

**SHORT TERM RENTAL LAW
TOWN OF OLIVE
LOCAL LAW NO. #2 OF 2022**

A LOCAL LAW CREATING CHAPTER 114 Rental Properties
TOWN OF OLIVE, ULSTER COUNTY, NEW YORK

Article I
Short Term Rentals

114-1. Purpose.

The purpose of this Local Law is to address the use of Short-Term Rentals within the Town of Olive, and the surrounding areas; to encourage the use of housing for traditional long-term rentals, in an effort to mitigate the impact of Short-Term Rentals on the housing market, particularly the stability of the Long-Term Rental market; to ensure the safety of Short-Term Rentals; to ensure that the following concerns are addressed:

- A. Quality of life (parking, noise pollution, traffic, proper garbage removal, animal control, etc.)
- B. Health and safety (including wastewater treatment, water quality, ingress/egress, fire control, etc.)
- C. Outside activities (assembly spaces, bonfires, events)
This Local Law imposes mandatory regulations and requirements on all Town of Olive property owners currently renting, or planning to rent their property on a Short-Term basis.

114-2. Authority.

This Local Law is adopted in accordance with Articles 9 and 16 of the Town Law of the State of New York, which grants the Town of Olive the authority to enact local laws for the purpose of promoting, health, safety and welfare of the Town, and in accordance with Municipal Home Rule Law, Article 2, Section 10, that gives the Town of Olive the power to protect and enhance its physical environment. This Local Law authorizes the Code Enforcement Officer to issue permits to property owners to operate Short-Term Rental units, per the provisions set forth in the following sections.

114-3. Definitions.

- A. **Short Term Rental (STR):** A supplementary business within a private residence, accessory dwelling unit, or portion thereof; and in which no public restaurant or other commercial services are offered; and that is rented or leased to a turnover of transient guest(s) for no more than 30 days per rental and/or lease occurrence, listed on STR platforms such as, but not limited to Airbnb, VRBO, Hometogo, etc.
- B. **Host:** A designated adult, 21 or older, who resides within a 30-mile radius of the STR, and is required to be available to promptly manage emergencies and other STR renter issues. The Host should understand STR rules and regulations, and be able to comply with STR operating requirements in the owner's absence.
- C. **House Rules:** A set of rules that applies to renters of short-term rental units while occupying the unit, set forth by the owner prior to any rental occurrence or lease.
- D. **Bedroom:** An interior room that functions as a sleeping room, with at least two means of egress. (ex: window, door)
- E. **Resident (Owner Occupied):** A full time occupant of the residence, that resides at the premises 184 or more days of the year.
- F. **Non-resident Owner or Part-time Resident (Non-Owner Occupied):** A part-time occupant of the residence that resides on the premises less than 184 days of the year.
- G. **Rental:** An agreement where payment is made for temporary use of property owned by another.
- H. **Rental Arbitrage:** The practice of renting or leasing properties and subletting them on STR platforms with or without knowledge or consent of the property owner.
- I. **Tiny House:** A dwelling unit with a maximum of 37 square meters (400 sq ft) of floor area, excluding lofts.
- J. **Membrane Structure (Tent, Yurt, Etc.):** A temporary shelter consisting of sheets of fabric or other material draped over or attached to a frame of poles.
- K. **Yurt:** A circular tent that may be used as an accessory dwelling unit if it meets NYS building requirements, and approval from the building department.
- L. **Campsite:** Any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any membrane structure, platform, lean-to, shack, or any other structure.
- M. **Lean-To:** Three walled shelter.
- N. **Wastewater:** Includes, but is not limited to laundry, toilets, and showers.

114-4. Procedures and Restrictions

A Town-Wide STR Cap: STRs impact the local real estate market as well as impair the Long-Term Rental market, as such, the Town Board will limit the number town-wide STRs annually. STRs above and beyond this limit and which have not obtained a permit, will be prohibited from operating. Violation of this regulation will result in fines of \$500 per day of operation.

B. Allowable Number of Short-Term Rentals: The maximum allowable number of STRs owned shall be no more than: 2 if the owner is a full-time resident; 1 if the owner is a part-time or non-resident.

