

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
JANUARY 16, 2024, 6:30 P.M.
WORK SESSION**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY**

**Call to Order
Pledge of Allegiance
Roll Call**

Discussion

1. Draft Short-Term Rental Code.

Executive Session, if applicable.

Adjournment

**VILLAGE OF WARWICK
LOCAL LAW NO. __ OF THE YEAR 2023**

A local law to amend the Village Code by enacting Chapter 115 entitled "Short Term Rental Property Owner Occupied"

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by establishing a municipal registration and permit requirement for all short-term rental units within the boundaries of the Village of Warwick and by enacting regulations for the administration of and enforcement of the Village's permitting requirement.

Section 2. Amendment of Code:

The Village Code of the Village of Warwick is hereby amended to enact Chapter 115 entitled "Short-Term Rental Property" which shall read as follows:

§ 115-1 Purpose.

Short term rentals of residential property are a potential source of income to property owners and can provide additional housing for visitors to the area, thereby promoting tourism and strengthening the local economy. However, if unregulated, short-term rentals may have detrimental impacts on nearby properties and the neighborhoods in which they are situated as a result of increased traffic, noise, trash, and similar impacts. Moreover, it is in the overall public interest to require that properties offered for public rental are safely maintained and adequately insured. Therefore, the Village Board of the Village of Warwick hereby establishes the registration and licensing requirements and regulations set forth in this Chapter for the purpose of regulating short term rentals of residential property to ensure safe, responsible and harmonious operation of such uses.

§ 115-2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Bedroom

One-person bedroom shall have a minimum of 70 square feet. A two-person bedroom shall have minimum of 100 sq. feet: a three-person bedroom shall have a minimum of 150 sq. feet: and 50 sq. feet for each additional occupant. Bedroom shall be not less than 7 feet in any plan dimension. Shall have a compliant window to exterior as a second means of egress. Shall have access to sanitary facilities providing a sink, toilet, potable running water, shower/tub and kitchen access. Living space shall adhere to the current Property Maintenance Code of New York State.

Building Inspector

The Building Inspector of the Village of Warwick or such person as appointed by the Village Board to enforce Code 53 Unsafe Buildings, and this article.

Housing or Dwelling Unit-

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multi household structure or building but not including a hotel, motel or bed and breakfast establishment.

Immediate Family

The immediate family of the owner of a housing unit consists of the owner’s spouse, children, parents, grandparents or grandchildren.

Owner

Any owner of a residence who offers housing in a residence to persons, other than immediate family, in exchange for a fee or compensation, whether monetary or otherwise.

Residence

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multi-household structure or building.

Registered Resident Agent “Agent”

A representative of the property owner who resides within 15 miles of the Village.

Short Term Rental Permit

A permit issued by the Village of Warwick stating that the referenced structure or unit conforms to the standards of chapter 49-11, Fire Safety and Property Maintenance Inspections, and other applicable sections of Village Code and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on that permit.

Short Term Rental Property

Any residence in which overnight accommodations are offered in exchange for a fee or compensation, whether monetary or otherwise, for a period of less than thirty (30) days, including, but not limited to, rentals provided by such companies as Air B&B and VBRO. Month to month tenancies are not considered short term rental properties.

Substandard

Any deficiency in a residence that does not meet the standards of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code and applicable sections of Village Code. Substandard conditions shall also include failure to maintain a single-station smoke-detecting alarm device and carbon-monoxide-detector device, or devices, in accordance with New York State standards.

Owner-occupied

As used in this Chapter the term "owner-occupied" shall mean a residence in which the record owner maintains as his or her domicile, and which he or she occupies as his or her own residence not less than six months in the calendar year. In the case of property in the Central Business Zone, the owner or agent shall reside within 15 miles of the property.

§ 115-3 Regulation of Short Term Rentals

- (1.) Only single-family dwellings, duplexes, and dwelling units accessory thereto may be used for short term rentals
- (2) Short-Term Rentals allowed in all zones in the Village except in Continuing Care Retirement Community (CCRC) and Multiple Residence-Senior Citizen (MR-SC)
- (3.) Commencing ninety (90) days after the effective date of this Chapter, any person offering short-term rentals within the Village of Warwick shall be required to first register and obtain a permit for short-term rental of the residence under this Chapter.
- (4) HOA policies in Village developments supersede STR Village policy.

§ 115-4 Registration of Property for Short Term Rentals.

