

STR WORKSHOP MINUTES
FEBRUARY 15TH, 2024
5:30 P.M.
KEENE TOWN HALL

Present: Joe Pete Wilson, Christopher Daly, Ann Hough, Teresa Cheetham-Palen, Robert Biesemeyer, Ann Whitney

Public: Keith Hall

Workshop began 5:30

Mr. Wilson explained the most updated version from Liam that is in front of you. It is the marked up version that we have been waiting for. Where a line is striking through a word or words, that means it has been struck from the text but still here so you can see what it was. If something is underlined, that is where new language has been put in.

Ms. Hough started with Section #1, b: regarding adopting resolution, what does that mean? Mr. Daly explained this is a provision to allow us to adopt regulations short of amending the law.

Ms. Hough then asked about Section 2 the definition of short-term rental, record owner for family use? Is this if they say they use it for family

Ms. Hough Section 3E, can this be reworded. Can we say something that this is self-regulated; I think this would help people understand.

Mr. Wilson how about adding, with signed affidavit.

Ms. Hough Section 4,4-ii, how are we handling the parking ? Are we going to enforce it?

Ms. Cheetham-Palen said we are just asking how many spots they have. The property owner should let the renter know how many they have.

Ms. Hough, Section 5b, Enforcement Officer, can we add a line simply saying he isn't coming in? Everyone reads it as tho they have to have their house inspected.

Mr. Wilson, how about "Inspections are not required but in reviewing the application, the Code Officer has the right to inspect".

Ms. Hough Section 6e, do we have a Good Neighbor Guideline?

Ms., Cheetham-Palen said they came out with the Task Force. I think this is kind of a reminder for people coming into the area to remind them this is a neighborhood.

Mr. Biesemeyer said he thinks we are creating problems and the STR owners feel threatened.

Ms. Hough, Section 8b , actually Section 11-iv, this bothers me because we are giving 1 week to have a violation fixed. Could we have them show they have a plan?

Mr. Wilson, if it is a safety concern it has to be fixed in a week.

Ms. Hough Section 11b, penalties, can we change the first to \$0 then 2nd \$500?

Ms. Cheetham-Palen said sure, that is fine.

Mr. Wilson asked members their thoughts?

Ms. Hough asked to keep registration as low as possible.

Mr. Wilson said this is the second step.

Mr. Wilson asked if anyone else had anything.

Mr. Biesemeyer said he would like to see us do the changes that Ann said.

Mr. Wilson will send our revisions and questions onto Liam.

Mr. Wilson thanked everyone, this was productive.

Town Clerk, Ann Whitney

LOCAL LAW NO. _____ OF ~~2022~~ 2024

**A LOCAL LAW TO REGISTER, AND IMPLEMENT PUBLIC SAFETY STANDARDS
FOR,— SHORT TERM RENTAL PROPERTIES**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF KEENE AS FOLLOWS:

SECTION 1. PURPOSE AND AUTHORITY

A. ___ The purpose of this Local Law is to establish comprehensive permitting regulations to safeguard the public health, safety and welfare by regulating ~~the use, occupancy, oversight and maintenance of short-term rental properties.~~ the use, occupancy, oversight and maintenance of short-term rental properties.

B. ___ The Town Board reserves the right to adopt regulations by Resolution to carry out the provisions and purposes of this Local Law- ~~which regulations shall be consistent with the provisions and purposes of hereof.~~

C. ___ This Local Law is adopted pursuant to the ~~Laws of the State of New York Municipal~~ ~~Local Law~~ and the Town of Keene Strategic Plan, Adopted June 8, 2021.

SECTION 2. DEFINITIONS

~~As used in this Local Law~~ "Change in Ownership": a transfer of ownership whether by deed of real property, by transfer of membership interest in the case of a limited liability company, by transfer of partnership interest in the case of a 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.

_____": any natural person, limited liability company, partnership or corporation which owns or has an ownership interest in a property or dwelling unit used as a _____
_____ " 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 unit.

_____": any single-family dwelling, two-family dwelling, condominium unit, co-op unit, townhouse, residential apartment, guest house, cottage, cabin, accessory dwelling unit or other dwelling unit of any kind, including lean-tos and other campsite structures used as living quarters.

~~"Short Term Rental"~~ "Short Term 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.

