

## Chapter 116a. Short Term Rental Property

### § 116a-1. Purpose.

A. The Village Board finds that short-term residential rental activities constitutes a business activity, which impacts upon the public health, safety and general welfare of the people of the Village. The use of single and multi-family dwelling units for vacation rental lodging purposes provides visitors an alternative to standard lodging, however, such uses in residential neighborhoods may have negative effects on the character and stability of such neighborhoods. This law is enacted pursuant to Municipal Home Rule Law § 10. The purpose of this article is to establish regulations for the use of short-term residential rentals in order to protect the public health, safety, and general welfare of the people of the Village and to further achieve the following beneficial purposes:

- (1) The protection of the character and stability of residential areas;
- (2) The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and
- (3) The preservation of the value of land and buildings throughout the Village.

B. This article is not intended to regulate hotels, motels, inns, bed-and-breakfast establishments and rooming houses. Residential units rented on a month-to-month basis or annual basis, pursuant to a valid lease agreement, are also excluded.

### § 116a-2. Definitions.

- A. This chapter adopts for use in this chapter all definitions set forth in § 116-2.
- B. SHORT TERM RENTAL for the purposes of this chapter is residential rental for a period of less than 30 days, which includes activities such as Air Bed and Breakfast rental.

### § 116a-3. Short Term Rental Unit Registration.

A. In addition to any registry requirements pursuant to the State's Multiple Residence Law, and any requirement set forth by the County of Orange, no person shall allow to be occupied, or rent to another for occupancy, any rental unit unless the owner has registered the rental unit with the Village of Greenwood Lake on a form approved by the Building Inspector in accordance with the provisions of this section, indicating as a minimum the following information:

- (1) Address of the rental unit;
- (2) The number of rental units in each building;
- (3) The number of conventional bedrooms in the dwelling;

- (4) The applicable overnight and daytime occupancy limit of the unit;
- (5) The types and placement of any fire protection systems located in each building;
- (6) The number and location of all exits;
- (7) A floor plan indicating the placement and size of each conventional bedroom, exit and fire protection system;
- (8) A listing of each manner or mechanism through which the rental unit is listed for rental; and
- (9) The fully completed form must be notarized.

B. Such registration for short term rental shall otherwise satisfy all requirements set forth in § 116-3. General Requirement for Rental Property.

C. Any real property utilized for short term rental shall also satisfy the following requirements:

- (1) There must be a valid certificate of occupancy for the real property;
- (2) The septic system shall fully comply with all current requirements set forth by New York State, Orange County and the Village of Greenwood Lake. No property equipped with a cesspool may be used for short term rental;
- (3) The owner for any real property utilized for short term rental liability insurance shall maintain liability insurance for the property with policy limits in an amount of no less than \$1,000,000.00; and
- (4) The property shall satisfy the requirement for a rental inspection as set forth in § 116-6, which inspection shall otherwise ensure compliance with all relevant portions of this Chapter.

#### **§ 116a-4. Registration of Landlords Engaged in Short Term Rental.**

A. The owner of a property utilized for short term rental shall register same with the Building Inspector within 30 days of the effective date of this chapter on a form approved by the Building Inspector, indicating as a minimum the following information:

- (1) Address of the rental unit;
- (2) Name, social security number, telephone number, email address, mailing address and physical address of the owner;
- (3) If the owner is an association, partnership, limited liability partnership, corporation, joint tenancy, tenancy in common, tenancy by the entirety, or other entity, the name

of each and every owner, officer, partner or general interest partner, and the name of their interest shall also be disclosed;

(4) If the owner is a business entity, the tax identification number, and the name, telephone number, email address, mailing address and physical address of the owner's agent;

(5) Acknowledgment of receipt and inspection of the Code of the Village Greenwood Lake § 116; and

(6) The fully completed form must be notarized.

B. Real person owners who are Absentee Landlords, and non-real person owners, must designate a real person as an agent for service of process who resides within the corporate boundaries of Orange County. If that agent's residence should be removed from Orange County during the period of any short term rental permit, another agent must be designated for the duration of the period or any permit for short term rental shall become void.

C. A post office box shall not be accepted as the owner's, or agent's, physical address.

D. The address intended for short term rental shall not be accepted as the owner's, or agent's, physical address, unless it is the principal place of business or actual residence of the owner or agent.