Registration of **Short-Term Rental Registration Application** shall be completed by the owner or agent submitting to the Village Building Department a registration form, as approved by the Building Inspector, stating that the owner is seeking a short-term rental permit and providing, at a minimum, the following information:

- (i) Name, mailing address, telephone number, e-mail address, of the owner and agent.
- (ii) The street address, of the short-term rental property;
- (iii) The number of rental units in each building;
- (iv) The number of conventional bedrooms in the residence.
- (v) The proposed maximum overnight and daytime occupancy limits of the residence;
- (vi) The types and placement of any fire-protection systems located each building;
- (vii) The number and location of all exits;
- (viii) A floor plan indicating the placement and size of each bedroom, exit and fire-protection system.
- (ix) A certificate of liability insurance for the property with policy limits in an amount of no less than \$1,000,000 with rental endorsement on policy. Owner signs indemnification and hold harmless agreement (umbrella policy and Airbnb are not acceptable.
- (x) Copy of Certificate of Occupancy for original building OR letter stating dwelling was built prior to 1973.
- (xi) Acknowledgment of review and responsible for compliance with the Code of the Village of Warwick.
- (xii) a notarized statement that the STR property is owner occupied and the STR property is the owner's primary residence or is owner of a building in the Central Business Zone and lives within 15 miles of the Village.
- (xiii) The completed form must be notarized

§ 115-5 Grant of Permits for Short Term Rental Property.

- (1.) Upon submittal of complete application for short term rentals, the owner or agent shall contact the Building Inspector to schedule an inspection of the short-term rental property for the purpose of issuance of a short-term rental permit.
- (2.) Upon payment of such inspection and permit fees as the Village Board shall prescribe in the Village's schedule of fee, the Building Inspector shall conduct an inspection of the short-term rental property to determine whether it is substandard and to verify that the residence and the maximum overnight and daytime occupancy limits proposed by the owner are acceptable under the New York State Uniform Fire Prevention and Building Code.
- (3.) Upon completion of an inspection of the short-term rental property and ascertaining that the residence is not substandard, the Building Inspector shall issue a short-term rental permit to the owner or agent.
- (4.) Permits shall be on a form approved by the Building Inspector and shall, at a minimum:
 - (i) State the address, section, block and lot of the short-term rental property;
 - (ii) List the name of the owner and agent.
 - (iii) State the number of bedrooms and in the residence and identify any other approved sleeping quarters;
 - (iv) List the maximum permitted overnight and daytime occupancy limits; and
 - (v) State the date of issuance and the date of expiration.

§ 115-6 Duration and Terms of Short-Term Rental Permits.

- (1.) All Short-Term Rental Permits shall expire two years after the date of issuance, unless sooner revoked.
- (2.) The following shall be mandatory terms of every Short-Term Rental Permit:

- (i) No illegal conduct shall be carried on the short-term rental property by the landlord, agent, or short-term rental tenants, their guests or invitees.
 - (ii) The short-term rental tenants and their guests or invitees shall not block or otherwise impede ingress or egress over the street on which the short-term rental property is located and/or to or from any driveways of other property on the said street.
 - (iii) Trash, refuse and recycling, and the bins or containers therefore, shall not be left stored within the public view, except that covered bins or containers may be left curb side for the purpose of scheduled collection in compliance with Village Code Section 75-1
 - (iv) No exterior lighting of the residence shall be permitted from midnight to six o'clock a.m., except for such lighting of driveways or walkways as may be necessary for safe ingress and egress of persons entering or exiting the short-term rental property,
 - (v) The short-term rental tenants and their guests or invitees shall not engage in any conduct which violates the Village's noise ordinance or which would otherwise constitute disorderly conduct or creation of a public nuisance.
 - (vi) In the event that short term rental tenants plan on using the residence as the site of a party or event involving more than ten (10) guests or invitees, the owner shall require that the tenants disclose such intent as a condition of the rental and shall require the tenants to undertake measures and limitations to prevent unreasonable disturbance of neighboring property owners, such as limiting the hours of outdoor music and assuring adequate parking for guests and any catering or delivery vehicles.
 - (vii) Prominently display at all times the contact names and phone numbers, along with a list issued by the Village, of emergency services, information relating to garbage, recycling, available parking, winter parking and noise or
- (3.) In the event that there is any change in the information provided by the owner or agent in the registration application, the owner shall advise the Village Building Department in writing of such change no later than forty-eight (48) hours after such occurrence. Failure to advise the Village Building Department of a change in the information provided by the Landlord in his registration application may be grounds for suspension or

revocation of the Short-Term Rental Permit.

- (4.) A Short-Term Rental Permit may not be transferred or assigned to any person or used by any other person other than the owner to whom it was issued.

§ 115-7 Denial of Short-Term Rental Permits.