~~"Short Term Rental"~~ "Short Term Rental" 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 a short-term rental by a record owner or family member of a record owner of a property or dwelling unit shall constitute a short-term rental.

~~"Short Term Rental Property"~~ "Short Term Rental Property": any property or dwelling unit used for ~~short term rental~~ Short Term Rental, including the parcel of land on which the property or dwelling unit is located.

~~"Short Term Rental Occupant"~~ "Short Term Rental Occupant": any person, including children, located on a ~~short term rental~~ Short Term Rental Property between the hours of 10:00 ~~pm~~ am and 6:00am, prevailing time.

SECTION 3. SHORT TERM RENTAL PERMITS-

A. - An owner shall obtain a revocable short-term rental permit prior to and whenever a property or dwelling unit is to be used for short-term rental.

B. - No property or dwelling unit may be used for without a Short Term Rental permit.

C. A Short Term Rental permit shall be valid for two (2) years from the date of issue and must be renewed prior to expiration for so long as the property or dwelling unit is used for Short Term Rental.

D. Short Short Term Rental permits are not transferable in the event of a change in ownership of the property or dwelling unit.

 Short Term Rental permit shall be issued or renewed unless and until: (i) the property or dwelling unit complies with all applicable laws, rules and regulations, including, without limitation, this Local Law, and any regulations promulgated hereunder, the Town of Keene Site Plan Review Law, the Town of Keene Water Law, and the New York State Building Code; (ii) the property or dwelling unit is registered with the Occupancy Tax Program administered by the Essex County Treasurer's Office.

~~C.~~ Violations of any provisions of a ~~short term rental permit~~ Short Term Rental permit or this Local Law or any regulations promulgated hereunder may result in a revocation or suspension of the ~~short term rental permit~~ Short Term Rental permit and the owner shall be subject to the penalties set forth herein.

~~H. A list of short term rental permits may be published and updated quarterly by the Town of Honesdale on the Town's webpage. Information included shall be limited to permit number, ph, street address, maximum occupancy and number of parking spaces.~~

SECTION 4. SHORT TERM RENTAL PERMIT APPLICATION REQUIREMENTS.

~~A.~~ A. An application for issuance or renewal of a ~~short term rental permit~~ Short Term Rental permit shall be submitted to the Enforcement Officer, signed by all owners of the subject property or dwelling unit, accompanied by (i) payment of the permit fee in the amount set from time to time by Resolution of the Town Board, and (ii) a copy of the current vesting deed to the property or dwelling unit evidencing how title to the property or dwelling unit is currently held.

~~B.~~ B. The application shall be in a form prescribed by the Enforcement Officer and shall provide, at a minimum, the following information:

1. A list of all owners of the ~~short term rental property~~ Short Term Rental Property including, names, addresses, telephone numbers and email addresses. If the ~~short term~~

_____ is owned by a limited liability company, partnership, corporation or other entity, the list shall include the names, addresses, telephone numbers and email addresses of all members, partners, shareholders and other principals of such entities.

____2. ____The name, address, telephone number and email address of an owner, principal of owner, or an agent of the owner, authorized to act on the owner's behalf, who shall be available to promptly remedy any violation of this Local Law or of the _____ permit. The owner, principal of owner or agent of owner must be located within sixty (60) minutes by car of the _____ and must be available 24 hours a day, seven days a week.

____ 3. ____ A completed affidavit, in a form prescribed by the Enforcement Officer, signed by all owners of the _____ and properly notarized.

Such affidavit shall certify compliance with the following minimum standards:

(i) owners shall at all times maintain one (1) functioning smoke detector in each bedroom and at least one (1) functioning smoke detector in the main room of each level, one (1) functioning fire extinguisher on each level and in each room with an open flame source, and at least one (1) functioning carbon monoxide detector on each level;

(ii) at all times all exterior doors shall be operational and all passageways to all exterior doors shall be clear and unobstructed;

(iii) all electrical systems shall be serviceable with no visual defects or unsafe conditions;

(iv) all sanitary facilities, including latrines, shall be properly maintained and in working order;

(v) all septic systems shall be properly maintained and in working order, shall be in compliance with all applicable regulations of the New York State Department of Health, and shall be inspected by the Town Board within the time specified in the regulations of the Department of Health;

(vi) all fireplaces, fireplace inserts and other fuel burning heaters and furnaces shall be properly installed and vented, flues and chimneys shall be cleaned annually, and proper written operating instructions for such equipment (excluding furnaces) shall be provided in each ~~short term rental property~~ Short Term Rental Property;

4 Such affidavit shall also certify the following:

(i) the number of bedrooms within the ~~short term rental property~~ Short Term Rental Property that comply with this

Local Law, and regulations promulgated by the Town Board hereunder;

(ii) the number of parking spaces on the _____

(iii) that the applicant has complied and will continue to comply with the requirements of this Local Law and all regulations promulgated by the Town Board hereunder.