E. Upon the transfer of the legal or equitable title to any real property for which a short term rental permit has been issued, any permit for short term rental shall become void.

F. Lease-holders and tenants may not engage in short term rental.

#### **§ 116a-5. Short Term Rental Permit.**

No property shall be used for short term rental unless there owner shall first obtain and maintain a short term rental permit from the Village of Greenwood Lake,

#### **§ 116a-6. Application For Short Term Rental Permit.**

A. The property must be registered with the Village of Greenwood Lake in accordance with, and otherwise satisfy the requirements of, § 116a-3. Short Term Rental Unit Registration;

B. The landlord property owner, and designated agent, if applicable, must be registered with the Village of Greenwood Lake in accordance with and otherwise satisfy the requirements of, § 116a-4. Registration of Landlords Engaged in Short Term Rental;

C. The property must have undergone an inspection performed by the Building Inspector, and all violations must be remedied prior to the granting of a permit for short term rental.

**§ 116a-7. Term and Expiration For Short Term Rental Permit.**

A permit for short term rental issued pursuant to this article shall expire one year after the date of issuance, unless sooner revoked.

**§ 116a-8. Application For Renewal of Short Term Rental Permit.**

A. Application for renewal of the short term rental permit is due 30 days prior to its expiration and requires payment of the renewal fee.

B. At the time of application for renewal, the landlord owner, or designated agent, if applicable, must present the previous permit for short term rental.

C. The property must have undergone an inspection performed by the Building Inspector, and all violations must be remedied prior to the renewal of a permit for short term rental.

**§ 116a-9. Inspections of Short Term Rental Units.**

A. All short term rental units are subject to inspection by the Building Inspector as set forth in § 116-6.

B. Short term rental units determined to be unsafe are subject to the provisions of § 116-5D.

**§ 116a-10. Fees For Short Term Rental Permit.**

A. An application fee for the short term rental permit, in an amount established by resolution of the Village Board, shall be paid by the property owner at the time of application.

B. A renewal fee for the renewal of a short term rental permit, in an amount established by resolution of the Village Board, shall be paid by the property owner at the time of application for renewal.

**§ 116a-11. Grounds for Denial of Application for Short Term Rental Permit.**

The Building Inspector may deny an application for a short term rental permit, based upon, among other, any of the following grounds:

A. The application does not fully comply with the provisions of the § 116a. Short Term Rental Property.

B. The application has falsified or failed to provide information in the application for a permit, registration of property, or registration of property owner.

C. The applicant had been issued a short term rental permit, which was in effect in any part of the calendar year immediately preceding the date of application, and the applicant falsified or failed to provide information in the application for a permit, registration of property, or registration of property owner, upon which such short term rental permit had been issued.

D. The applicant violated any provision of § 116a. Short Term Rental Property during the calendar year immediately preceding the date of application or during the calendar year in which the application was made.

E. The applicant has had a short term rental permit revoked for cause during the calendar year immediately preceding the date of application or during the calendar year in which the application was made.

F. The property, for which a short term rental permit is sought, was used or occupied in violation of § 116a. Short Term Rental Property during the calendar year immediately preceding the date of application, or during the calendar year in which the application was made.

G. The property, for which a short term rental permit is sought, is not equipped with single station smoke detecting alarm device and carbon monoxide detector device, or devices in accordance with New York State standards.

H. The property, for which a short term rental permit is sought, does not possess adequate exits in accordance with New York State standards.

**§ 116a-12. Grounds for Denial of Renewal of Short Term Rental Permit:**

The Building Inspector may deny an application for renewal of a short term rental permit, based upon, among other, any of the following grounds:

A. The renewal application does not fully comply with the provisions of the § 116a. Short Term Rental Property.

B. The applicant has falsified or failed to provide information in the application for a permit, application for renewal of a permit, registration of property, or registration of property owner.

C. The applicant had been issued a short term rental permit, which was in effect in any part of the calendar year immediately preceding the date of application, and the applicant falsified or failed to provide information in the application for a permit, registration of property, or registration of property owner, upon which such short term rental permit had been issued.

D. The applicant violated any provision of § 116a. Short Term Rental Property during the calendar year immediately preceding the date of application or during the calendar year in which the application was made.

E. The applicant or any tenant violated any provision of the Code of the Village of Greenwood Lake.

F. Any conduct on the premises which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood, or which otherwise creates a public nuisance.

