

# DRAFT PROPOSED SHORT-TERM RENTAL REGULATIONS, 08.31.21, FOR THE TOWN OF TAGHKANIC, NY

## INTRODUCTION

It is the intent of the Short-Term Rental Subcommittee to create regulations that balance the rights of property owners to the free use of their properties in Taghkanic with the rights of homeowners to enjoy the existing rural and residential character of the town, and the need to preserve long-term housing stock.

The Short-Term Rental Subcommittee proposes the following Regulations for Short-Term Rentals in the Town of Taghkanic.

## DEFINITIONS FOR TERMS USED IN SHORT-TERM RENTAL DRAFT

**Accessory Dwelling:** A secondary dwelling with its own provisions for cooking, eating, sanitation, and sleeping, attached to or on the same lot as the Principal Dwelling of the property.

**Bedroom:** Any room in a Dwelling with dedicated provisions for sleeping.

**Designated Local Host:** A person designated by the owner of a STR to act in the owner's absence on all matters related to the STR.

**Dwelling:** A building used principally as living quarters, with provisions for cooking, eating, sanitation, and sleeping.

**Good Neighbor Handbook:** A booklet to be made available to all STR Guests, containing but not limited to the following information: statements concerning local community standards, contact numbers for Owner and/or Designated Local Host, and information about local emergency responders and safety regulations.

**Hosted Short-Term Rental (STR):** The short-term rental of a room or rooms in a Dwelling in which the owner is present in the Dwelling during the entire rental period.

**Non-Resident Owner:** A business or legal entity holding title to a Dwelling in which no member of the ownership entity resides in the property.

**Owner:** The person or persons holding title to the Dwelling.

**Principal Residence:** A dwelling in which the Owner resides, limited for the purposes of this definition to no more than one dwelling in the Town of Taghkanic for each owner.

**Principal STR Tenant:** The person(s) responsible for renting a dwelling for a period of less than 30 days.

**Rental Period:** The period of consecutive days a STR is rented to one guest or associated group of guests.

**Short Term Rental (STR):** The rental of a dwelling or portion thereof to provide lodging for transient guests for any period of less than thirty (30) days. This definition specifically excludes licensed Bed and Breakfast Establishments, Inns, Hotels, Motels, and Conference Centers.

**STR Guest:** Any and each person in a group staying overnight in a dwelling for a period of less than 30 days.

**Sunset Period:** A designated time period after STR Laws are enacted during which Owners of non-compliant STRs may be allowed certain limited exceptions to the new regulations, to briefly continue operating without penalty while bringing properties into compliance, or to re-structure business model and cease all STR operations.

**Un-hosted Short-Term Rental (STR):** The short-term rental of an entire Dwelling which is a Principal Residence of its owner, but from which the owner is absent during the entire rental period.

**PROPOSED REGULATIONS & LOCAL LAWS FOR SHORT TERM RENTALS**

**1. REGISTRATION AND PERMIT REQUIRED FOR ALL SHORT-TERM RENTALS**

*Owners wishing to operate a Short-Term Rental must **register** their intent with the Code Enforcement Officer of the Town of Taghkanic by **applying for a STR Permit**, which will include:*

