

**RESOLUTION ADOPTING A LOCAL LAW CREATING CHAPTER 215, A
SEASONAL USE RENTAL REGISTRY, IN COMPLIANCE WITH NEW YORK STATE
GENERAL OBLIGATIONS LAW §7-108**

WHEREAS, the Village Board of the Village of Sag Harbor is seeking to comply with the amendments made to New York State General Obligations Law §7-108 to allow property owners to collect rental fees in one lump sum for “seasonal use dwelling units” or summer rentals; and

WHEREAS, the Board is required to create a rental registry that property owners who wish to take advantage of collecting rental fees in one lump sum for a summer rental must register with the Village of Sag Harbor Clerk’s Office; and

WHEREAS, a public hearing was held on June 14, 2022, at which time all persons either for or against the proposed local law were heard; and

WHEREAS, the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis, determined that the proposed action is a Type II Action pursuant to the State Environmental Quality Review Act, (SEQRA), and no further environmental review is required; and now, therefore, be it

RESOLVED, that the following local law is hereby adopted:

LOCAL LAW NO. 7 OF 2022

Be it enacted by the Village Board of Trustees of the Village of Sag Harbor as follows:

A LOCAL LAW creating Village Code Chapter 215, a Seasonal Use Rental Registry.

SECTION 1. Legislative Intent.

New York State General Obligations Law §7-108 was amended in 2021 to allow property owners to collect rental fees up front for seasonal use dwelling units. Previously no deposits or advances were permitted to exceed the amount of one month’s rent. However, the amendment requires that the dwelling unit is “registered with the appropriate local government as a seasonal use dwelling.” Therefore, in order for property owners to take advantage of this amended state law provision, the Village must create a seasonal use dwelling unit registry.

SECTION 2. Amendment. Please see the following and create Chapter 215, Seasonal Use Dwelling Unit Registry by adding those words that are underlined:

Chapter 215, Seasonal Use Dwelling Unit Registry

§215-1 Definition of "seasonal rental" and terms.

A seasonal rental shall be defined as follows: An agreement, oral or in writing, whereby a dwelling is leased, used or occupied by an individual or a family for a period permitted by this Code, and for which compensation, cash or otherwise, is paid for, directly or indirectly. Any dwelling unit

rented for more than 120 days in any calendar year does not qualify as a seasonal rental. No dwelling shall be occupied as a seasonal rental unless registered with the Village Clerk as a seasonal rental unit.

A.

Where a dwelling is to be used as a seasonal rental, an application for inclusion in the Seasonal Dwelling Unit Registry shall be filed with the Village Clerk before the term of the seasonal rental is to begin.

B.

The application shall be signed by each and every owner of the rental property and shall contain the following:

(1)

The name and legal address and, if different, mailing address of the owner or owners.

(2)

The location of the seasonal rental, including the Suffolk County Tax Map parcel number.

(3)

The number of tenants requested.

(4)

A floor plan depicting the location and size of each conventional bedroom.

(5)

A copy of a contract with a carter providing for weekly pickup, at a minimum, of refuse or proof by letter from the carter indicating that full payment for the entire term of the rental has been made or, in the alternative, an affidavit from the owner acknowledging responsibility for refuse removal in a timely and efficient manner.

(6)

The name and legal address and, if different, mailing address of each tenant.

(7)

The period of the proposed occupancy.

(8)

A copy of the most recent deed and property tax bill, confirming the ownership of record of the rental property.

(9)

An affidavit, signed by each owner and tenant named in the application, confirming that they have reviewed copies of all Village laws and ordinances affecting seasonal rentals, noise, vehicle parking restrictions on residential lots and refuse disposal and that they agree to abide by the same.

(10)

A true, final and complete signed copy of the lease between the owner(s) and tenant(s).

C.

A dwelling utilized as a seasonal rental shall be leased only by an individual or a family in accordance with this chapter. In no event shall a seasonal rental be for a period less than 30 consecutive days excepting within any calendar year rentals of two weeks not more than twice is permitted. Where there is to be a change in the individual tenants who will be leasing, occupying or using the dwelling, the registry application shall be amended to indicate the name of the new tenant before the new tenant may occupy the dwelling.

D.

The selling of shares to tenants where they obtain the rights of use and occupancy in a dwelling for less than the term of the rental shall be prohibited. The rent or compensation paid for a seasonal rental shall not be shared by more than the permitted number of tenants.

E.

The leasing, use or occupancy by a tenant of less than the entire dwelling is prohibited.

F.

All applicable parking regulations provided for in this Code shall be complied with.

§ 215-2 Notice of violation.

Upon service of a notice of violation to a tenant for a violation of this chapter, notice of such service of a notice of violation shall be given by the Village Clerk to each owner and lessor of the rental property. Said notice shall be sent by certified mail to each such owner and lessor at the mailing address set forth in the registry application. Notice shall be deemed complete upon the execution of an affidavit of mailing by the Village Clerk.

§ 215-3 Penalties for offenses.

Where authorized by a duly adopted resolution of the Village Board, the Village Attorney shall bring and maintain a civil proceeding, in the name of the Village, to permanently enjoin the person or persons conducting, maintaining or permitting said violation. Each owner and lessor of the dwelling wherein the violation is conducted, maintained or permitted shall be made a defendant in the action, and each tenant of such dwelling may be joined as defendants in the action.

A.

Each person who is listed as an owner upon the rental permit application shall be presumed to be an owner thereof.

B.

If, in an action under this chapter or upon a motion for default judgment or summary judgment in an action under this chapter, a finding is made that the defendants or any of them has conducted, maintained or permitted a violation of this chapter, a penalty to be included in the judgment may be awarded at the discretion of the court in an amount not to exceed \$1,000 for each day it is found that the defendant or any one of them conducted, maintained or permitted the violation.

C.

In addition to the foregoing provisions, any duly authorized police officer, peace officer, fire marshal, ordinance inspector or building inspector may issue a summons for violation(s) of this chapter. Upon a finding of a violation of the provisions of this chapter, judgment entered pursuant to this chapter may be at the discretion of the court in an amount of up to \$1,000 for each day the violation has been conducted, maintained or permitted. Upon recovery, such penalty shall be paid into the general funds of the Village.

SECTION 3. Authority.

The Village of Sag Harbor hereby enacts this legislation pursuant to NYS General Obligations Law §7-7108 and Municipal Home Rule law §10(1)(i).

SECTION 4. 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, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall be rendered.

SECTION 5. Effective Date.

This chapter shall take effect immediately upon filing in the office of the Secretary of State pursuant to the Municipal Home Rule Law.