C. Non-Individual Owners: Properties must be owned by an individual, individuals, sole proprietorship, general partnership, limited liability partnership, or a limited liability company. No property owned by a corporation or other business entity shall qualify for a permit. A general partnership, limited liability partnership, or a limited liability company must disclose names of all partners and or members when applying. Any changes in partners and/or members shall be provided to the code enforcement department within thirty (30) days of change. No owner entity composed of similar individuals may hold permits for greater than two properties at any given time, one owner-occupied and one nonowner occupied STR.

D. Owner-Occupied Limits: Full-time residents who reside on the premises may rent out a portion of their home and or an accessory dwelling on the premises as a STR, with no more than 2 rentals, total.

E. Non-Owner Occupied: Part-time or non-residents may rent out the main dwelling, or an accessory dwelling as a STR, but are limited to 1 rental, total.

F. Occupancy: Shall be limited to 2 guests per bedroom and total maximum house occupancy shall be posted within the STR. Children 12 years and younger are not included in guest-count. Non-Owner Occupied STRs shall be rented for no more than 180 days per calendar year.

G. Address Protocols: The STR property shall be locatable via GPS, and address shall be clearly demarcated on the property.

H. House Rules: All short-term rental unit properties shall post for renters of each dwelling unit a listing of House rules which shall incorporate, but not be limited to, the following:

- a. An emergency exit plan.
- b. The location of fire extinguishers.
- c. Identify the property lines and a statement emphasizing that unit occupants may be liable for illegal trespassing.
- d. Identify the procedures for disposal of refuse/garbage.
- e. Specify no bonfires during NYS designated "No Burn" periods.
- f. Provide safety instructions for use of fireplaces, firepits, wood stoves, etc.

- g. Proper use of wastewater disposal system, for example septic or sewer system.
- h. No excessive noise.

I. Management Requirements: The STR Host/Owner will provide guests with copies of local laws, such as, but not limited to noise, animals, fire, and safety ordinances and requirements. Host/Owner will properly clean and maintain STRs between bookings. Host/Owner will also provide emergency contact information as well as address of property, including E911 address of property; will ensure the property address is clearly identifiable from the street, and shall be posted in a visible location on or near the front door; host/owner will provide guests with a property map showing the property boundaries. Approved STRs will be assigned a registration number that must be included in any and all rental listings, and posted within the residence. On-site advertising (signage) is prohibited.

J. Application of Law to Existing Short Term Rentals:

- a. Property owners who operate an existing short-term rental shall have 90 days from the effective date of this law to apply for a valid permit.
- b. They shall be allowed to continue operation until such time as a permit is issued or denied by the Code Enforcement Officer.
- c. To qualify for this “grandfathering” of existing use, a property owner shall provide:
 - (1) Ulster County Department of Finance Certificate of Authority dated prior to the date this law is adopted by the Town Board; and
 - (2) Provide proof of operation of the STR continuously for two years prior to the date of the adoption of this law; and
 - (3) Submit an application and meet current requirements as defined for all STRs.
- d. Any property owners who fail to satisfy 114-4 J. c. 1, 2 and 3 shall be required to file a new application and be considered a NEW operating short-term rental.

K. Cap of Number of Non-Grandfathered Permits

- a. The Town of Olive Town Board has determined a cap shall be established on the number of nonowner occupied short-term rental permits. No cap will be imposed on owner-occupied short-term rentals. This is to maintain the permanent housing stock availability for all income levels of residents.
- b. The cap number of available permits shall be established by the Town Board annually each calendar year.

L. Multi-Family Dwellings: Properties with multi-family dwellings with 3 units or more, are prohibited from use as an STR.

M. Temporary Structures: Tents, Trailers, and RVs are prohibited for the purpose of STR. Yurts that have not met applicable development standards, and that have

not been deemed an accessory dwelling unit by the Code Enforcement Officer, are also prohibited for use as an STR.

N. Rental Arbitrage: Rental Arbitrage as defined in section **114-3 H.** is expressly prohibited.

114-5. Application Requirements.

