

RESOLUTION SETTING PUBLIC HEARING TO CONSIDER LOCAL LAW AMENDING
VILLAGE CODE CHAPTER 215 TO CREATE RENTAL REGISTRY PERMIT
REQUIREMENT

WHEREAS, the Village Board of the Village of Sag Harbor seeks to enact a local law establishing a Rental Permit requirement for properties rented in the Village of Sag Harbor to ensure the health, safety and welfare of the people of Sag Harbor and their tenants; and

WHEREAS, in furtherance of this goal, the Board of Trustees is considering enacting a local law amending Village Code Chapter 215, Seasonal Use Dwelling Unit, to create a Rental Permit Registry for the Village of Sag Harbor; and now, therefore be it

RESOLVED, that a public hearing shall be held on **Tuesday, March 14, 2023, at 6:00 P.M.** or as soon thereafter as the matter may be heard, at the Sag Harbor Village Municipal Building located at 55 Main Street, Sag Harbor New York, 11963, to consider a Local Law amending Village Code Chapter 215, to create a rental permit requirement; and be it further

RESOLVED, that the Village Clerk is hereby directed to refer this local law to the Suffolk County Planning Commission and the Village of Sag Harbor, Harbor Committee and the Village Planning Consultant, Nelson Pope & Voorhis to conduct the necessary SEQRA review.

INTRODUCTORY LAW NO.

LOCAL LAW NO. OF 2022

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

A LOCAL LAW to amend Chapter 215, Seasonal Use Dwelling Unit Registry to create a Rental Permit Registry for the Village of Sag Harbor

SECTION 1. Legislative Intent.

The Village enacted Chapter 215 Seasonal Use Dwelling Unit Registry addressing seasonal rentals and rent collected for same. However, the enactment did not regulate year round rentals or seasonal rentals that do not collect rent upfront in the Village of Sag Harbor. This local law seeks to regulate all residential rentals in the Village of Sag Harbor to ensure the health, safety and welfare of the community.

SECTION 2. Amendment. Please see the following and amend Village Code Chapter 215, by deleting those words that are stricken and adding those words that are underlined:

Chapter 215. Rental Seasonal Use Dwelling Unit Registry

[HISTORY: Adopted by the Board of Trustees of the Village of Sag Harbor 6-14-2022 by L.L. No. 7-2022. Amendments noted where applicable.]

§ 215-1. Seasonal Rental Registry; Definitions terms.

DWELLING UNIT

As defined in § 300-2.2

ENFORCEMENT AUTHORITY

The Senior Building Inspector or his designee or the Fire Marshal or his designee.

FAMILY

As defined in §300-2.2

IMMEDIATE FAMILY

The owner's spouse, children, parents, siblings, grandparents, grandchildren, or those under legal guardianship.

MANAGING AGENT

Any person, individual, business, partnership, firm, corporation, enterprise, trust, trustee, company, industry, association, public entity, attorney, real estate broker, real estate agent, or other legal entity responsible for: the maintenance of, collection of rent, establishment of utilities accounts, or operation of any rental property as defined within this chapter.

OWNER

Any person, individual, association, partnership, entity or corporation whose name is listed as grantee on the last deed of record for the property, as recorded with the Suffolk County Clerk. In addition, any sole and/or joint owners who do not appear on the deed of record as recorded with the Suffolk County Clerk who hold legal title to any premises, with or without actual possession thereof by means of possession of shares, as executor, as administrator, as trustee, as guardian of estates, or as a mortgagee in possession, with title, or demonstrating control over a dwelling unit. This shall include but not be limited to banks and lending institutions, regardless of how possession or title has been obtained.

PERSON

Includes any individual, managing agent, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity.

PUBLISH

Promulgation of an available rental property to the general public or to selected segments of the general public, in a newspaper, magazine, flyer, handbill, mailed circular, bulletin board, sign or electronic media.

RENEWAL RENTAL REGISTRY

A permit which is to be issued to the owner of the rental property where such dwelling unit has been the subject of a rental permit continuously prior to the date of the application for the permit.

RENT

A return, in money, property or other valuable consideration (including payout in kind or services or other thing of value), for the use and occupancy or the right to the use and occupancy of a rental property, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL REGISTRY

A permit issued by the enforcement authority issued to the owner to allow the use or occupancy of a rental property.

RENTAL PROPERTY

A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or the owner's immediate family, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation. For purposes of this chapter, the term "rental property" shall mean all non-owner-occupied single-family residences, two-family residences, accessory apartments, apartments, condominiums, residential cooperatives rented by someone other than the shareholder/s, and townhouses, and shall exclude:

A.

Properties used exclusively for nonresidential commercial purposes in any zoning district; or

B.

Any legally operating commercial hotel/motel business or bed-and-breakfast establishment operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

SEASONAL RENTAL

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.

TENANT

An individual who rents, leases, subleases, uses or occupies a rental property.

TRANSIENT RENTAL

A rental period of 14 days or less.

§215-2 RENTAL REGISTRY REQUIRED

A.

It shall be unlawful and a violation of this article for any person or entity who or which owns a dwelling unit in the Village to use, establish, maintain, operate, let, lease, rent or suffer or permit or allow the occupancy and use thereof as a rental occupancy by someone other than the owner without first having obtained a valid rental occupancy permit therefor. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation.

B.

A rental permit issued under this chapter shall only be issued to the owner(s) of the real property at issue.

C.

No owner, person, managing agent, or designee shall collect rent for the occupancy or use of a dwelling unit as a rental property without a valid rental permit.

D. No rental permit shall be granted to a transient rental property.

E. Seasonal Rental

~~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 Building Department as a seasonal rental unit.~~

§215-3 RENTAL REGISTRY APPLICATION

A.

Where a dwelling unit is to be used as a rental property, or seasonal rental, an application for a rental registry shall be filed with the Building Department before the term of the rental is to commence.

~~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).

(11)

Written certification from a licensed architect, licensed engineer or licensed home inspector stating that the rental property complies with every provision of the Code of the Village of Sag Harbor, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York. The certification must also include a specific statement that the rental property complies in all respects with the New York State Building Code, New York State Fire Code as may relate to basement occupancy; smoke and carbon monoxide alarms; and pools. In lieu of the certification, the applicant may request an inspection to be conducted by the enforcement authority, and in cases where questions or concerns exist regarding information presented within an application, the enforcement authority retains the right to require an inspection.

C.

A dwelling utilized as a rental property or 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 ~~Building Department 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 ~~Building Department 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 Village Law and NYS Municipal Home Rule Law.

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.