

# Livingston Local Law for STR's

## SHORT-TERM RENTAL LAW

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### A. DEFINITIONS

**SHORT-TERM RENTAL** - Any portion of real property rented in compensation in exchange for lodging for a period of not more than thirty-one (31) consecutive days or less, it is termed as a "Short-Term Rental" within this Code. This definition excludes establishments like bed-and-breakfasts, boarding/lodging houses, campgrounds, hotels, motels, and ongoing month-to-month leases. Importantly, such accommodations are distinct from hotels or motels with an on-site manager available for a minimum of eight hours daily when rooms are being rented or are available for rent.

**DWELLING** - A building designed or used principally as the living quarters for one (1) or more families. The terms "dwelling", "one-family dwelling", "two-family dwelling", "multifamily dwelling", "multiple dwelling" and "dwelling group" shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

**CERTIFICATE OF COMPLIANCE** - A certificate stating that materials, products, services or system meets specified standards, regulations or contractual requirements, or that work was done in compliance with approved construction documents.

### B. REGULATIONS

Property owners must obtain a permit whenever a dwelling unit is to be used as a short-term rental. A short-term rental is a furnished house or apartment or room or any residence containing or not containing a kitchen, where one or more rooms is rented for fewer than 31 consecutive days. Any short-term rental in existence prior to the enactment of this chapter must comply with all rules and regulations contained herein within 30 days.

1. A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
2. All short-term rental applications, when deemed complete by the Code Enforcement Officer, shall be reviewed and approved by the Town Planning Board. The Planning Board shall conduct site plan review on the proposed use and has the authority to impose reasonable conditions to ensure that the use will not create noise or disturbances, expressly reviewing and approving the use for provisions such as total occupancy, parking, and any outdoor activities.
3. The Planning Board, in its discretion, may waive a public hearing on the application for a Short Term Rental where it finds the impacts of the Short Term Rental are not significant.

4. The short-term rental shall be inspected by the Town Code Enforcement Officer for compliance with Town and state codes. The short-term rental will not be able to operate unless it is in full compliance with Town and state codes.
5. The Town Board will set application and inspection fees as determined by resolution of the town board.
6. A short-term rental permit shall be valid for one calendar year, shall expire on December 31 of the year it is in effect, and must be renewed and inspected by the Code Enforcement Office, within 30 days prior to expiration as long as the unit is to be continued to be used as a short-term rental.
7. The short-term rental permit is not transferable to a new owner.
8. If the terms and conditions of the short-term rental permit or these regulations are not followed, the Town Code Enforcement Officer, upon notice to the permit holder, may revoke the permit until all conditions and terms are satisfied.
9. No commercial events will be allowed at a short-term rental unless the owner of the subject parcel has also complied with the commercial event venue regulations in the Town of Livingston Zoning Law.
10. All short-term rentals must have a valid and current Certificate of Occupancy or Certificate of Compliance.

### **C. PERMIT APPLICATION REQUIREMENT**

An application for (or renewal of) a short-term rental permit shall be submitted to the Town Code Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, shall be accompanied by payment of a permit fee, as set by resolution of the Town Board, shall be accompanied by a copy of the current vesting deed showing how title to the subject property is then held, shall be completed on the form provided by the Town, and shall provide the following information:

1. A list of all the property owners of the short-term rental including names, residential addresses, telephone numbers and email addresses.
2. Completion of a signed and notarized affidavit by the property owners certifying the following:
  - a. Compliance with the following standards as in Section D:
  - b. The number of sleeping rooms within the short-term rental, as defined in this section.
  - c. The number of parking spaces on the property that meet the standard set forth below.
  - d. Affidavit certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a building permit are made, or until the Town Code Enforcement Officer has reason to believe further inspections are warranted, at which point the inspections shall take place at a time suitable to the Code Enforcement Officer and the owner. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new certification shall be submitted. Under any circumstances, inspections shall be made by the Code Enforcement Officer at least once every year.
  - e. The Town Board may make provision, from time to time by resolution, for payment of an additional fee upon any re-inspections.
3. A property map showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate, suitable plan need prepared by a professional.
4. Provide a safety/egress plan, to be posted in a visible location in the short-term rental.
5. Provide a garbage-removal plan (garbage receptacles will not be left out for more than 48 hours).
6. For non-owner-occupied short-term rentals, the owner must designate a host and provide the name, address, telephone number and email address, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The host may be the owner, or an agent designated by the owner to serve as a contact person.
7. A statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.
8. Copy of host liability insurance binder and paid receipt required.

9. Any fee which has been set by the Town Board by resolution.

## **D. STANDARDS**

All short-term rentals must meet the following standards:

1. There shall be one functioning smoke detector in each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and in one other designated location, and at least one carbon monoxide detector. The short-term rental shall in all respects be in compliance with the New York State Fire and Building Codes. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder(s) to ensure each contains a full charge. A record of the date inspected initialed by the permit holder shall be maintained and made available to the Code Enforcement Officer upon request.
2. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
3. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
4. All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed.
5. Chimneys shall be inspected by a professional and a report made to the Code Enforcement Officer on an annual basis.
6. Outdoor fires, including fire pits, are subject to state fire code and restrictions.
7. Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
8. The maximum occupancy for each short-term rental unit shall be the smaller of:
  - a. The number of people calculated on the basis of two persons per sleeping room (unless the room size is below 120 square feet) plus an additional two persons. For this purpose, a "sleeping room" is defined as fully enclosed habitable space of at least 100 square feet for one person and 120 square feet for two persons, with an emergency escape or rescue opening.
9. The property must have sufficient off-street parking spaces, to accommodate the maximum occupancy.
10. Tenants and guests shall park in the off-street parking spaces and shall not park on the street.
11. A house number visible from the street or road shall be maintained.
12. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except around pickup time.
13. Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.
14. Each STR owner shall be required to maintain a record of all STR rentals, which shall be available for inspection by the Code Enforcement Officer upon request. The record shall be a true and accurate record of the use of the STR and shall include the dates and total number of days rented, number of bedrooms rented, and number of guests. Each owner shall retain such records for at least three (3) years.