- A. Name and contact information of Owner, including mailing address, email address, and a phone number at which Owner can be reliably contacted at any time.
  - a. Owner must be the same person holding title to the property in Town records.
- B. Evidence that property owner is a resident of the Town of Taghkanic, where applicable.
  - a. Two legal documents to support Owner's attestation that property is the Principal Residence of the Owner, such as property tax receipt, driver's license, voter registration, federal or state tax returns showing property address as Owner's residential address, or other persuasive documentation sufficient to meet the Town's definition of Principal Residence.
- C. Evidence that required safety provisions have been met for State and Local Building Codes including:
  - a. A safety/egress plan that will be shared with and approved by the local Fire Company.
  - b. Confirmation that listed address aligns with Columbia County 911 and EMS System information, and Dwelling has a County 911 emergency address marker that is visible from the road at all times.
  - c. Information about any other property features that may require the notice of local first responders, including location of access gates, accessory structures, bodies of water, solar panels, and all fireplaces and wood-burning appliances.
  - d. Documentation of yearly cleaning of active chimneys.
  - e. Documentation of a Septic Inspection within three years of the date of STR Registration.
- D. Information on property specifications, and attestation that the property meets Town requirements or limits for the appropriate category of STR property, including:
  - a. Number of bedrooms, and location and floor of each bedroom
  - b. Maximum number of allowable guests
  - c. A plan for off-road and on-site parking adequate for number of permitted guests
- E. Complete contact information for Designated Local Host, including:
  - a. Name, mailing address, email address, and a phone number at which Designated Local Host can be reliably reached at any time.
  - b. Designated Local Host must sign this section of Registration paperwork.
- F. A plan ensuring trash will be removed at least once per week and will not be left at roadside on any day other than the day of pick-up.
- G. A copy of an active and up-to-date Homeowner's Insurance Policy including STR Insurance for the Property.
- H. A signed acknowledgement or certified mail receipt from owners of all properties within 1000' of the STR property lines confirming that said neighboring property owners have been advised of the Owner's intention to operate as a Short-Term Rental.
  - a. Owners of neighboring properties shall have a period of 30 days after being advised of Owner's intent to operate a STR in which to object to approval of the application.
  - b. Objecters must demonstrate that the proposed STR will be in direct violation of an approved local law or regulation.
  - c. Permit will be approved only after valid objections have been heard by the Planning Board.
- I. STR Permit must be renewed annually by application to Code Enforcement Officer.
  - a. On application for renewed STR Permit, Owner must attest that property specs remain as represented in initial Registration or describe all changes accurately and completely.
- J. A non-refundable Fee shall be charged upon receipt of each Registration and Application for STR Permit.

- K. Exceptions to STR regulations may not be granted by the Code Enforcement Officer, except during the Sunset Period.

## 2. INSPECTION A PREREQUISITE FOR APPROVAL OF A SHORT-TERM RENTAL PERMIT

*The Code Enforcement Officer of the Town of Taghkanic must inspect Dwelling and all regulated property features to confirm that Dwelling meets NYS Building Code and all health and safety requirements of local STR regulations before a STR Permit will be approved.*

- A. A fee shall be charged for all required Inspections.
- B. Upon completion and approval of Inspection, a STR Permit will be approved by the Code Enforcement Officer and filed with the Town Clerk.
  - a. If an Inspection fails, CEO will advise applicant in writing of corrective action required.
- C. Re-inspection may be required as a prerequisite for annual STR Permit renewal, at the CEO's discretion.
  - a. Upon receipt of an application for renewal of the STR Permit, the CEO will advise Owner in writing if re-inspection is required and will give the reason for this decision in writing.
  - b. At the CEO's discretion a Re-inspection may be delegated to an independent licensed New York State Home Inspector and scheduled with the Inspector by the CEO.
    - i. Owner will remit fees for all required Re-inspections directly to CEO.

## 3. SHORT-TERM RENTALS BY RESIDENTS OF THE TOWN OF TAGHKANIC

*A Dwelling that is a Principal Residence of the property Owner may be rented for periods of less than 30 days under the following conditions:*

- A. Owner must provide the town with proof of ownership and must demonstrate that property is a Principal Residence of the Owner by use of the property's address as owner's residential address on at least two legal documents such as property tax receipt, driver's license or other government photo ID, voter registration, homestead exemption, or federal or state tax returns.
- B. The operation of the property as a STR must be secondary to the Residential use of the property.
  - a. Owner must document residency for a minimum of one year prior to operating as an STR.
- C. Owner must comply with all other STR regulations and Local Laws enacted by the Town.

