

Bill VSC 1701

A local law to amend the Code of the Village of Sea Cliff in relation to regulating short term use of dwelling units in all zoning districts.

Section one. Purpose and Legislative Intent. The Board of Trustees of the Village of Sea Cliff hereby finds and determines that there has been, or is likely to be, a significant increase in short term rentals of residences in the Village. The Board of Trustees further finds that such transient rentals threaten the residential character and quality of life of the Village and in particular affect the character and quality of life in the neighborhoods surrounding properties where such rentals are taking place. In many instances, such rentals do not provide the life safety and fire safety measures typically provided in rental housing, thus endangering the safety of occupants, renters and neighbors. The Board of Trustees further finds and determines that short-term rentals are potentially more lucrative than long term rentals, will necessarily decrease the inventory of available long-term affordable rentals and will encourage transient occupancies in the Village. This is likely to put a strain on municipal services. Therefore, in order to protect the health, safety and welfare of the community, the Board of Trustees finds and concludes that such transient use of dwelling units should be regulated as provided in this local law.

Section two. Section 138-201 of the Code of Village of Sea Cliff is hereby amended, by adding thereto in alphabetical order a new definition to read as follows:

"SHORT TERM DWELLING UNIT. A property or dwelling unit occupied for residential use or habitation, including all single family and two family residences, apartments or other dwelling units, by one or more persons who are not the owner or a family member of the owner of such property or unit, and for which rent or other compensation of value is received by the owner and/or paid by the occupant, directly or indirectly, in exchange for such occupancy, for a period of less than thirty (30) consecutive days. The term Short Term Dwelling Unit shall not include any lawfully operating commercial hotel/motel business establishment operating exclusively for and catering to transient clientele. The presence of one or more of the following factors shall create a presumption that a property or dwelling unit is being used as a Short Term Dwelling Unit: (a) the property or dwelling unit is offered for occupancy on a short-term rental website, such as Airbnb, Home Away, VRBO or similar websites, or (b) the property or dwelling unit is offered for occupancy in any medium as being available for occupancy for a period of less than thirty (30) days. The foregoing presumption may be rebutted by documentary or other evidence presented to and satisfactory to the Building Inspector that the dwelling unit is not a Short Term Dwelling Unit."

Section three. The Code of the Village of Sea Cliff is hereby amended, by adding thereto a new section, to be section 138-1207, to read as follows:

"Section 138-1207. Short Term Dwelling Units/ Short Term Dwelling Permit.

A. Notwithstanding any other provision of this Code, except as otherwise provided in this section, Short Term Dwelling Units are prohibited in all zoning districts in the Village. Any person, acting as owner, occupant, person with authority to permit use or occupancy of any property in the Village, or as agent for any such person, who shall establish, maintain, operate, let, lease, rent or suffer or permit a property in the Village to be used as a Short Term Dwelling Unit except as permitted by this section shall be guilty of a violation.

B. No Short Term Dwelling Unit shall be established, maintained, operated, let leased, rented, or used without first obtaining a Short Term Dwelling Permit from the Village, as authorized in this section. Any person, acting as owner, occupant, person with authority to permit use or occupancy of any property in the Village, or as agent for any such person, who shall establish, maintain, operate, let, lease, rent or suffer or permit a property in the Village to be used as a Short Term Dwelling Unit without a Short Term Dwelling Permit shall be guilty of a violation.

C. A Short Term Dwelling Permit shall authorize the maintenance, operation, rental, lease or use of premises for use as a Short Term Dwelling Unit for up to thirty (30) consecutive days.

D. No Short Term Dwelling Permit may be obtained or issued for a dwelling unit for use as a Short Term Dwelling Unit more often than two (2) times in any calendar year.

E. Each person obtaining a Short Term Dwelling Unit shall pay a permit fee to the Village in an amount determined from time to time by resolution of the Board of Trustees.

F. Short Term Dwelling Permits shall be issued by the Village Clerk, upon submission of a properly completed application form promulgated for such purpose by the Village Clerk, which form shall be filed with the Village Clerk not less than fifteen (15) days prior to the term for which the Short Term Dwelling Permit is sought, and payment of all required fees. No such permit shall be issued for any premises at which a violation of this section has occurred within the twelve month period prior to the proposed commencement date of the occupancy for which the Short Term Dwelling Permit is requested.

G. No Short Term Dwelling Permit shall be transferable to or used by any occupant other than an occupant listed in the permit application.

H. An application form for a Short Term Dwelling Permit shall include, at a minimum, the following information:

(a) the legal name, contact information (including email and cell phone) and mailing address of the owner of the property and the principal proposed occupant of the property;

(b) the physical and mail address of the property which is the subject of the permit;

(c) the written sworn or acknowledged consent of the owner of the property;

(d) the name and contact information for a representative of the property owner as an emergency contact, who must be located within Nassau County or within twenty-five miles of the Village, and who must be available to manage the property at all times during the period of the transient use.

I. Upon issuance of a Short Term Dwelling Permit, and at least five (5) days prior to the commencement of any use or occupancy of a premises pursuant to such permit, the owner of the property which is the subject of such permit, or the duly authorized agent of such owner, shall provide written notice, by first class mail or personal delivery, to the owners or occupants of each abutting property, informing those neighbors that a Short Term Dwelling Permit has been issued and providing the name and contact information for the emergency contact person. Proof of such notice shall be filed with the Village Clerk at least five (5) days prior to the commencement of occupancy of the property pursuant to the permit.

J. Any person who suffers, permits, causes or commits any of the following acts with respect to a Short Term Dwelling Unit shall be guilty of a violation:

(a) any act in violation of a requirement or prohibition in this section;

(b) making a false statement in a permit application;

K. Any Short Term Dwelling Permit issued pursuant to this section may be suspended or revoked by the Mayor or the Superintendent of the Building Department for due cause, in addition to any other applicable penalty provided by law. Written notice of such suspension or revocation shall be given promptly by the Village Clerk to the owner and the proposed occupant. The Zoning Board of Appeals shall have jurisdiction to hear and determine any appeal from such suspension or revocation, and any person aggrieved by a determination to suspend or revoke a Short Term Dwelling Permit may appeal in writing to the Zoning Board of Appeals within fifteen (15) days after such written notice. "

Section four. Any local law or provision of the Code of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to

the effective date of this local law.

Section five. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section six. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.