

## **Local Law No. P-5 of the year 2023.**

Introduced by Mayor Rosenquest on December 7, 2023 at a Regular meeting of the Common Council.

Public Hearing to be held on Thursday, December 21, 2023 at 5:00pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law adding Section 144-19 “Short Term Rental Registry” to Chapter 144 “Building Code Administration and Enforcement” to the City Code of the City of Plattsburgh.

This Local Law is enacted pursuant to the provisions of Sections 10 of the Municipal Home Rule Law of the State of New York.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. The City Code of the City of Plattsburgh is amended by adding Section 144-19 “Short Term Rental Registry” to Chapter 144 “Building Code Administration and Enforcement” to the City Code of the City of Plattsburgh to read as follows:

Chapter 144 “Building Code Administration and Enforcement”...

### **§ 144-19 Short Term Rental Registry**

#### **A. Purpose**

The Common Council of the City of Plattsburgh recognizes that the short-term rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the City of Plattsburgh. The state and local framework for regulation and inspection of short-term rental dwelling units is in many and various respects not sufficient to protect the residents from potential violations of the Building and Fire Code, particularly where there is a high turn-over of residents therein, and from other potential adverse impacts. Short-term transient rental units offer some benefits to the community by providing an additional income source for the owners of the property and property managers as well as increasing tourism in our region. The intent of this chapter is to create a registry, inspection and permit protocol for the offering for short term rental units so as to facilitate the enforcement of New York Building and Fire Codes as well as the City Code of Plattsburgh in relation thereto in order to protect the public health, safety and welfare of the people of the City of Plattsburgh and to achieve the following beneficial purposes:

- (1) The protection of the character and stability of residential areas;
- (2) The correction and prevention of housing conditions/violations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons temporarily inhabiting within, and also those residing adjacent to or within the close proximity to, short term rental units; and

(3) The preservation of the value of land and buildings throughout the City of Plattsburgh.

## **B. Definitions**

The following definitions apply to this Section:

**Dwelling Unit:** As defined in Chapter 360 of the Code. However, for this Section, a Dwelling Unit shall also include a Sleeping Room.

**Rental:** Granting use or possession of a dwelling unit in whole or part to a person or group in exchange for some form of valuable consideration.

**Short-Term Rental:** A dwelling unit, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part, for a period of less than 30 consecutive days to any person or entity, but not including a hotel, motel, inn, campground, or bed and breakfast.

**Short-Term Rental Owner:** All entities having an ownership interest in a dwelling unit that is used as a short-term rental.

**Sleeping Room:** A fully enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.

## **C. Short-Term Rental Registration Information**

1. Commencing March 1, 2024 all owners of a Short-Term Rental which are located in the City of Plattsburgh shall complete and sign a registration form provided by the Office of Building Inspector for each mailing address associated with each Short Term Rental buildings, units and/or structures owned and shall obtain a Short Term Rental Certificate. If the owner owns more than one Short Term Rental located at one mailing address, then one form shall be completed for that address. If the owner owns Short Term Rentals with more than one mailing address, then separate forms must be completed for each separate mailing address. The form shall indicate the name, mailing address, and telephone number of each and every owner, and if the owner is a corporation, limited liability company, partnership, or other business entity, the name, address, phone number and e-mail address of a responsible agent for that owner (the "Owner's Agent"), and the mailing address of the rental building or structure for which a Short Term Rental Registry Certification is sought, the number of dwelling units contained within each rental building or structure, the number of dwelling units, daytime and evening telephone numbers of the owner and, if applicable, the Owner's Agent, the approximate square footage of habitable space in each rental dwelling unit, the maximum number of occupants in each and every rental dwelling unit, any pre-existing nonconforming status, and any other pertinent data sought by the Office of Building Inspector. The form shall indicate an address for receipt of notices by mailing under this chapter. The owner shall be responsible for