## 4. UNHOSTED SHORT-TERM RENTAL OF AN ENTIRE DWELLING

*The rental for a period of less than 30 days of an entire Dwelling, in which the owner is not present during the rental period, will be permitted as an Un-hosted STR under the following conditions:*

- A. Un-hosted STRs must have a Designated Local Host as defined herein.
  - a. The Designated Local Host must reside within ten (10) miles of the STR.
  - b. The name and contact information for the Local Host must be shared with all owners of properties within 1000' of the STR property lines and with the Code Enforcement Officer of the Town.
  - c. The Local Host must be available 24 hours per day, during the entire rental period.
  - d. The Local Host must address complaints or issues, from Guests or residents of the Town, within one hour of notification or receipt.
  - e. The Owner must immediately notify the Code Enforcement Officer of the Town, and all adjacent property owners, if the Local Host changes.
- B. The Principal Tenant of an Un-hosted STR must be at least twenty-five years old.
- C. There may be at most four Bedrooms in an Un-hosted STR.
- D. Each Bedroom occupied by a STR guest shall accommodate no more than 2 adult guests per room.

- a. Two children 12 years of age or younger may be counted as the equivalent of one adult guest, provided the total number of guests including children does not exceed ten (10).
- b. Infants under the age of two shall not be counted as guests, or in the total thereof.
- E. An Un-hosted STR must also comply with all other STR regulations in the Town of Taghkanic.
- F. Any property in the Town of Taghkanic that operates for any part of the year as a Short-Term Rental must comply with all pertinent STR regulations.

## 5. HOSTED STR OF A ROOM OR ROOMS IN A DWELLING WHEN OWNER IS PRESENT

*The rental for a period of less than 30 days of a room or rooms in a Dwelling, when Owner is present, will be permitted as a **Hosted Short-term Rental** under the following conditions:*

- A. The Owner of the Hosted STR must be in residence during the entire rental period.
- B. No more than two Bedrooms in the Owner's residence may be offered for rent in a Hosted STR.
- C. Each Bedroom occupied by a STR guest may accommodate no more than 2 adult guests per room.
  - a. Two children 12 years of age or younger may be counted as the equivalent of one adult guest, provided the total number of guests including children does not exceed five.
  - b. Infants under the age of two will not be counted in the total number of guests.
- D. If the Owner of a Hosted STR must be absent overnight at any time during a Rental Period, an alternative Local Host who meets all requirements defined in Section 3-A must be designated.
  - a. The CEO of the Town must be given written notice in advance of the Owner's anticipated absence, with the dates and duration of the absence and all contact information for the Designated Local Host, including written confirmation from the Local Host.
  - b. The Owner may not be absent for any part of consecutive rental periods, nor for more than two rental periods in any calendar year, or the property must be regulated as an Un-hosted STR.
- E. A Hosted STR may not serve any meals.
  - a. A lodging that fits the existing description of a Bed and Breakfast will be regulated as such.
- F. A Hosted STR must also comply with all other STR regulations in the Town of Taghkanic.

## 6. SHORT-TERM RENTAL OF AN ACCESSORY DWELLING <sup>1</sup>

*The Short-Term Rental of **an Accessory Dwelling** located on the same lot as a Principal Residence of the Owner will be permitted **only** under the following conditions:*

- A. An Accessory Dwelling may be offered for STR only if no other Dwelling or portion thereof on the same lot is offered for Short-Term Rental.
- B. No more than four adult STR guests may be accommodated in an Accessory Dwelling.
- D. Each Bedroom in an Accessory Dwelling may accommodate no more than 2 adult guests per room.
  - a. Two children 12 years of age or younger may be counted as the equivalent of one adult guest.
  - b. Infants under the age of two will not be counted in the total number of guests.
- E. An Accessory Dwelling located less than 500' from the Primary Dwelling on the same lot and visible from the Primary Dwelling may be regulated as a Hosted STR only if the Owner will be present in the Primary Dwelling during the entire rental period.
- F. An Accessory Dwelling located 500' or more from the Primary Dwelling on the same lot must be regulated as an Un-hosted STR.
  - a. If the Owner meets all the requirements of a Designated Local Host as delineated in Section 3-A, the Owner may serve as the Designated Local Host for the Un-hosted Accessory Dwelling.
- G. A STR in an Accessory Dwelling must comply with all other STR regulations for the Town of Taghkanic.