- A. Ulster County Hotel & Motel Occupancy Tax:** Applicants must first register with the Ulster County Commissioner of Finance, allowing said authority to collect the tax from the occupant(s) pursuant to Section 312-8 of the Code of Ulster County. Proof of active registration must be provided at the time of application, and annually upon renewal. Failure to maintain registration and participation, will render the applicant ineligible for an STR permit.
- B. Permit Required:** An owner shall obtain a revocable short-term rental permit whenever a dwelling will be used for short-term rental purposes.
- (1) Permit applications can be obtained from the Code Enforcement Officer, the Building Department, or the Town of Olive website.
 - (2) Applications will be completed and approved prior to using the unit as a short-term dwelling.
 - (3) Separate permit applications, and fees payable, must be submitted for each individual STR location. (See limitations)
 - (4) Permits must be renewed, and renewal fees paid, upon the annual renewal period. Failure to renew may result in suspension of permit.
 - (5) An application for a Short-Term Rental Permit, or renewal, shall be submitted to the Town Building Department, signed by all persons and entities that have an ownership interest in the subject property; shall be accompanied by payment of a permit fee to be determined by 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
 - (a) **Owner Information:** A list of all of the property owners of the short-term rental, including names, addresses, telephone numbers and e-mail addresses.
 - (b) **Building Permits:** Any upgrades/updates/and or renovations to property will be disclosed prior to application, and the proper permits will be taken. Failure to do so will result in fines, fees, or legal action.
 - (c) **Proof of Insurance:** An insurance certificate of property and liability insurance, including any applicable umbrellas will be provided listing the Town of Olive as Additional Insured.

(d) **Inspections:** Each unit shall be inspected by a Licensed Building Inspector, and/or a Certified Fire Inspector, to determine compliance with the New York State Uniform Fire Prevention and Building Code. Inspections shall be done for the initial permitting and for each renewal permit. No initial or renewal permit shall be issued without compliance with the elements of the submitted application. Inspector information can be accessed by referring to the list of pre-approved Building Inspectors as set forth by the Town Board. To be in compliance, the following requirements must be met:

- (1) There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each primary exit, and at least one carbon monoxide detector.
- (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) Each bedroom shall have an exterior exit that opens directly to the outside, or an emergency escape or egress window.
- (6) The number of parking spaces on the property that meet the standards set forth below.
 - a. A parking layout plan identifying where parking is to be located is required, and shall accommodate sufficient parking for tenants and residents. There shall be no on-street parking allowed.

(d) **Waste Removal:** Applicant must provide a waste removal plan at time of application. Garbage shall not be allowed to remain outside for a period greater than 24 hours at curbside, and shall be placed within a container that adequately prevents animals from disturbing it. The owner and/or host are responsible for any garbage or debris that may have been strewn about by animals.

(e) **Hosting Platform Information:** The applicant shall provide the names and URL's for all hosting platforms or other advertising platforms, such as but not limited to Facebook, Instagram, AirBnB, VRBO, HomeAway, Hometogo, etc., used by the applicant for advertisement of the Short-Term Rental Unit. Any changes or

additions to the listed hosting/advertising platform shall be reported on the applicant's renewal permit.

- (f) **Maximum Occupancy:** The maximum desired occupancy by the applicant shall be stated on the application, see limitations in Section 114.6. The Code Enforcement Officer shall establish the maximum occupancy. The Code Enforcement Officer shall limit the number of occupants based on the number, size, configuration, and furnishings of the bedrooms, and per the provisions of state laws, and as set forth in this Local Law, Section 4.6.
- (g) **Water:** The source of the water supply shall be stated on the application and the permit. Annual water test is required.
- (h) **Wastewater/Septic or Sewer:** Applicants are required to state whether they are part of the Sewer District. For those with a private septic, applicants must ensure the septic is functional.
- (i) **Residence Description:** A floor plan of each bedroom, including the dimensions of said rooms, occupancy of each room and the methods of ingress and egress (examples: doors and windows) shall be included with the application. The applicant shall submit a plat of the property showing approximate property boundaries and existing features, including buildings, structures, well, septic system, parking spaces, dumpsters or trash collection receptacle, firepits, driveways, streets and neighboring buildings within one hundred (100) feet of the short-term dwelling unit.
- (j) **Emergencies:** Provide a description of how the occupants will contact 911 in the event of an emergency.
- (k) **House Rules:** The applicant shall include a copy of the House Rules upon application. Any changes to House Rules shall be submitted upon each renewal. See Section 4.8 for instruction.