- updating such information within five business days of an event or a change in circumstances that would render the information in the registration form inaccurate.
2. The registration form shall also include a section, whereby the owner of a Short Term Rental shall affirm, subject to perjury, that all information on the registration form is accurate and complete.
  3. Upon compliance with this Section, a Rental Registry Certification shall be issued by the Office of Building Inspector and shall be valid for one (1) year from the date of issuance. However, if there is an event or change in circumstance that would render the information in the registration form inaccurate, within five (5) business days of that event or change in circumstance the Owner shall apply for a new Short Term Rental Registry Certification. Owners and lessors, or their respective agents, shall, upon request, make available a copy of said Short Rental Registry Certification to the person(s) in possession or occupancy. Short Rental Registry Certifications may not be assigned or transferred.
  4. A Rental Registry Certification for a specific property shall not be granted to an applicant if that specific property is in violation of any Uniform Building Code or City of Plattsburgh Code, ordinance or local law (hereinafter "Violations") or if that applicant owes property taxes, water or sewer fees, special assessments, fines for violations of City ordinances or any other fees or past due monies of any name or nature owed to the City of Plattsburgh (hereinafter "unpaid monies") for that specific property.
    - i. The applicant shall have the burden of providing proof in a form acceptable to the department that there are no such violations or unpaid monies.
    - ii. In the event that the applicant has accrued violations or unpaid monies, such Short Rental Registry Certification shall be denied if such violations or unpaid monies relate to a parcel of real property for which the application is made.
    - iii. In the event that the applicant has accrued violations or unpaid monies, such Short Rental Registry Certification shall be denied regardless of whether such violations or unpaid monies occurred or accrued before the effective date of this local law.
    - iv. All requirements set forth herein shall also apply to nonperson entities including but not limited to an LLC, Corporation, or Trust. If an application for a Short-Term Rental Registry Certificate is denied, then the owner shall have the right to appeal that decision to the Zoning Board of Appeals pursuant to the Code of the City of Plattsburgh, Section 360-54(D)(1).
  5. A Short-Term Rental Registry Certificate shall be mailed by Certified Mail by the Owner or the Owner's Agent to all owners of property within 300 feet of the property lines of the Short-Term Rental. The contact person or entity described on the Certificate must document all complaints and responses and submit them to the City of Plattsburgh Building and Zoning Office within 24 hours.

#### **D. Inspections; Occupancy Limitations**

1. Upon the receipt of a Short-Term Rental registration form, and annually thereafter, the Office of Building Inspector shall complete the inspection of the subject property. If a property owner fails to allow an inspection, then the Office of Building Inspector may deny the application for the Short Rental Registry Certificate. The applicant shall have the right to appeal that denial to the Zoning Board of appeals pursuant to the Code of the City of Plattsburgh, Section 360-54(D)(1).

Further, at any time, the Office of Building Inspector may request an inspection of the subject property:

- (i) If requested in writing by the owner, owner's agent or occupant of a short-rental building(s) or structure(s) pursuant this Section;
  - (ii) Upon receipt of a registered complaint;
  - (iii) Upon the sale, transfer or conveyance of a Short Term Rental;
  - (iv) Upon the application for a building permit for a dwelling unit to be used for a Short Term Rental.
  - (vi) Otherwise in accordance with law.
2. The inspection by the Office of Building Inspector shall determine the condition of the Short Term Rental and its structures.
  3. The Building Inspector or his/her designees are authorized to enter common areas accessible to the general public at reasonable times for the purposes of conducting a visual inspection. If entry is refused or not obtained, the Code Official is authorized to pursue entry to the fullest extent authorized by law.
  4. Occupancy limitations shall be governed by the rules and regulations contained in the Uniform Building Code, New York State Uniform Fire Prevention and Building Code City Code of the City of Plattsburgh, and any amendments made thereto. Nothing in this section shall authorize any owner to allow for occupancy of property in excess of what is permitted in these aforementioned Codes.

#### **E. Standards for Short Term Rentals**

1. The maximum number of people per Sleeping Room is one person if the square footage is between 70 and 100 and two people if the square footage is greater than 100 feet. The Office of Building Inspector may disqualify a particular space within a Dwelling Unit as a Sleeping Room based on concerns over emergency egress, safety, or over-occupancy of a Dwelling Unit.

2. Each Sleeping Room shall have an exterior exit that opens directly to the outside or an emergency escape or rescue window, which meets the current State and City codes requirements for emergency and escape access. Notwithstanding the foregoing, Office of Building Inspector may approve other means of emergency egress for each Sleeping Room in its reasonable discretion.

3. There shall be one functioning smoke detector in each Sleeping Room, and one functioning smoke detector on the ceiling or wall in the immediate vicinity outside each separate sleeping room which meets the current State and City codes.

4. Carbon monoxide detectors shall be installed in all dwelling units that contain a fuel-burning appliance, system, or other source of carbon monoxide which meets the current State and City Codes.

5. At least one functioning and inspected fire extinguisher is present in each Dwelling Unit which meets the current State and City Codes.