SECTION 5. PROCEDURE UPON FILING OF APPLICATION

____ Upon filing with the Enforcement Officer the permit application, permit fee, and all documents required in connection with such application, the Enforcement Officer shall have thirty (30) days to review the application and issue the _____
_____ permit, with or without conditions as hereafter provided, or notify the applicant in writing that the application has been denied, along with the reasons for the denial.

B. ____ In reviewing the application, the Enforcement Officer shall have the right to inspect the _____ for purposes of ensuring compliance with the requirements of this Local Law and all regulations promulgated by the Town Board hereunder, after obtaining the express consent of the property owner or the agent designated by the property owner in the application.

C. ___ In issuing a ~~Short Term Rental~~ Short Term Rental permit, the Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to the use of the property or dwelling unit as a ~~Short Term Rental Property~~ Short Term Rental Property, provided such conditions are consistent with the requirements of this Local Law and any regulations promulgated by the Town Board hereunder.

D. ___ The Enforcement Officer may deny an application for any of the following reasons:

(i) if the application is incomplete, the information required by this Local Law or any regulations promulgated by the Town Board hereunder was not included with the application, or the full permit fee, in an acceptable form of payment, was not included with the application;

(ii) if the Enforcement Officer previously issued any ~~Short Term Rental~~ Short Term Rental permit to any of the owners of the property or dwelling unit and any such owners had any ~~Short Term Rental~~ Short Term Rental permit revoked within the previous year or any such owners had any ~~Short Term Rental~~ Short Term Rental permit suspended more than one (1) time during any annual period;

(iii) if the affidavit submitted, or an inspection conducted by the Enforcement Officer, evidences that the subject property is not in compliance with the requirements of this Local Law and any regulations promulgated by the Town Board hereunder.

(iv) if access is not granted to the subject property for purposes of an inspection by the Enforcement Officer.

SECTION 6. ISSUANCE OF PERMITS; DISPLAY AND NOTIFICATION

A. All Short Term Rental Permits permits issued hereunder shall specify the following:

(i) the physical street address of the subject property;

(ii) the names, addresses, telephone numbers and email addresses of every person and every principal of every entity that has an ownership interest in the subject property and of the primary contact person who shall be available to respond within 60 minutes and investigate complaints during the entire time the subject property is being rented;

(iii) the maximum occupancy for the subject property;

(iv) identification of the number and location of parking spaces available;

(v) any conditions imposed by the Enforcement Officer;

(vi) the ~~Short Term Rental permit~~ Short Term Rental permit expiration date; and

(vii) a statement that the ~~Short Term Rental permit~~ Short Term Rental permit may be revoked or suspended for violations.

B. - ___ The validity of a ~~Short Term Rental permit~~ Short Term Rental permit is subject to continued compliance with

any conditions contained in the ~~Short Term Rental permit~~ Short Term Rental permit, the requirements of this Local

Law and all regulations promulgated by the Town Board hereunder.

C. - ___ Prior to any occupant taking occupancy of the ~~Short Term Rental Property~~ Short Term Rental Property, a hard

copy of the ~~Short Term Rental permit~~ Short Term Rental permit shall be prominently displayed within the interior

of the ~~Short Term Rental Property~~ Short Term Rental Property in an area easily and readily viewable by the

occupants.

D. - ___ It shall be the obligation of the owners of a _____ to ensure that current and accurate information is provided to the Enforcement Officer and the owners shall notify the Enforcement Officer promptly upon any change in information contained on the _____ permit. If, based on such changes, the Enforcement Officer _____

_____ permit with the amended permit.

_____ permit with the amended permit.

E. - ___ The Enforcement Officer shall, with the issuance of each _____
_____ permit, provide a packet of information, including "Good Neighbor Guidelines" to be developed by the Enforcement Officer and approved by the Town Board, summarizing the restrictions, requirements and guidelines applicable to _____
_____. All owners of _____ shall provide a copy of the information packet to occupants of the _____.