- (1.) In the event that the Building Inspector determines that a residence is substandard, he shall issue a written denial of the short-term rental permit to the owner or agent listing all of the substandard conditions identified in the inspection.
- (2.) If an application for a short-term rental permit is denied, an owner may re-apply for the permit after correcting such substandard conditions as have been found. Upon such re-application, the owner or agent must arrange for an additional inspection by the Building Inspector. The owner must pay an additional inspection fee, as specified in the Village's Schedule of Fees, for each inspection.

§ 115-8 Renewal of Short-Term Rental Permits.

- (1.) Applications to renew existing short-term rental permits shall be submitted on forms approved by the Village Building Department 90 days prior to the expiration date of the existing license and must be accompanied by the renewal fee set by the Village Board in the Village's Schedule of Fees.
- (2.) Upon receipt of an application for renewal and the prescribed fee, the Building Inspector shall schedule and conduct an inspection of the short term-rental property using the same criteria as upon an inspection for grant of a permit. Renewal shall be granted if the short-term rental property is not substandard.
- (3.) Upon grant of renewal, the Building Inspector shall issue a new Short-Term Rental Permit which shall expire two years after the date of issuance unless revoked earlier.

§ 115-9 Suspension or revocation of Short-Term Rental Permits.

- (1.) It is the responsibility of the owner or agent to comply with all terms and provisions of this Chapter and to ensure that the short-term rental tenants, their

guests and invitees to comply with this Chapter and the terms and conditions of the short-term rental permit. Any failure of short-term rental tenants, their guests and invitees to comply with this Chapter and the terms and conditions of a short-term rental permit shall be attributed to the failure of the owner and his agent to discharge the responsibility to ensure such compliance.

- (2.) Upon receipt of a complaint or upon his initiative, the Building Inspector may investigate any property for failure to comply with the terms of this Chapter.
- (3.) If, upon investigation, the Building Inspector determines that a violation of this Chapter and/or the terms and conditions of the short-term rental permit has occurred on property for which a short-term rental permit has been issued, he shall issue a written notice of the violation to the owner and agent and shall provide a copy of the same to the Village Board.
- (4.) Upon receipt of such notice, the Village Board shall set a date at which the owner shall be heard in regard to the Building Inspector's findings of a violation. Notice of such hearing date shall be mailed to the owner, by certified mail return receipt requested at the address provided in the registration for the short-term rental property.
- (6.) If it is determined by the Building Inspector that the owner has falsified or otherwise failed to provide accurate information on his registration application, the application shall be referred to the Village Board.

§ 115-10 No presumption of compliance.

The issuance of a Short-Term Rental Permit shall not constitute a finding by the Village that the Short-Term Rental Property complies with the New York State Uniform Fire Prevention and Building Code and/or the State Energy Conservation Construction Code for any purpose other than issuance of a short-term rental permit.

§ 115-11 Appeals.

- A. If the Building Inspector denies an application for short-term rental, denies an application for renewal of a permit for short-term rental, or revokes a permit for a short-term rental, it shall be done in writing, reciting the grounds for denial or revocation.
- B. An applicant 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 applicant at least five days written notice of the place, date and time of the hearing, and publish notice of same.
- D. At the hearing, the applicant shall be afforded reasonable opportunity to be heard. The applicant shall bear the burden of proof by preponderance of 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. The tenant will be allowed to occupy the property until the appeal is heard and the finding is issued.

§ 115-12 Fees for permits.

The Village Board shall set such application, review, inspection and renewal fees as it may find appropriate for short-term rental permits by resolution and such fees shall be listed in the Village's Schedule of Fees

§ 115-13 Penalties for offenses.

- (1.) Any person who violates any provision of this Chapter, whether the owner or tenant, shall be guilty of an offense. Each day that the violation continues shall be deemed a separate violation.
- (2.) Conviction of violation of the provisions of this Chapter shall be punished by a fine of not more than \$1,000 per violation or by imprisonment for not more than 15 days, or both.
- (3.) The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code and the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code.
- (4.) The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceeding to prevent unlawful occupancy of property in violation of this Chapter, including, without limitation, civil actions for injunctive relief to immediately terminate any existing short-term rental occupancy of buildings, land or premises.
- (5.) If, after affording such an opportunity to be heard, the Village Board confirms the existence of the violation of this Chapter, the Village Board shall suspend or revoke the short-term rental permit. For any number of violations less than two within a period of six (6) months, the permit may be suspended for a period of up to six (6) months from the date of the suspension. For two or more violations

within a one-year period, the short-term rental permit may be suspended or revoked and, if revoked, no short-term rental permit will be available for the short-term rental property for a period of up to two (2) years from the date of revocation unless landlord and agent cease to have any right, title or interest in the short-term rental property.

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.