

Intro. No. 2

Local Law No. ____ of 2019

A LOCAL LAW IMPOSING A NINE MONTH MORATORIUM ON THE REGISTRATION OR OPERATION OF ANY NEW SHORT-TERM LODGING FACILITY IN THE CITY OF HUDSON

SECTION 1. TITLE

This Local Law shall be known as Local Law No. ____ for the year of 2019.

SECTION 2. PURPOSE AND INTENT

Pursuant to the statutory powers vested in the City of Hudson (the "City") to regulate and control land use and to protect the health, safety and welfare of its residents, the Common Council hereby declares a temporary nine (9) month moratorium on the registration or granting of new permits for the establishment, placement, construction, enlargement and development of any new short term lodging facilities within the City of Hudson.

The Common Council has become aware of the need to fully review and analyze the current state of short-term lodging and also the impact of "airbnb" type lodging within the City of Hudson. It is the concern of the Common Council that although such short-term lodging may provide housing and economic benefits to some individuals and businesses in the area, they may also have a negative impact on the quality of life for the citizens and neighborhoods of the City.

The Common Council of the City of Hudson wishes to address the issues presented by short-term lodging in a careful, prudent and comprehensive manner, rather than on an ad hoc basis, with the goal of adopting appropriate Zoning or other Land Use Laws or by amending its current Laws to properly regulate the same.

The Common Council is presently in the process of considering various options relating to this issue. The Common Council hereby finds and determines that it needs this period of time to study the entire issue, consider proposed amendments to the Local Zoning Law, make appropriate changes to the draft of any proposed Zoning change, schedule and hold the required public hearings on such changes, perform an appropriate environmental review for such changes and, comply with applicable provisions of law regarding the adoption of any Zoning modification.

SECTION 3. ENACTMENT

The Common Council of the City of Hudson does hereby enact the following Local Law:

A. During the effective period of this Local Law:

1. The City of Hudson shall not approve or issue any new short-term lodging registrations or certificates of authority. No new registration applications for short-term lodging shall be accepted or considered for acceptance by any board, officer, agency or employee of the City of Hudson while the moratorium imposed by this Local Law is in effect. No new certificates of authority shall be issued by any officer, agency or employee of the City of Hudson while the moratorium imposed by this Local Law is in effect.

2. This Local Law shall not apply to the renewal of currently issued registrations or certificates of authority for existing short-term lodging facilities, which are in compliance with the applicable provisions of the Hudson City Code.

3. No application for the construction, development, registration, or operation of a short-term lodging facility shall be permitted in any zoning district of the City of Hudson while the moratorium imposed by this Local Law is in effect.

4. No new short-term lodging facility shall be operated in any zoning district within the City of Hudson while the moratorium imposed by this Local Law is in effect.

5. For the purposes of this Local Law, "short term lodging" shall be defined as set forth in §275-22 of the Hudson City Code.

6. The moratorium imposed by this Local Law shall be in effect for a period of nine months from the effective date of this Local Law.

7. Any person, firm or corporation that shall establish, place, construct, enlarge or erect the establishment, placement, development and/or operation of a short-term lodging in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, and/or regulations of the City of Hudson for violations; and
- B. Injunctive relief in favor of the City of Hudson to cease any and all such actions that conflict with this Local Law.

8. Hardship

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship as a result of the strict application of this Local Law, said property owner may apply to the Hudson Common Council, in writing, requesting a hardship waiver and submitting credible proof in support of said hardship waiver application. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to submit a registration application for a short-term lodging facility and/or delay in seeking a certificate of authority during the period the moratorium imposed by this Local Law is in effect.**
- B. Procedure. Upon submission of a written application to the City by the property owner seeking a hardship waiver of this Local Law, the Common Council shall, within thirty (30) days of receipt of said written application, schedule a Public Hearing on said application upon five (5) days written notice published in the official newspaper of the City. At said Public Hearing, the property owner, and any other parties wishing to present evidence with regard to the application, shall have an opportunity to be heard, and the Common Council shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a hardship waiver from the strict requirements of this Local Law. If the Common Council determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Common Council shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.**

9. The moratorium imposed by this Local Law shall be in effect for a period of nine (9) months from the effective date of this Local Law. In the event that any Local Law or Ordinance should be enacted and adopted by this Common Council prior to the date that the moratorium imposed by this Local Law expires, which addresses the substantive issues set forth herein, then in that event the moratorium imposed by this Local Law shall expire on the date such Ordinance or Local Law takes effect in accordance with section 27 of the Municipal Home Rule Law. In like manner, if more than seven (7) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the Common Council that an extension of this moratorium is required, then the Common Council, by Resolution, may extend this moratorium for such a period of time as it deems necessary in order to fulfill the findings heretofore made by the Common Council, up to and including six (6) additional months from the date of the original intended expiration of this Local Law.

SECTION 4. CONFLICTS WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE

To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law or any provision of the Hudson City Code, the provisions of this Local Law shall govern and control.

SECTION 5. SEVERABILITY AND VALIDITY

The provisions of this local law are severable. If any provision of this Local Law is found invalid, such finding shall not affect the validity of this Local Law as a whole or any part of provision hereof other than the provision so found to be invalid.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Introduced: _____

Seconded: _____

Approved _____

By _____

Rick Rector, Mayor