

Chapter 95. RENTAL PROPERTY

GENERAL REFERENCES

Building code administration — See Ch. 43. **Fire prevention** — See Ch. 60.

Property maintenance — See Ch. 89. **Unsafe buildings** — See Ch. 110.

Zoning — See Ch. 122.

Parking—See Ch. 122.25. **Off-street parking spaces and loading areas**

Common Definitions.

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

LONG TERM RENTAL --- Any residential accommodation, occupied for greater than 30 days or more.

SHORT TERM RENTAL --- An owner/non-owner occupied, residential accommodation available for lodging for periods not less than one day, nor more than 29 days, to the same occupants for the same dwelling. (Bed and Breakfast, and those formerly known as a boardinghouse)

BED AND BREAKFAST --- A short term rental owner occupied one family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, containing at least two but not more than four bedrooms for such lodgers

ACCOMMODATION --- Temporary lodging.

AGENT — A person 18 years or older or an entity designated by the owner on registry form who by such owner designation shall have the authority to make decisions regarding the management and maintenance of any dwelling units rented or being offered for rental within the village.

BUILDING — All structures containing one or more dwelling units rented or being offered for rental within the village.

CAP --- Real property in the MDR and LDR zones as a percent allowed for short term rentals, the percent is determined by the Village Board.

CODE — The New York State Uniform Fire Prevention and Building Code, as amended.

CODE OFFICER — The officer or other designated authority charged with the administration of this article.

DEPARTMENT — The Village of Hammondsport Code Enforcement.

DWELLING UNIT — Any residential accommodation which is arranged, designed, and used, or if vacant, intended for use, exclusively as a domicile or residence of one or more persons.

HOTEL/MOTEL/INN --- Commercial establishment offering lodging to travelers.

OWNER — The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee, or agent.

PERSON — An individual or any entity which lawfully can be the fee owner of real property.

VILLAGE — The Village of Hammondsport, County of Steuben, State of New York.

VIOLATION -- Non-compliance with the NYS Uniform Fire & Prevention Code and the Village Municipal Code

RENTAL PROPERTY

§ 95a-1

ARTICLE I
Registration for Long Term Rental Housing
[Adopted by L.L. No.]

§ 95a-3

§ 95a-1. Findings and intent.

The Village of Hammondsport hereby finds and declares that the rental of **properties** constitutes a business which impacts upon public health, safety, and general welfare of the residents of the Village of Hammondsport. The intent of this article is to promote the orderly and timely management and maintenance of rental dwellings units in order to protect the public health, safety, and general welfare of the residents of the Village of Hammondsport and to further achieve the following beneficial purposes:

- A. The protection of the character and stability of residential areas within the community;
- B. The correction and prevention of housing conditions that adversely affect or are likely to affect the life, safety, general welfare, and health, including the physical, mental and social well-being of persons occupying such **properties**.

§ 95a-2

HAMMONDSPORT CODE

§ 95a-3

§ 95a-2. Rental housing registry of owner, inspections, and exemptions.

- A. In addition to any registry requirements to the New York Multiple Residence Law, no person shall allow to be occupied, or rent to another for occupancy, any dwelling unit unless the owner has first registered the building with the Village, in accordance with § 95a-3 of this article. Parking is referenced in Chapter 122-25.
- B. Any **new** rental dwelling unit that is presently vacant must be inspected by the Code Enforcement Officer prior to rental to ensure compliance with the New York State Uniform Fire Prevention and Building Code for the rental units.
- C. All buildings subject to this article shall be inspected by the Village Code Officer **after any vacancies prior to renting or** every 24 months, whichever comes first

§ 95a-3. Registration.

The owner or owners of each building existing with one or more rental dwelling units shall file with the Village of Hammondsport Clerk, a registration form. The owner of each building constructed or modified to one or more rental dwelling units after this effective date must file a registration form prior to occupancy of such dwelling unit. The registration application shall set forth the following information required by the Code Enforcement Officer **based on the NYS Building Code**.

