

PROTECTION OF THE CHARACTER AND SAFETY OF THE TOWN OF TAGHKANIC:

As a homeowner in Taghkanic, I have spent the last two years attending Zoning Committee meetings and patiently waiting for this Committee to take action on drafting a code regarding Transient Lodging and/or Short Term Rentals. Last November 2018, *approximately 15 months ago*, I made a presentation called *Suggested Zoning Codes for AirBnBs in Taghkanic* to be considered by this committee. (See attached.) At that meeting, the committee members did discuss what rules they thought would be acceptable. These notes should be available for your review with Linda Swartz and Ted Fink.

I am once again appealing to this Committee to address an urgent need to review Zoning Code for Transient Lodgers or Short Term Rentals in our town. When I first came forth in 2018, there were 21 AirBnBs listed. At this writing, there are now 67 AirBnBs listed in Taghkanic. This reflects visiting only one online site. There are over 60 online sites for house sharing. These short term rentals are entire homes rented for less than 30 days without an owner present and no available contact information for town officials should there be an emergency. The vast majority of rentals are for a two day weekend time period. Only one listed property owner was present with a spare room for rent.

As you all know, transient lodging and/or short term rentals are of concern throughout our country and not just in little humble Taghkanic. These illegal hotels change the quality of life in any community by raising rental rates for affordable housing that might be our teachers, or firemen or simply our neighbors. AirBnBs displace established Bed and Breakfast Lodging similar to how Uber and Lift car sharing services have negatively affected the licensed taxicab business.

Our Comprehensive Plan aspires to maintaining the Rural Character of our town. A growing real estate development of transient lodgers will create a countryside of empty houses until 3 p.m. Friday to 11 a.m. Sunday. We no longer will have neighbors across the street but complete strangers who will never become part of our community.

I believe this issue needs to be addressed in a timely manner and I have reached out to my neighbors in adjoining towns. Maybe there is something to learn about what is going on next door.

The Town of Hillsdale just recently posted a new Zoning Code Law for Transient Lodgers. (See Attachment) I spoke with Supervisor Peter Cipkowski, Barbara Barrantes, Planning Board Member and attorney, and Debra Bowen, Green River Bed and Breakfast owner, and asked the reason why they had created this new law. The following is a condensed review of their comments:

I learned from Supervisor Peter Cipkowski that a landlord of Affordable Housing units had evicted Renters to replace them with weekend Short Term Rentals and three licensed Bed and Breakfast Inn owners well established in Hillsdale had gone out of business. Town Officials now could see how their community was being directly impacted by this unlicensed commercial usage of private homes. Supervisor Peter Cipkowski created a Task Force consisting of a member of the Planning Committee who is also a lawyer, three owners of B&Bs, a homeowner renting an AirBnB and a homeowner negatively affected by AirBnB and two Zoning Board members.

One year later they presented this new Zoning Code Law for Transient Lodgers:

A brief description of this law requires a **Registry** of homeowners renting to transient lodgers, acquiring a **Permit** that is renewable on a yearly basis, required **Home Inspections** paid by these home owners and an assigned **Manager** to this rental unit to be no more than 20 miles from this home. (See Attached Law)

The Task Force felt this was a pragmatic first approach to a growing industry within their community. Hillsdale has 119 listed Airbnbs. Of course they held a public meeting and have published this new code in the local papers and are looking forward to creating a Registry of

houses listed as Short Term Rentals. They believe this is just Phase One of a growing concern for their residents and the best solution is to get “out in front of it” and bring these residences out of the shadows before it overwhelms the community.

The Town of Copake has another version of the negative impact of Short Term Rentals. I spoke with Bob Haight, a Planning Board member and Zoning Board member, and asked the same question of why they had created their current Zoning Code regarding Transient Lodgers. (See Attachment)

He shared this legal problem that The Town of Copake confronted. A developer purchased 4 homes in the Rhoda Lake community. He then rented all four houses as Short Term Rentals. One weekend a busload of West Point Cadets descended into this lake community and raised havoc with late night parties. The neighbors all protested to the town officials of this incident. The town officials required the homeowner to submit for a Special Permit and he did. The town denied him a permit. He sued the town on the grounds of his property rights to do whatever he wants on his property. **Copake did not have any zoning laws in place and the town lost the lawsuit.** This homeowner continues to list these houses as short term rentals but has volunteered to hire a local manager to oversee the property.

Bob Haight now confirms that a town is very vulnerable without having any laws to protect them. He believes these Short Term Rentals are commercial enterprises and should be subject to the same health codes as Bed and Breakfast operations. He is concerned that these Short Term Rentals are really home based businesses and a commercial enterprise. He worries about occupancy limits and proper septic systems and even disability rights.