SECTION 7. SHORT TERM RENTAL STANDARDS.

___ The maximum number of occupants for each _____
_____ shall be _____.

4) two (2) times the number of bedrooms that are in compliance with the New York State Building Code plus two (2) additional occupants—

~~iii. maximum capacity of the septic system for the short-term rental property.~~

B. The maximum number of occupants for the ~~short-term rental~~ shall be clearly and prominently displayed in all listings or advertisements.

~~B. The number of vehicles permitted overnight on the short-term rental property shall be limited to one (1) vehicle per bedroom. The allowable number of vehicles on the short-term rental property~~ Short Term Rental shall be clearly and prominently displayed in all listings or advertisements.

C. The street address number of the ~~short-term rental property~~ Short Term Rental Property shall be maintained and clearly visible from the street or road on which the ~~short-term rental property~~ Short Term Rental Property is located.

D. A written notice of the following information must be posted in a highly and clearly visible area near the main entrance of the ~~short-term rental property~~ Short Term Rental Property:

(i) physical street address of the _____

_____ dial 911 _____ for fire, police and EMS services; and
(iii) a drawing showing the approximate size and location of the buildings on the _____
_____ and the location of designated parking-_____

E. All standards set forth in the affidavit submitted by the owners in connection with the application for a _____ permit shall at all times be complied with.

SECTION 8. COMPLAINTS AND VIOLATIONS.

A. Owners, operators, managers, marketers and occupants of _____
_____ shall comply with all applicable federal, state and

local laws, rules and regulations, including, without limitation, the provisions of this Local Law and any regulations promulgated by the Town Board hereunder.

B. The following process shall apply in the event of a complaint alleging a violation of this Local Law, any regulations promulgated by the Town Board hereunder, or a ~~short-term~~ Short Term Rental permit issued hereunder:

(i) In the event of violations that are emergency in nature, the complaining party may contact an appropriate law enforcement agency, and the owner or designated agent of the property owner shall, within sixty (60) minutes of receiving a complaint, respond to the complaint and remedy as promptly as possible any violation of the ~~short-term~~ Short Term Rental permit, this Local Law or any regulations promulgated by the Town Board hereunder. The complaining party shall also notify the Enforcement Officer of its complaint to law enforcement and the nature of the complaint as soon as reasonably practicable.

~~(ii)~~ (ii) In the event of violations that are not emergency in nature, or if the response to a complaint under clause (i) above is not satisfactory to the complaining party, the complaining party may file a written complaint with the Enforcement Officer. The form of complaint shall be established by the Enforcement Officer and may be filed in person, by mail or by email. The complaint shall provide pertinent information including the date, time and nature of the alleged violation.

(iii) If the Enforcement Officer finds a violation of the _____ permit or this Local Law or any regulations promulgated by the Town Board hereunder, the Enforcement Officer may:

1. Attach reasonable conditions to the _____ permit;
2. Issue a warning or a violation;

3. Recommend suspension or revocation of the permit to the Town Board. If the Town Board suspends or revokes the permit, the Town Board shall have the authority to suspend or revoke the permit at any time during the term of the permit. If the Town Board suspends or revokes the permit, the permit may not be renewed earlier than one (1) year from the date of such suspension or revocation.

4. In the event a _____ permit is revoked, none of the owners or principals of owners may obtain a _____ permit earlier than one (1) year from the date of such revocation. In the event a _____ permit is suspended more than _____(1) time during any one (1) year period, the _____ permit may not be renewed earlier than one (1) year from the date of the second suspension.

(-v) The Enforcement Officer or the Town of Keene may initiate enforcement proceedings at any time following receipt of a complaint or discovery of a violation of this Local Law.

(-vi) Decisions of the Enforcement Officer ~~will~~ made pursuant to §8(iii)(1) of this Local Law shall be provided to the ~~and~~ owners of the Short Term Rentals and may be appealed, as provided herein, within thirty (30) days of receipt of the decision, by the owners of the ~~that own rental property~~ Short Term Rental Property or by the complainant.

