

Local Law No. -- of the Year 2023

Transient Rental Regulations

BE IT ENACTED by the Town Board of the Town of Hamden, as follows:

Section 1 – Purpose: With the increase in tourism over the past several years in the Town of Hamden and adjacent areas, there has been an increase in the number of property owners renting to tourists on a transient basis. The following local law imposes mandatory requirements on all Town of Hamden property owners that desire to rent on a transient basis. The regulations and standards are to assure that the properties being rented meet certain minimum safety and regulatory requirements ensuring the safety, general welfare and health of persons occupying the transient rental property and neighboring properties.

Section 2 – Authority: This local law is enacted pursuant to the provisions of the Municipal Home Rule Law and the Town Law of the State of New York.

Section 3 – Title: The title of this local law shall be “Local Law No. __ of the Year 2023: Transient Rental Regulations.”

Section 4 – Definitions and Application: As used in this local law:

- a) **Bedroom**: Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
- b) **Dwelling Unit**: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- c) **Local Manager**: The person specifically named on the application and permit who is responsible for the day-to-day operation of the Transient Rental Unit (as defined below), and who may be contacted, day or night, if there is a problem at the Unit. The local manager may be either the owner or an agent of the owner. The local manager must reside within thirty (20) miles of the Transient Rental Unit.
- d) **Non-Resident Owners**: Owners whose primary residence is further than thirty (30) miles from the Transient Rental Unit.
- e) **Parking Space**: A parking space is an area at least ten (10) feet by twenty (20) feet with direct access or legal right-of-way to a public street or highway, intended for the temporary storage of motor vehicles. Off street parking shall not be utilized for any RV parking or camping unit during the permit period.
- f) **Transient Rental Unit**: Any dwelling unit that is rented or leased for a period of thirty (30) days or less, to one entity shall be considered a Transient Rental Unit. For purposes of this definition, “Rental” means an agreement granting use or possession of a residence, in whole or

part, to a person or group in exchange for consideration valued in money or valuable consideration. Motels, hotels and bed & breakfasts are excluded from this definition.

- g) Renewal Applications: The process by which an owner of a dwelling unit that received a transient rental permit the previous year may apply for the short-term rental permit for the next consecutive year. A renewal application will be accepted only when the applicant can document receipt of a transient rental permit the previous year.
- h) Sleeping Room: An interior room other than a bedroom having at least one operable window and furnishings that may serve to afford sleep to a person; however, sleep shall not be the primary function of the room. Examples include a living room, family room, den or great room furnished with a futon or convertible couch.

Section 5 – Authorization: The Town Board of the Town of Hamden (‘Town Board’) authorizes the Town of Hamden Code Enforcement Officer (‘CEO’) to issue permits to property owners to operate Transient Rental Units according to the provisions of this local law. Applications for a permit to operate a Transient Rental Unit shall be processed under the procedures set forth in this local law. In the event the CEO is unavailable to perform any of the requirements of this local law, the Town Board may appoint the Code Enforcement Office of a neighboring municipality to perform such functions.

Section 6 – Application: All property owners desiring to rent or lease on a transient basis must comply with the regulations of this local law. However, nothing in this local law shall alter, effect, or supersede any regulations or requirements of the Town of Hamden Site Plan Review if appropriate, any regulations or requirements imposed by the County of Delaware, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements.

Section 7 – Fee: A nonrefundable permit fee set by Town of Hamden Town Board for each Transient Rental Unit shall be submitted with each new application and each annual renewal application. The amount of such permit fee may be changed from time to time by resolution of the Town Board.

Section 8 – Permit Application Forms: Applications for a permit to operate a Transient Rental Unit shall be available from either the Town Clerk or the Code Enforcement Officer. Applicants must file a separate application and tender a separate application fee and obtain a separate permit for each dwelling unit to be used for transient rentals.

Section 9 – Permit Application Process:

- a) The initial permit application to operate a Transient Rental Unit shall be submitted to the Town of Hamden Town Clerk along with the application fee. The applicant shall be notified of any additional information required within twenty (20) days of receipt of the application and application fee.
- b) The initial permit application must include the following:

- 1) Contact information: The names, addresses and day and night telephone numbers of the property owner and local manager must be included on the application. The contact information for the local manager may be made public as part of a municipally-maintained database.
 - 2) Parking: The number of off-street parking spaces shall be indicated on the application. Off-street parking shall be provided to accommodate the occupancy of the structure. Vehicles shall not be parked on lawns, along public roads, nor shall they be parked at a private, off-premise location without express written permission of the property owner submitted with the application. Any vehicles parked along the New York State highway will be subject to winter-related parking restrictions as per New York State Department of Transportation.
 - 3) Occupancy: The occupancy level shall be indicated on the application. Occupancy of the entire premises is limited to no more than two persons over the age of two per bedroom, unless further restricted by fire and safety codes. The CEO may also limit the number of occupants in a specific dwelling unit based on the number, size, configuration, and furnishings of the bedrooms and sleeping rooms, and according to the provisions of state laws.
 - 4) Description: Either a floor plan or a written indication of the number of bedrooms, bathrooms, and kitchens associated with the property.
 - 5) House rules: The applicant shall submit a copy of the house rules. At a minimum, house rules must contain the contact information for all emergency services and the local manager; plus, information concerning relevant local laws.
 - 6) Jurisdiction: If a property owner does not reside in the Hamden area, then he or she must designate a Local Manager as an agent for the purpose of conferring criminal jurisdiction to the local criminal court upon the property owner. Service of an appearance ticket as defined in the New York State Criminal Procedure Law upon the Local Manager, as agent, shall constitute good and sufficient service as if the property owner had been personally served within Delaware County.
 - 7) Insurance and Bed Tax: Applicant shall provide proof of liability insurance coverage and a bed tax identification number.
- c) Upon receipt of the application and fee, the Town Clerk shall refer the application to the CEO to determine if the applicant has complied with all of the requirements of this local law. If the applicant has fully complied, then the CEO shall issue the property owner a transient rental permit. However, if an applicant is required to obtain any other permits required by the Town of Hamden, County of Delaware, or State of New York in order to rent or lease their dwelling unit on a transient basis, then the CEO shall not issue the applicant a permit under this local law without sufficient proof that such other requirements imposed by the Town of Hamden, County of Delaware, or State of New York have been satisfied. The CEO shall have forty-five (45) days to determine whether the applicant has complied with the requirements of this law. Failure