## 7. LARGE GATHERINGS PROHIBITED AT SHORT-TERM RENTALS.

***Community standards** in Taghkanic expect that residents and visitors will **refrain from disturbing the surrounding neighborhood**. Owners are responsible for clearly communicating to their STR guests that all events at STRs, **including impromptu gatherings**, must align with the Town's community standards.*

- A. Parties, gatherings, and events with more than 14 people including overnight Guests are expressly forbidden, regardless of Owner's authorization, at STR properties in the Town of Taghkanic.
- B. Disruptive gatherings of any size are expressly forbidden at STR properties in Taghkanic.
- C. STR Owners whose Guests violate community standards by any behavior that disturbs public order or quiet enjoyment may have their STR Permit suspended or revoked if it is determined that Owner or Designated Local Host has failed to communicate prohibitions or authorized an event that violates restrictions on disruptive gatherings and behavior.
- D. STR Guests who are reported for violating these rules are themselves subject to all local laws.

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1. The proposed STR of Accessory Dwellings as written here conflicts with the present draft Zoning Regulations; however, this can be resolved by amending the Zoning Regulations if and when these proposed STR Regulations are approved and passed into local law.

## 8. LIMITS TO NUMBER AND DENSITY OF SHORT-TERM RENTALS

To *protect the rural and residential character and preserve long-term residential housing stock in the Town of Taghkanic, the Town will set limits on the number and density of STRs in Taghkanic, and will revisit these restrictions periodically, amending them as it deems prudent and necessary to achieve these goals.*

- A. The Town of Taghkanic shall limit the total number of Short-Term Rentals to no more than 10% of housing stock town-wide, and in any existing Zoned Residential District.
- B. Density of Short-Term Rental properties in any prescribed area shall be limited as follows:
  - a. There shall be no more than one STR along any 1,000 ft. of linear roadway within the Town of Taghkanic, including properties on both sides of the road.
  - b. STRs shall not exceed 25% of dwellings along any prescribed one-mile portion of roadway within the Town of Taghkanic, including properties on both sides of the road.
- C. STR Permits will be approved in the order Registrations are received only until these caps are met.

## 9. EXPIRATION OF STR PERMIT WITH SALE OR TRANSFER OF PROPERTY

*STR Permits issued in the Town of Taghkanic are **non-transferable.***

- A. All STR Permits are rendered null and void upon any change in ownership of the property.
  - a. New Owners must register for and obtain a new STR Permit prior to any STR of the property.

## 10. SUNSET PERIOD

A Dwelling or portion of a Dwelling that is not in compliance as a Short-Term Rental pursuant to these local laws, but which was **operating as a Short-Term Rental prior to the adoption of these laws**, may continue to operate for a **“Sunset Period” of one year from the date that the STR laws go into effect.**

- A. At the conclusion of the one-year Sunset Period such a right will terminate.
- B. The temporary right to operate does not absolve the Owner of any obligation to comply with applicable safety regulations.
  - a. Owner must register with the CEO in the first 30 days of the Sunset Period and must comply at a minimum with STR safety regulations, including Inspection and applicable fees.
  - b. Owner must also comply with any other regulatory standards that the CEO shall judge reasonable and within the Owner’s power to meet.
  - c. The CEO will advise Owner in writing of all approved temporary exceptions to STR regulations and will grant a Sunset Permit for the period.
- C. If the status or condition of the Dwelling changes during the Sunset Period such that the STR may be brought into compliance with all applicable laws, and the Owner applies for a STR Permit within the same one-year period as the original approval of the Sunset Permit, no additional fees will be charged.

## 11. REQUIRED POSTINGS AND COMMUNICATIONS

All necessary **safety, operational, and community standards information must be posted** in a prominent location in the STR and where applicable, in each bedroom, for easy access of guests and visitors, including:

- A. Escape plan and correct County 911 address information must be posted, including in each bedroom.
- B. All contact information for Owner, Designated Local Host, and any other personnel must be posted.
- C. Parking and Trash plans must be posted.
- D. The Town of Taghkanic “Good Neighbor Handbook” must be made available to all STR Guests.

## 12. EMERGENCY MANDATES

All participants in the STR contract **are subject to all restrictions of any state of emergency declarations.**

- A. Owners of STRs, their Designated Local Hosts, and their Guests must all obey and abide by any local, state, or federal disaster declaration, including closure, evacuation, and contact tracing provisions.
- B. The Town of Taghkanic may require the STR Owner or Local Host to communicate rules to Guests, when necessary, and may require documentation of said communications.