6. Parking:

a. Proper off-street parking as regulated in City code 360-26 shall be required.

b. Parking on any part of the lawn is prohibited.

7. A house number visible from the street shall be maintained.

8. Provisions shall be made for weekly garbage removal during all short-term rental occupancies. Proper garbage and rubbish maintenance shall be regulated by City Code 289.

9. No exterior tents will be allowed.

10. Outdoor recreational fires shall not be permitted unless they meet the standards in City Code 230-2.

11. All occupants, including pets, shall comply with the Noise Control Law, City Code 222.

12. Physically posted advertisements for Short-Term Rentals shall comply with City Code 360-27.

13. Owners of Short-Term Rentals shall provide a safety/egress plan, to be posted in a visible location within the Short-Term Rental.

14. Owners of Short-Term Rentals shall conspicuously post a valid Short Term Rental Registration Certificate in each dwelling unit.

15. Owners of Short-Term Rentals shall comply with the Clinton County Room Occupancy Tax Law (Local Law No. 2 of 2008) or any other applicable occupancy tax in effect.

16. Owners of Short-Term Rentals shall post their "house rules", if any, in a conspicuous location within the Dwelling Unit.

#### **F. Fees**

1. Short Term Rental Registry Certification fees, inspection fees, re-inspection fees and penalties will be charged in the amount set forth in the schedule of fees adopted by the City of Plattsburgh Common Council by resolution.

**G. Notice of Violation; Method of Service.**

1. If the Office of Building Inspector determines that there are reasonable grounds to believe that premises are being maintained in violation of this Section, that officer shall give notice of the alleged violation to the owner or owner's agent of the premises.
2. Such notice shall be mailed via first-class, registered or certified mail to the permittee or served upon any other person in accordance with the applicable provisions of the Criminal Procedure Law.
3. Such notice shall state that all health, safety and maintenance violations must be corrected immediately per an Order to Remedy, however, in the event the Office of Building Inspector observes violations that create an imminent risk to health, safety or welfare, the Office of Building Inspector may pursue condemnation of the premises. For non-emergency violations, the Office of Building Inspector shall return at the date specified in the notice to verify conformance with the Order to Remedy. Any maintenance items which cannot be completed at this time because of weather constraints may be granted a time extension. Reasonable time extensions may be granted by the Office of Building Inspector based on consideration of all relevant factors. Such notice shall also state that, if upon re-inspection a violation still exists, the Office of Building Inspector may seek compliance pursuant to this Chapter.
4. Upon such re-inspection, any remaining health, safety and maintenance violations, or other violations of the Uniform Building Code, New York State Uniform Fire Prevention and Building Code and Plattsburgh City Code shall result in the issuance of an appearance ticket returnable in the City of Plattsburgh City Court, or other court of competent jurisdiction, pursuant to the provisions of Article 150 of the Criminal Procedure Law seeking fines and injunctive relief pursuant to Section 144-15(C) and (D) of this Chapter, and if applicable, revocation of the Short Term Rental Registration Certification and an order to vacate the structure. In the event that the City pursues an action against an Owner in a Court of competent jurisdiction for any violation described herein, then as part of the relief sought, the City may also request that the Court revoke all of the Owner's Short Term Rental Registry Certificates for any Short Term Rental Building or Structure located within the City.
5. Any party aggrieved by this action may appeal to the Zoning Board of appeals pursuant to the Code of the City of Plattsburgh, Section 360-54(D)(1), and/or pursue judicial relief in a Court of competent jurisdiction.

**H. Content of Short-Term Rental Registry Certificate**

1. The Short-Term Rental Registry Certification issued under this chapter shall contain the following information, as well as any additional information required by the Office of Building Inspector:

The address, type of structure, and structure classification;

The date of inspection;

The date of issuance and the expiration date;

Number of dwelling units and/or sleeping rooms suitable for occupancy;

A statement indicating whether the structure is equipped with a fire alarm system, single station smoke detectors, and carbon monoxide detectors as required by the Code,

Local contact information including name, address and phone number for the owner or owner's designated representative;

Contact information for Office of Building Inspector for the submission of complaints by neighbors and/or patrons; and

The maximum number of occupants permitted for each and every dwelling unit.

#### **I. Exemptions**

1. Any dwelling unit or rental unit located on property owned by the State University of New York, or the Plattsburgh Housing Authority is exempt from this Section.
2. Any property used as a "Nursing Home", as defined in this Chapter is exempt from this Section.

2. This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State