114-6. Additional Regulations

- A. **Application Review:** Upon receipt of the completed application, inspection, and fee the Code Enforcement Officer shall determine if the applicant has complied with all the requirements of this local law as well as any federal, state, county, or local laws. If the applicant has fully complied, then the Code Enforcement Officer shall issue the property owner a short-term rental permit. No permit shall be issued until inspection is completed and the short-term rental unit is approved by the Code Enforcement Officer. In addition, no permit shall be issued should it exceed the cap set by the Town Board. The Code Enforcement Officer may refer non-compliant applications to the Planning Board for further review.

B. Renewal Permits: The applicant will provide the Town of Olive with any changes to the original underlying application for a Short-Term Rental Unit Permit, together with such additional documentation as determined by the Code Enforcement Officer, along with the current application fee.

- (1) Any applicant who applies for a short-term rental unit permit and did not hold a permit for the immediate prior year, shall be considered an initial applicant and not a renewal applicant.
- (2) Permit holders shall be able to apply for Renewal Permits beginning November 1st through January 15th.

C. General Permit Regulations:

- (1) Copies of the permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants and in a window where it is easily visible from the exterior of the dwelling.
- (2) The permit to operate a short-term rental unit in any given year will expire on January 31st, except an initial permit, which will be in effect from the date of approval until January 31st of the next calendar year. All renewal permits shall run from January 31st to January 31st of the next calendar year.
- (3) Rental permits for operation of a Short-Term Rental Unit may not be assigned, pledged, sold, or otherwise transferred to any other persons, businesses, entities or properties.
- (4) All short-term rental unit properties shall post on or about the inside of the front or main door of each dwelling unit, a card listing emergency contact information. Such information shall include, but not be limited to the name, address, email, and phone numbers of the building owner, if local, or host, and instructions on contacting 911 for emergency/fire/ambulance assistance. This information shall also be posted on the outside of the house near the main door or in a window where it is easily visible from the exterior of the building. The owner or host shall be able to respond in person within one hour.
- (5) No person or persons shall be housed separately and/or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreation vehicle, boat, yurts that do not meet the standards to qualify as accessory dwelling units or any other non-dwelling unit.
- (6) Short-Term Rentals shall not be permitted to be used for any commercial use or commercial event space.
- (7) No outdoor camping shall be allowed.
- (8) Parking shall be allowed solely in the designated parking spaces.
- (9) Owners may secure a Seasonal Pool Pass (secured annually) for the STR, for a fee.

D. Violations/Complaints:

- (1) Complaints regarding the operation of a short-term rental unit may be placed with the Building Department, via phone call or in writing. Immediate complaints may be filed with the Police Department.
- (2) Upon receipt of a complaint of violation, an investigation will be conducted to determine the presence of a violation. If a violation was or is currently occurring, the property owner and/or the host, will be given a notice detailing the alleged violation(s) as determined by the Code Enforcement Officer. Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.
- (3) Notices required by this section shall be issued by the Code Enforcement Officer either by personal service to the property owner and/or the host or by certified mail to the address of the property owner and/or host as shown on the permit application.
- (4) If the property owner and/or the host does not comply with corrective action by the date given by the Code Enforcement Officer, the Town of Olive may initiate procedures to revoke the permit, administering fines/fees pursuant to the fee schedule.
- (5) The Code Enforcement Officer shall refer to the Town Board any property owners whom they believe to be in violation of this Local Law. The Town Board shall determine whether the permit in question shall be revoked. A revocation of a permit requires a public hearing by the Town Board. The referral to the Town Board may be done in addition to any other penalties permitted by law.
- (6) Complaints can further lead to a denial of a renewal permit until the violation is resolved.

114-7. Amendment.

Chapter 114 of the Code of the Town of Olive will be added to the Town of Olive Code.

114-8. Severability.

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part, provision, or application.

114-9. Effective Date.

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

In addition to creating Chapter 114, this local law also amends Chapter 155 Zoning as follows:

Add:

155-17 A. 10 Short-term rentals as defined in Article I of Rental Properties Code Chapter 114.

Delete:

155-12