SECTION 9. SUSPENSION AND REVOCATION HEARING PROCESS

A. The Short Term Rental Hearing Board shall hear all recommendations for suspension or revocation by the Enforcement Officer. The Town Board shall constitute the Short Term Rental Hearing Board. The Short Term Rental Hearing Board shall have all of the powers and duties prescribed by law and may suspend the permit up to one (1) year or revoke the permit.

B. Notice of recommendation of suspension or revocation must be in writing and mailed, delivered or emailed to the primary contact person provided on the permit and filed with the Town Clerk. The Notice shall state the following:

i. Name and address of permit and

A. The Town Board Appeals Board shall hear all appeals of decisions by
the Enforcement Officer. The Town Board shall have the authority to appeal any decision made by the Enforcement Officer.
The Town Board shall have the authority to appeal any decision made by the Enforcement Officer.

shall constitute the ~~SPR~~Short Term Rental Appeals Board. The ~~SPR~~Short Term Rental Appeals Board shall have all of the powers and duties prescribed by law and may reverse, affirm or modify in whole or in part, any order, requirement, decision or determination of the Enforcement Officer, in its discretion.

B.— The decision or determination of the Enforcement Officer appealed from shall not be stayed unless the ~~SPR~~Short Term Rental Appeals Board, in its discretion, agrees to grant appellant such stay upon appellant's application for such stay.

C.— A party who wishes to appeal the decision or determination of the Enforcement Officer shall make a written request for a hearing to the Town Clerk and the ~~SPR~~Short Term Rental Appeals Board shall endeavor to hear the appeal within 15 days of the request. At the hearing, the ~~SPR~~Short Term Rental Appeals Board shall not be bound by strict rules of evidence and may accept evidence, including reliable hearsay evidence, offered by the ~~short term rental property~~Short Term Rental Property owner, the complaining party, the Enforcement Officer and any other witness with relevant evidence. The ~~SPR~~Short Term Rental Appeals Board shall render its decision within 10 days of the hearing.

SECTION ~~#11~~. PENALTIES-

A. A Shooting Range permit may be revoked or suspended as provided in Section 8.

B. Any person or entity that violates, or assists in the violation, of any provision of this Local Law, any regulations promulgated by the Town Board hereunder, or the terms of a Shooting Range permit, or that owns or operates a Shooting Range at which a violation occurs, shall be subject to the following civil civil penalties:

(i) \$500 civil penalty of \$500 for a first violation;

(ii) \$1000 civil penalty of \$1000 for a second violation, both of which violations were committed within a period of two (2) years;

(iii) \$2000 civil penalty of \$2000 for a third violation, all of which violations were committed within a period of two (2) years.

3.1 Each violation that continues for a period of one (1) week shall constitute a separate additional violation for each week such violation continues.

3.2 In the event of the occurrence of more than three (3) violations during any two (2) year period, the Shooting Range permit shall be permanently revoked and not eligible for renewal.

~~4C.~~ The Enforcement Officer may bring a ~~civil~~ civil proceeding in Town Court for enforcement of this Local Law and any regulations promulgated by the Town Board hereunder.

~~4D.~~ The Town of Keene may seek injunctive relief, civil penalties and any other relief available to enforce the provisions of this Local Law and any regulations promulgated by the Town Board hereunder through commencement of an action in the New York State Supreme Court or any other court of competent jurisdiction. Such action must be authorized by a resolution of the Town Board. As part of such action, the Town of Keene may seek and obtain an order from the Court requiring the defendant to reimburse the Town for its attorney's fees and costs related to the action.

~~4E.~~ Enforcement remedies available are not exclusive and may be sought cumulatively.

~~4F.~~ Any Owner determined to be in violation of any of the provisions of this Local Law, or any regulations promulgated by the Town Board hereunder, shall be obligated to reimburse the Town of Keene for its enforcement costs, including its reasonable ~~attorney's~~ attorney's fees.

SECTION ~~11~~12. MISCELLANEOUS.

- A. The invalidity of any clause, sentence, paragraph, provision or part of this Local Law shall not invalidate any other clause, sentence, paragraph, provision or part hereof.
- B. All Local Laws or ordinances, or parts of Local Laws or ordinances, in conflict with any part of this Local Law are hereby repealed.
- C. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State as provided in New York Municipal Home Rule Law Section 27, subject to a six (6) month grace period for existing ~~short term rental properties~~ Short Term Rental Properties to comply with this Local Law.