## **E. PROCEDURE UPON FILING APPLICATION**

1. Upon the filing with the Town Code Enforcement Officer of the permit application, permit fee, and all documents and information required by this chapter, the Town Code Enforcement Office shall have 60 days to review the application, make an inspection and then either send the application to the Livingston Planning Board, or notify the applicant in writing that the applications has been denied along with the reason or reasons for denial. If the Planning aboard approves the site plan and a permit is issued by the Code Enforcement Office, the permit shall bear the signature of the Town Code Enforcement Officer and be posted in a visible location in the short-term rental.
2. The Town Code Enforcement Officer or Planning Board may decline an application for any of the following reasons:
  - a. If the application is incomplete, the documentation required by this chapter was not included with the application or the application or the full permit fee, in payment form acceptable to the Town of Livingston, was not included with the application.

- b. If the Town of Livingston issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.
  - c. If the site plan required to be submitted with the application does not comply with the requirements of this section.
3. Short-term rental permits issued pursuant to this section shall state the following:
- a. The names, addresses and phone numbers of every person or entity who has an ownership interest in the short-term rental property and the host who shall be available during the entire time the short-term rental property is being occupied. The host shall be available at all times by telephone while the short-term rental is occupied and within 30 minutes by automobile while the short-term rental is occupied.
  - b. The maximum occupancy and vehicle limits for the short-term rental unit;
  - c. Identification of the number of and location of parking spaces available;
  - d. A statement that littering is illegal;
  - e. A statement that no outdoor fires are allowed, except as permitted by local and state law and only in fire pits or encased in a receptacle;
  - f. Any animals which are pets of guests shall not leave the subject parcel except when under control by leash.
  - g. A statement that no noise beyond normal levels of conversation shall emanate between 10:00 p.m. and 7:00 a.m.
4. A statement that the short-term rental permit may be revoked for violations; and
5. Compliance with any conditions imposed by the Town Code Enforcement Officer.

## **F. RENEWAL & INSPECTIONS**

1. Each short term rental shall be inspected by the Code Enforcement Officer or Fire Inspector to determine compliance with the New York State Uniform Fire Prevention and Building Code. Inspections shall be scheduled with the Building Department following permit issuance, and no less than every one (1) year, thereafter.
2. The Town Board may set a fee by resolution for the cost of such inspections, which shall be paid by the owner.
3. Following inspection and payment of the requisite fee, the Code Enforcement Officer shall issue a permit indicating the number of approved units and any other conditions that may apply. Permits shall be valid for up to one (1) year, ending December 31st and subject to renewal in accordance with Section of this Chapter.

## **G. CONFORMITY & DISPLAY OF PERMIT**

1. The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
2. Prior to any tenants coming onto the short-term rental property:
  - a. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
  - b. The owners must ensure that current and accurate information is provided to the Town Code Enforcement Officer and that they notify the Town Code Enforcement Office immediately upon any information contained on the permit changing. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental with the amended permit.

## **H. COMPLIANCE, HEARINGS & PENALTIES**

1. Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Livingston, Columbia County, New York State, and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this chapter.
2. If the Town Code Enforcement Officer finds a violation of the permit or of this section, the Code Enforcement officer may do any of the following depending on the circumstances:
  - a. Issue a Notice to Remedy;
  - b. Initiate an action or proceeding in the Livingston Town Court;

- c. Attach reasonable conditions to the existing short-term rental permit;
  - d. Suspend the short-term rental permit; and
  - e. Revoke the short-term rental permit.
3. Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation.
  4. The Town may initiate enforcement proceedings under this chapter at any time following receipt of a complaint.
  5. The Town of Livingston may prosecute the owner of the subject lands in Town Justice Court or a Court of appropriate jurisdiction including Columbia County Supreme Court. Any property owner found in violation of the provisions of this chapter shall be guilty of a violation for a first offense, and a misdemeanor for a second offense and every offense thereafter. The conviction will be subject to a fine of up to \$5,000 for each offense. Each day representing a separate and distinct offense . The Town of Livingston may assess any fine as tax levy on the subject parcel to be collected in the same manner as Town Taxes.

## I. SCHEDULE OF PERMITTED USES

Symbols:

P : Designates a use permitted by right.

X : Designates a temporary and/or conditionally permitted use requiring application for a special use permit issued by the Planning Board and allowed only if confirmed suitable in the specific case.

-- : Designates a use not permitted by right nor by special use permit.

DISTRICT	CH-2	HDR-2	LDR-2	CON-7	C-1	FAO	AD/LI-1 *	LC-1* *
Short-Term Rental	P	P	P	P	P	X	P	P