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Dates 07/30/2016 08/06/2016 1 Guest

Room Type Entire home/apt Private room Shared room

Price Range \$10 \$500 Average \$1000+

Filters

Additional fees apply. Taxes may be added.

Only 38 listings left for these dates. We recommend booking a place soon.

Ellicottville Luxury Mobile Home
Entire home/apt · 7 guests · 1 review
\$275

Deer Valley
Entire home/apt · 14 guests
\$507

Map view

Language and Currency

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Why Regulate Short Term Rentals?

- Loss of residential feel of neighborhood / community feel
- Nuisances for neighbors (light, noise, trash)
- Parking Issues
- Safety Concerns
- Unfair to existing hotels / motels
- Declining year round population / largely vacant property
- Infrastructure concerns



Where to start?

- Identify the issues you want to address in the community
- Look at your comprehensive plan
- Create clear definitions



Definitions

Include length of time / number of times a house or part of house / property must be rented out

Could define a “vacation rental” as a residence or room available for rent for periods of less than 14 days totaling more than 30 days of a calendar year



Definitions

“Transient rental occupancy – use of a dwelling unit by a person or group of persons who occupies it or is entitled to occupy a dwelling unit for remuneration for a period of less than 14 calendar days, counting portions of days as full days”



Why are definitions important?

- Fruchter v ZBA of Town of Hurley
- Atkinson v Town of Arietta ZBA



Options For Regulating

Require a special use permit

- Town Law § 274-b allows towns to require authorization of a particular use that is otherwise permitted in zoning ordinance subject to requirements imposed by such zoning ordinance
- Can place conditions on special use permit



Options for Regulating

Town has broad authority under Town Law § 130 to pass ordinances and require permits for matters involving:

- Promotion of public welfare
- Regulating hotels, inns, boarding houses, rooming houses, lodging houses ... or any building or part of a building used in the business of renting rooms, individual or several ... rest homes or any building or part of a building used for similar purposes, containing a total number of beds, cots or similar equipment providing sleeping accommodations for more than 5 persons; specifying the type of construction, the manner of their running and operation and prescribing regulations assuring proper sanitation, cleanliness and fire protection.



Options for Regulating

Think outside the box! Town Law § 130 allows the town to...

- Require rental properties to register
- Impose conditions not related to land use
- Require permits for rental properties (and reasonable fees associated with permits)



Town Law §130 –Nitpicky Lawyer Stuff

- Authorizes ordinances, but anything you can do by ordinance you can do by local law using Municipal Home Rule Authority
 - Benefits of using local law over ordinance
 - Can pass is faster (7 day aging requirement vs 10 day)
 - Law law entitled to presumption of validity
 - Can supercede the 5 person requirement listed in Town Law § 130



Important Features of Your Local Law

1. Definitions (no seriously!)
2. What will fee for license / permit be?
3. When do you need to renew?
4. What to include in application for permit?
5. Will there be a limit on amount of permits one person or entity can hold?
6. Where can complaints be filed?
7. What constitutes a violation and what are the sanctions?



Questions?

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