of the CEO to act within forty-five (45) days shall constitute an approval unless the applicant and the CEO mutually agree to extend this time limit.

- d) Renewal Permits: To obtain a renewal permit, the applicant will provide the Town of Hamden with (i) an affidavit that no change has taken place to the dwelling unit that would affect its eligibility to operate as a Transient Rental Unit; or (ii) an amendment to the initial application that sets forth any changes to the original underlying application for a Transient Rental Permit, together with such required additional documentation as determined by the CEO, along with the current application fee. The applicant will be notified within twenty (20) days of any required additional information. If the applicant has fully complied with the above, the CEO shall issue a permit to operate a Transient Rental Unit. Any applicant who applies for a Transient Rental Permit, and did not hold a permit for the immediate prior year, shall be considered an initial applicant and not a renewal applicant.

Section 10 - Inspections: Each unit shall be inspected by the CEO to determine fire and safety code compliance. Proof of inspection in the form of the certificate of compliance must be included with the application form.

Section 11 – General Permit Regulations:

- a) Copies of the permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants.
- b) The permit to operate a short-term rental unit in any given year will expire on December 31.
- c) A permit for operation of a Transient Rental Unit may be assigned, pledged, sold or otherwise transferred to any other persons, businesses, entities or properties upon written notification to the CEO, indicating the name, address and telephone number of the new owner and local manager, if applicable, proof of insurance and bed tax number, as well as certification that the balance of the information required under Section 9(b) has not changed.
- d) All Transient Rental Units shall have posted on or about the inside of its front or main door a card listing emergency contact information. Such information shall include, but not be limited to: the name, address and phone number of the building owner, if local, or a local manager, who will be available for problems or emergencies that may arise, and instructions on dialing 911 for emergency/fire/ambulance assistance. A local agent shall be able to arrive at the Transient Rental Unit in person within sixty (60) minutes of being notified an emergency.
- e) All applicants, both renewal and new, must notify, in writing, via regular first-class mail, all property owners within a 200-foot radius of the proposed Transient Rental Unit and must include in such notification the name, phone numbers and addresses of the property owner and local manager, if any, who will be available for problems or emergencies that may arise and to whom neighbors may contact in the event of complaints or problems with the Transient Rental Unit. Notification of a concern from a neighbor to the property owner or local manager shall not serve as an official complaint.

- f) In all districts, no person or persons may be housed separately or apart from the Transient Rental Unit in any tent, trailer, camper, lean-to, recreation vehicle or non-dwelling unit.

Section 12 - Complaints:

- a) Complaints regarding the operation of a Transient Rental Unit shall be in writing and shall be delivered to the Code Enforcement Officer.
- b) In the event of a complaint alleging violation of this Local Law, the CEO shall investigate to determine the presence of a violation. Upon finding to his or her satisfaction that a violation was or is currently occurring, the CEO shall issue to the Transient Rental Unit owner and the local manager a notice detailing the alleged violation(s) as determined by the CEO. Such notice shall also specify what corrective action is required, and the date by which action shall be taken.
- c) Notices required by this section shall be issued by the CEO either by personal service to the owner or the local manager, or by certified mail to the address of the property owner or local manager as shown on the permit application.
- d) If the landowner does not comply with corrective action by the date given by the CEO, the Town of Hamden may initiate procedures to revoke the permit, or the Town of Hamden may begin a criminal action against the property owner or pursue any other relief permitted by law.

Section 13 – Violations:

- a) Any person or entity found to be renting or leasing a Transient Rental Unit without a permit issued shall be in violation of this law.
- b) The CEO shall issue a ticket to any dwelling unit owner that, after having been notified of non-compliance, fails to become compliant with this Local Law by the end of the time period set by the CEO. In the event the health and safety of individuals are at risk, the CEO shall take immediate action to rectify the violation, including but not limited to, initiating proper legal steps to discontinue the operation of said Transient Rental Unit and the removal of the occupants from the premises until such time the violation is rectified.
- c) A violation of this local law is an offense punishable by a fine not exceeding three hundred fifty dollars (\$350.00), for conviction of a first-time offense.

Conviction of a second offense committed within a period of five years of the first offense, is punishable by a fine not less than three hundred fifty dollars (\$350.00) and not more than seven hundred dollars (\$700.00).

Conviction of a third or subsequent offense committed within a period of five years of the first offense is punishable by a fine not less than seven hundred dollars (\$700.00) and not more than one thousand dollars (\$1,000.00).

For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law

relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- d) Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this chapter shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town of Hamden in a civil action.
- e) In the event that the Town of Hamden is required to take legal action to enforce this chapter, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the dwelling unit.

Section 14 – Enactment: This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 15 – Severability: If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.