- A. Name, principal residence address, principal business address, telephone number, and e-mail address if available, of each owner of record. If the owner is an association, partnership, limited-liability partnership, joint tenant, tenants in common, tenancy by the entirety, or other entity **and in trust**, information as set forth above as to each and every owner, partner, or general partner shall be provided;
- B. If the owner is a corporation or limited-liability company, the principal place of

business of the corporation, the names, titles, and residences' address of all the officers, directors, managing or general agents must be provided;

C. The street address of each building;

D. The number of dwelling units in each building;

E. If applicable, the required information must be provided for the owner-designated agent;

F. The type(s) of any fire protection located within each building;

G. It shall be the responsibility of the owner to properly register any and all changes of address, agent, or any other registration information that may occur after filing of the registry. This must be done within 30 days of said change.

H. For the purposes of this section, a post office box shall not be accepted as the owner's or agent's address. Further, the building that is being registered shall not be accepted as the owner's or agent's address unless it is the principal place of business or the residence of the owner or agent.

§ 95a-4. Inspection Requirements

A. The owner shall specify the mailing address to which all notices, violations, and any invoices for fees are to be delivered.

B. All inspections by the Code Enforcement Officer must be requested at least seven days in advance. The fee schedule is available at the Village Office.

C. The owner may designate on the registration form a natural person, 21 years of age or older, as the agent whom the owner authorizes to make decisions regarding management and maintenance of the building and upon whom the service of legal process and all notices may be served or delivered. The owner's designation of an agent shall authorize and empower the Agent to make all decisions on behalf of the owner. Within 60 days of the date of transfer of the title to any building subject to this article, the new owner shall file a new registration form.

§ 95a-5. Penalties for violations.

A. The violation of any provision of this article is an offense and shall subject the person violating the same to a fine not to exceed \$500, or to imprisonment for a term not to exceed 15 days or both.

ARTICLE II
Registration for Short Term Rental Housing
[Adopted by L.L. No.]

§ 95b-1

§ 95b-2

§ 95b-1. Findings and intent.

The Village of Hammondsport hereby finds and declares that the rental **properties** constitute a business which impacts upon public health, safety, and general welfare of the residents of the Village of Hammondsport. **In order to respect the property rights and interests of all homeowners and long-term renters in the Village, the following requirements seek to achieve a balance between those who wish to offer their homes and properties as short term rentals and those who choose not to do so.** The intent of this article is to promote the orderly and timely management and maintenance of rental **properties** in order to protect the public health, safety, and general welfare of the residents of the Village of Hammondsport and to further achieve the following beneficial purposes:

- A. The protection of the character and stability of residential areas within the community;
- B. The correction and prevention of housing conditions that adversely affect or are likely to affect the life, safety, general welfare, and health, including the physical, mental and social well-being of persons occupying such **properties**.
- C. **Short term rentals are allowed in zones Business 1, Business 2, with restrictions, Refer to Chapter 122.12 Business Districts. Short term rentals are allowed in Medium Density Residential and Low Density Residential zones with a Special Use Permit. Refer to Municipal Code Chapter 122.10**

§ 95b-2. Short Term Rental Permit and Inspection Requirements.

- A. In addition to any registry requirements **for the village and** the New York Multiple Residence Law, no **property owner** shall rent to another for occupancy, any **rental property** unless the owner has first registered the rental property with the village, in accordance with §95b-3 of this article.
- B. Any **new short term rental property** must be inspected by the Code Enforcement Officer prior to receiving a **special use permit for operation. This will ensure compliance with the New York State Uniform Fire Prevention and Building Code and The Village Municipal Code.**
- C. **Special use permits are valid for a period of 24 months, unless revoked. All rental properties** subject to this article shall be inspected by the village Code **Enforcement** Officer every 24 months.
- D. **A special use permit shall be required for each individual property intended to be used for short-term rental purposes. For example, a three-family home where all three dwelling units are proposed to operate as short-term rentals shall require the issuance of one special use permit with the number of dwellings defined.**
- E. **Operators that have previously been granted a special use permit for a short-term rental (Bed and Breakfast, and those formerly known as a boardinghouse) under the Zoning Law in effect at the time of the granting of such permit, or that are seeking renewal of a special use permit for an existing short-term rental under this Zoning Law, shall be entitled to a special use permit for such short-term rental, subject only to**

inspection and approval by the Code Enforcement Officer. A site plan review may be required if exterior building or site changes are proposed.

F. Applications for a short-term rental that are not renewals or based on an operating permit previously issued, shall be considered on a first-come first-served basis.