## 13. REQUIRED RECORDKEEPING

The Town requires that Owners of STRs maintain **the following records, which must be available if needed by Law Enforcement or Emergency Services, or in any Emergency Declaration:**

- A. Accurate records of all Short-Term Rental activity, in particular the name and contact information for the Principal STR Tenant, total number of guests, and booking dates.
- B. Records must be kept for three years.

## 14. SPECIAL USE PERMITS

**Exceptions to any requirements or restrictions of the STR portion of the Zoning Code may be approved only by application to the Planning Board for a Special Use Permit. The CEO has no authority to grant exceptions to residency, safety, density, or any other STR regulations.**

- A. An Owner applying to the Planning Board for a Special Use Permit must notice all neighbors within 1000’ of the property in accordance with Planning Board protocols.
  - a. After a Public Hearing before the Planning Board the Special Use Permit may be approved for a term of one year only.
- B. If approved, the Special Use Permit will be presented to the CEO with payment of fees.
- C. A STR operating under the terms of a Special Use Permit must adhere to all local laws and regulations governing STRs except those specifically allowed and documented in writing in the Special Use Permit.
- D. Owner must apply annually to renew a Special Use Permit at the beginning of the calendar year.
  - a. At the time of approving any Special Use Permit the Planning Board will determine whether the allowed conditions and/or exceptions are of a significance that requires annual re-appearance before the Planning Board before the Special Use Permit can be renewed.
    - i. The Planning Board may at this time delegate further responsibility for approving annual renewal of the specific Special Use Permit to the CEO as it deems appropriate.
    - ii. The Planning Board will advise Owner and CEO in writing of its determination in the matter.

## PROPOSED SCHEDULE OF PENALTIES AND FEES

### Fees for Registration and Inspection:

1. \$100 non-refundable fee to be charged upon receipt of initial Registration/Application for STR Permit.
2. A \$350 Inspection fee to be charged for first year applicants for STR Permit, regardless of outcome.
3. \$100 annual fee to be charged for renewal of STR Permit for Hosted STRs.
4. \$300 annual fee to be charged for renewal of STR Permit for Un-hosted STRs.
5. Fees for Re-Inspection, whether performed by the Town CEO or delegated to a licensed New York State Home Inspector, will be based on the going rate charged by a licensed NYS Home Inspector.
6. \$300 fee to be charged for applying to the Planning Board for a Special Use Permit, regardless of outcome.
7. \$300 fee to be charged for a Special Use Permit upon approval.

### Penalties for Non-Compliance

1. Advertising a Hosted STR that has not been registered with the Town will incur a \$150 fine for each day that an advertisement appears in each and any online STR website or other internet media, and a flat \$600 fine for each advertisement in print media.
2. Advertising an Un-hosted STR that has not been registered with the Town will incur a \$300 fine for each day that an advertisement appears in each and any online STR website, and a flat \$1200 fine for each advertisement in print media.
3. Penalties for advertising an unregistered STR will also apply to STR properties advertised or presented by a Realtor, and payment of penalties will remain the responsibility of the Owner of the STR property.
4. Operating a Hosted STR without registration will incur a \$300 fine for the first offense and a \$750 fine for each offense thereafter.
5. Operating an Un-hosted STR without registration will incur a \$600 fine for the first offense and a \$1500 fine for each offense thereafter.
6. An Owner who operates a STR without registration for any part of two consecutive years will be denied a license to operate.
7. Short-term Rental to an Underage Principal Tenant will incur a fine of \$500 for each instance.
8. Rental to a party of Guests exceeding permitted numbers will incur a fine of \$100 for each guest exceeding the permitted number, for each day of the rental period to that party of guests.
9. Failure to provide a Designated Local Host will incur a \$500 fine for each un-hosted rental period.
10. Parking or Trash non-compliance will incur a \$200 fine for each instance.
11. Failure to comply with any safety requirement or regulation will incur a \$750 fine for each instance.