

STR Draft Law Workshop #2 Minutes

March 15, 10 am

Town Hall

Present: Joe Pete Wilson, Bob Biesemeyer, Teresa Cheetham-Palen, Dave Deyo, Chris Daly

Call to Order:

Review from Previous meeting:

Public Information Sessions:

March 23, 7 pm Town Hall

April 26, 7 pm Zoom session

June 3, 11 am Town Hall or Pavilion

Program for the information sessions:

Speakers will sign up when they enter the meeting

Each speaker will have 3 minutes

Proceed through all speakers, and then at the end of the meeting, have each board member take 3 minutes to respond to the comments.

The meeting is intended for the public to speak and the board to listen and gather information. The goal is for the board to listen and not have a debate that prevents all speakers from getting their turn to speak.

There was broad agreement by all members of the board that the town must take some steps to manage STRs in Keene. Each board member identified the essential elements they felt needed to be addressed.

Dave: Houses numbered as per 911 requirements, local contact person to handle issues, safety checklist for owner to follow, registration.

Bob: House numbers, fee of some kind, proof of building code compliance, registration, local contact.

Chris: his points are contained in the Draft law.

Teresa: Safety standards, parking, complaint process, registration, local contact.

Joe Pete: Registration, local contact, fire safety, parking, Best management Practices for Hosts.

Discussion of what version of the draft to use, followed by discussion of making the STR law a part of the Site Plan Review Law that the town already has. Bob and Dave agree that these regulations need to be a law, but that they should be a part of the Site Plan Review Law and not a stand-alone law.

There are legal questions about adding the STR regulations to the Site Plan Review Law. Eventually, the board will need advice from an attorney.

Dave proposed that we suspend discussing the contents of the draft law until after the public information sessions.

Bob is in favor of enforcing the law we eventually pass.

Discussion by all board members of Section 3, E and it was revised to clarify that a property can have more than one rental unit and it would be under one permit.

Bob & Dave proposed we stop further discussion until we have the public information session.

Teresa reviewed the similarities and differences between the Recommendations that were developed based on the Strategic Plan and the draft law we are discussing.

Meeting adjourned

March 2023

Note: This is meant to be a general side by side comparison tool of the main points of each document. It is **not** an exhaustive list of each detail. Please review the final draft of the Keene STR Task Force Recommendations and the Draft-proposed local law for a more comprehensive review of the details.

Submitted by T. Cheetham-Palen

Town of Keene: Short Term Rental Process

Comparison of STR Task Force Recommendations to Proposed Local Law

Definitions	Task Force	Proposed Law
Short Term Rental	Short Term Rental (STR) means any premises that are rented, in whole or in part, to any person or entity, for a period of less than 30 consecutive days, and includes but is not limited to residential structures, accessory dwellings, lean-tos and camping sites. This excludes commercial lodging operations that are under the jurisdiction of the NYS Department of Health.	STR: rental of any property or dwelling unit, in whole or in part, to any person, group of persons or entity for a period of less than thirty (30) consecutive nights. Neither time-share units, hotels, motels, bed and breakfast establishments, nor use of short-term rental by a record owner or family member of record owner of a property or dwelling unit shall constitute a short-term rental.
Rental	Rental means an agreement granting use or possession of a residence, in whole or in part, to a person or group other than the owner of record in exchange for consideration valued in money, goods, labor, or other valuable consideration.	Rental: granting use or possession of a property or dwelling unit, in whole or in part, to any person, group of persons or entity in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration.
Occupant	Occupant means any person, including children two years of age and above, who intends to occupy the property overnight.	Occupant: any person, including children, located on a short-term rental property between the hours of 10:00 pm and 6:00 am, prevailing time.
Change of Ownership	<i>Definition not included.</i>	Change of Ownership: a transfer whether by deed of real property, by transfer of

		<p>membership interest in case of limited liability company, by transfer of partnership in the case of partnership, or by transfer of shareholder interest in the case of a corporation. Neither the death of an owner leaving one or more surviving joint tenant(s) with right of survivorship, nor real property conveyances, without consideration, from individuals to an entity of which the transferors are principals, shall constitute a change of ownership.</p>
Enforcement Officer	<i>Definition not included.</i>	Enforcement Officer: the code enforcement officer of the Town of Keene.
Owner	<i>Definition not included.</i>	Owner: any natural person, limited liability company, partnership or corporation which owns or has ownership interest in a property or dwelling unit used as a short-term rental. OWNER shall include the members, partners and shareholders of any limited liability company, partnership or corporation, respectively, that has an ownership interest in the property or dwelling.
Property or Dwelling Unit:	<i>Definition not included.</i>	Property/Dwelling Unit: any single-family dwelling, two family dwelling, condominium unit, co-op unit, townhouse, residential apartment, guest house, cottage, cabin, accessory dwelling unit of any kind, including lean-tos and other campsite structures used as living quarters.

Short Term Rental Property	<i>Definition not included.</i>	STR Property: any property or dwelling unit used for short-term rental, including the parcel of land on which the property or dwelling unit is located.
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Requirements	Task Force	Proposed Law
Registration	Registration Certificate Required to operate in Town of Keene.	Permit Required to operate in Town of Keene.
Revocable	Yes	Yes
Valid	5 years (Must renew every 5 years)	2 Years (Must renew every 2 years)
Non-Transferable	Certificate is non-transferable	Permit is non-transferable
Must contribute to Essex County Occupancy Tax	Yes	Yes
Fees	Set by Town Board resolution	Set by Town Board resolution
# of Occupants	2 x # of bedrooms + 2	2 x # of bedrooms + 2
Working Smoke Detector in each bedroom and main room of each level	Yes	Yes
1 Fire Extinguisher on each level	Yes	Yes
1 Carbon monoxide detector on each level	Yes	Yes
1 Fire Extinguisher near each open flame source	No	Yes
Annual Cleaning of chimneys required	No	Yes
Exterior doors clear and	Yes	Yes

unobstructed		
Electrical systems in serviceable and no visual defects.	Yes	Yes
Septic and sanitary facilities maintained and in good order	Yes	Yes
911 address visible from street.	Yes	Yes
Drawing showing approximate size and location of buildings and designated parking should be posted.	Yes	No
Visible interior signage displayed with address, 911 instructions, contact info. For local contact person, max occupancy, max parking.	Yes	Yes
Fireplaces, etc. must be properly installed	No	Yes
Self-Checklist/Self Certification	Yes, but with a declaration under penalty of perjury statement required.	Yes, but with Signed Affidavit required

Compliance	Task Force	Proposed Local Law
Failure to Comply with STR Rules and Regulations	Document in logbook in Town Hall to be reviewed for Registration renewal or revocation. Failure to comply may result in corrective actions (within 90 days) and or revocation of Certificate.	Validity of permit is subject to compliance with conditions of STR permit. Failure to comply may result in suspension or revocation of permit.
Fines	None	Warnings may be issued. Permit Suspended or Revoked. \$1000 1st Offense, \$2000 2nd Offense, \$3000 3rd Offense
Appeals Process outlined	Yes, owner may appeal to Town Board within 90 days of revocation.	Yes, owner may appeal to Town Board (STR Appeals Board is the Town Board)
Complaints Process outlined	No	Yes
Local Contact Required to respond to complaints or problems	Yes, within one hour	Yes, within one hour
Best Management Practices suggested.	Yes	Yes