G. A special use permit issued for a short-term rental operation is transferable to a new owner. The new owner of a short-term rental property must file a new application within 60 days, in accordance with the terms of Section 95b if such property is to continue to be used for short term rental purposes.

H. Safety inspection by the Code Enforcement Officer is required prior to issuance of the permit. All inspections by the Code Enforcement Officer must be requested at least seven days in advance. The inspection fee schedule is available at the village office.

I. No short-term rental operation shall be permitted on any property that is in violation of this Zoning Law or the NYS Building Code.

J. Any short-term rental that has failed an inspection with suspension of the permit not to exceed a 6 (six) month grace period to remedy the violation(s). Failure to comply, results in the permit being revoked.

§ 95b-3. Special Use Permit Application Requirements.

- A. The owner of each rental property shall file with the Village of Hammondsport Clerk, a special use permit application with the following information: name, principal physical residence address, principal business (mailing) address, telephone number, and email for each owner of record.
- B. If owner is an association, partnership, limited-liability partnership, joint tenant, tenants in common, tenancy by the entirety, or other entity, information as set forth above as to each and every owner, partner, or general partner shall be provided.
- C. If the owner is a corporation or limited-liability company, the principal place of business of the corporation, the names, titles, and residence addresses of all the officers, directors, managing or general agents must be provided.
- D. The owner shall specify the mailing address to which all notices, violations and any invoices for fees are to be delivered.
- E. The owner may designate on the permit application a person, 18 years of age or older, as the Agent whom the owner authorizes to make decisions regarding management and maintenance of the building and upon whom the service of legal process and all notices may be served or delivered. The owner's designation of an Agent shall authorize and empower the Agent to make all decisions on behalf of the owner.
- F. The street address of the rental property.
- G. The number of dwelling units proposed for rental in the building
- H. If applicable, the required information must also be provided for the owner-designated Agent
- I. If the applicant is applying for the renewal of a Special Use Permit, the renewal application must include proof of renting. Acceptable forms of proof include an advertisement or website.
- J. It shall be the responsibility of the owner to properly register any and all changes of address, agent, or any other revised registration information in a timely manner.

§ 95b-4. Permit, Renewal and Inspection Fee Schedules are Available in Office

Refer to the fee schedule available at the Village Office.

§ 95b-5. Balance: Location and Density.

In order to respect the property rights and interests of all homeowners and long-term renters in the Village, the following requirements seek to achieve a balance between those who wish to offer their homes and properties as short term rentals and those who choose not to do so.

- A. To prevent the over-concentration of short-term Rentals in the residential districts, a cap shall be placed on the total number of short-term Rental Special Use Permits that are made available for allowed uses in the MDR and LDR zones.
- B. The cap on short-term rental permits will be reviewed on an annual basis, starting in April of each year by the Village Board not to exceed 12% of the number of residential properties in MDR and LDR.

§ 95b-6. Waiting List

- A. The Village shall establish a waiting list for short-term rental permits for instances where the number of applications exceeds the cap of 12% in MDR and LDR zones (95b-5) on the number of allowable short-term rental permits.
- B. Applications for short-term rentals that are in excess of the cap shall be added to the waiting list in the order in which they are received and shall be considered on a first-come, first-served basis.
- C. Where an application for a short-term rental is withdrawn by the applicant, or is otherwise denied the issuance of a permit, the next applicant on the top of the waiting list shall be provided the opportunity to have their application processed and reviewed.
- D. Where a short-term rental permit is revoked, or the applicant allows said permit to expire without securing a new permit under the provisions of this Zoning Law, the next applicant on the top of the waiting list shall be provided the opportunity to have their application for said permit processed and reviewed.
- E. The waiting list for short-term rental permits shall be maintained by the Village Clerk. All applications for such permits shall be dated and timestamped upon receipt by the Village as a public record.
- F. The Village Clerk shall notify applicants on the waiting list within 15 days of the opening of an application spot for a short-term rental Special Use Permit. An applicant that fails to notify the village clerk in writing of intent to proceed within 30 days of notification shall be considered to have withdrawn their application and the next in line shall be notified in writing to proceed.

§ 95b-7. Penalties for violations.

- A. The violation of any provision of this article is an offense and shall subject the person violating the same to a fine not to exceed \$500, or to imprisonment for a term not to exceed 15 days or both.