A town is totally vulnerable with no transient lodging codes on the record to defend itself from lawsuits or investment development. **In addition, if the surrounding towns have enforcement zoning codes on record and Taghkanic continues to overlook this phenomenon, our town will be desirable for these developers to move in and flip houses for transient lodgers.**

The City of Hudson has an ongoing problem with the enormous growth of Short Term Rentals reaching over 300 units. The newly elected Mayor Kamal Johnson has placed a Moratorium on any new short term rentals while an appointed committee looks into their options. Ward Supervisor Linda Mussman chairs this Committee and is currently in discussion with Host Compliance to determine what laws are the most suitable for Hudson.

ENFORCEMENT: This is the perennial subject that is attached to our rural communities for enforcing these zoning codes. Hillsdale Supervisor Peter Cipkowski is a member of The Columbia Economic Development Corporation that is currently discussing the viability of the County passing an Occupancy Tax for Transient Lodging. They estimate this tax will bring in revenue of \$500,000 annually. They are currently discussing hiring a Silicone Valley company called *Host Compliance* that will enforce our zoning codes.

Host Compliance will first do a *screen scrape* of the over 60 online home sharing sites to locate these listed short term rentals and enforce the local town regulations. Home Compliance also collects the required taxes. If a homeowner does not comply, they will be able to enforce a tax lien on the property. How the County will use this newfound income remains to be discussed publicly. Peter believes this decision will be resolved by the end of 2020.

IN CONCLUSION: I urge this Committee to discuss and create a Transient Lodging Code as soon as possible. The longer this Committee puts this issue on the back burner, the more illegal hotels will open in our community.

Taghaknic has no current zoning law specifically defining transient lodgers or short term rentals or any description of regulations. If there is a complaint filed against a developer's use of his property as a short term rental or operating a hotel in a residential area, he could reply that the absence of any zoning laws was waiving prohibition and can bring a law suit against our town. Even if there is a solid complaint, courts are

siding with property owners. This Committee is leaving the town very vulnerable.

Please read this PowerPoint Presentation on Regulating Short-term Rentals by HodgsonRuss, New York Law Firm
Scroll to Case Law page 18

[RegulatingShort-termRentals.pdf](#)

In Addition, if Columbia County passes an Occupancy Tax and uses the services of Host Compliance for Enforcement, each town must have their own zoning codes designed for their community.

I respectively would ask this Committee to consider passing a draft of a zoning code relating to Transient Lodging or Short Term Rentals. If this Committee concludes its business without this zoning code in place, you all will be condoning an illegal activity that is proliferating throughout our town.

The following links are for your Review:

Town of Hillsdale Transient Lodging Law

<https://hillsdaleny.com#28BA155>

Town of Copake Transient Lodging Law

This zoning code was updated after their failed law suit

COPAKE ZONING CODE

§ 232-16.8. One-Family Dwelling. A. Up to two sleeping rooms in a one-family dwelling may be rented to transient lodgers, for compensation, as an accessory use, provided that the resident is in concurrent occupancy. B. A one-family dwelling, or a part thereof, may be used, offered, or made available for transient lodging, for compensation, for up to ninety-two (92) days in a calendar year as an accessory use.

City of Hudson

The newly elected Mayor Kamal Johnson established a Moratorium on Airbnbs for six months to allow an assigned Committee to review potential laws suitable for this community. This Committee is in contact with Host Compliance for guidance.

Town of Chatham

After much public debate, their Zoning Committee is currently drafting a Transient Lodging code.

The Town of Ancram

This past June, Town Officials reviewed a Host Compliance Presentation but currently there are no plans to update their zoning code for Transient Lodging Zoning

NOVEMBER 2018:

PRESENTATION by SUSAN RAYMOND

SUGGESTED ZONING CODE FOR AIRBNB IN TAGHKANIC:

Will a flourishing unregulated Airbnb business alter the rural character of Taghkanic?

There are 20 Airbnbs in Taghkanic, 50 in Ancram and 100 in Hillsdale. Almost all of the rentals list for entire houses with no owner present. Only 1% of the rentals list for a room within someone's home. The rates are from \$150 - \$425 a night with a two-night minimum. Landlords will find it more profitable to rent short-term than regular yearly rentals and will cut down on the possible low-income or modest rental market. Our Town will become a tourist rental market with visitors and/or strangers checking in and out. These Airbnbs will become the largest businesses in our town. Airbnbs are commercial

businesses and should be held to the same restrictions as B&Bs, motels, and hotels

I urge the Zoning Board to consider some of these regulations:

Home Owner must establish permanent residency of 275 days a year.

Home Owner must be part of this community for at least 3 years or more before opening his home to renters

Issue a Permit for \$100 a year with a Revocation Clause.

Building Inspections for safety codes and fire codes

Owners Contact Info for Violations or Emergency

Set Minimum Duration of Stay

Limit Maximum Occupancy

Noise Restrictions - Curfew of Quiet Hours 10 pm to 9 am

Neighbors report to Inspector who will Notify Owner

Ample Parking

Trash collection

Enforcement through ZONING CODE

Penalty: issue a Stop Order

Violation deemed a Misdemeanor

Permit can be revoked

Transient Housing Tax.