G. The property, for which renewal of a short term rental permit is sought, is not equipped with single station smoke detecting alarm device and carbon monoxide detector device, or devices in accordance with New York State standards.

H. The property, for which renewal of a short term rental permit is sought, does not possess adequate exits in accordance with New York State standards.

**§ 116a-13. Grounds for Revoking a Short Term Rental Permit:**

The Building Inspector may revoke a short term rental permit, based upon, among other, any of the following grounds:

A. The owner applicant has falsified or failed to provide information in the application for a permit, application for renewal of a permit, registration of property, or registration of property owner.

B. The applicant violated any provision of § 116a. Short Term Rental Property during the term of the short term rental permit.

C. The applicant or any tenant violated any provision of the Code of the Village of Greenwood Lake.

D. The applicant or any tenant violated any provision of the Penal Code of the State of New York, which violation occurred on, or pursuant to the occupancy of the short term rental unit.

E. Any conduct on the premises which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood, or which otherwise creates a public nuisance.

F. The property, for which renewal of a short term rental permit is sought, is not equipped with single station smoke detecting alarm device and carbon monoxide detector device, or devices in accordance with New York State standards.

G. The property, for which renewal of a short term rental permit is sought, does not possess adequate exits in accordance with New York State standards.

**§ 116a-14. Restrictions on Use and Occupancy Pursuant to Short Term Rental Permits.**

A. It is the responsibility of the property owner to ensure proper and legal occupation of the premises and compliance with Chapter 116a. Short Term Rental Property.

B. The premises, for which a short term rental permit has been granted, can only be used for residential purposes.

C. No more than three (3) adult persons can occupy any one bedroom.

D. A tenant in possession pursuant to short term rental is prohibited from sub-leasing or otherwise licensing the use or occupancy of any portion thereof.

E. Advertising for the sub-leasing, or selling or assigning of shares to the premises by a tenant, or occupant, for the use or occupancy for all or a portion of the premises is prohibited.

F. All tenants shall ensure that at no time shall ingress or egress from any driveway be impeded.

G. The tenants of short term rental premises and their guests shall not park any motor vehicle in a manner so as to block or prevent access to driveways, or easements or rights of way.

H. Any conduct on the premises which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood, or which otherwise creates a public nuisance is prohibited.

#### **§ 116a-15. No Presumption From Short Term Rental Permit.**

The issuance of a short term rental permit shall create no presumption that the short term rental unit complies with the provisions of Chapter 116a. Short Term Rental Property.

#### **§ 116a-16. Evidence of Use and Occupancy**

The parking of motor vehicles on the premises, for which a short term rental permit has been granted between the hours of 1:00 am and 6:00 am shall be *prima facie* evidence that the rental unit was used and occupied during that time by at least one person for each motor vehicle so parked.

#### **§ 116a-17. Trash and Refuse.**

A. Trash, refuse and re-cycling shall not be left stored within the public view, except in proper containers for the purpose of collection by the collectors, set out no earlier than 5:00 p.m. on the evening prior to scheduled trash and re-cycling collection days, and shall otherwise comply with § 63-3e.

#### **§ 116a-18. Non-Transferability.**

A short term rental permit shall not be transferred or assigned to any person or used by any other person other than the permittee to whom it was issued.

#### **§ 116a-19. Appeals.**

A. If the Building Inspector denies an application for short term rental; or denies an application for renewal of a permit for short term rental, or revokes a permit for short term rental, it shall be done in writing reciting the grounds for denial or revocation.

B. An applicant, or permittee, as applicable, may appeal from such denial or revocation by filing a written request for a hearing before the Village Board of Trustees. Such request shall be filed with the Village Clerk.

C. Upon receipt of such request, the Village Clerk shall schedule same for the next regularly scheduled Village Board Meeting, affording the appellant at least 5 days written notice of the place date and time of the hearing, and publish notice of same.

D. At the hearing, the appellant shall be afforded reasonable opportunity to be heard. The public shall be afforded reasonable opportunity to be heard. The appellant shall bear the burden of proof by a preponderance of the credible evidence to show that the determination of the Building Inspector was arbitrary or capricious, or in excess of his authority. The decision of the Village Board of Trustees shall be final and conclusive.

**§ 116a-20. Penalties for Offenses.**

Violations of this chapter will constitute municipal infractions and will be subject to all applicable penalties as further set forth in § 116-7.