

Local Law No. \_\_\_\_ of 2020

## **A LOCAL LAW AMENDING CHAPTER 325 OF THE CODE OF THE CITY OF HUDSON**

### **Section 1. Title.**

This local law shall be known as the Short-Term Rental Law, Local Law No. \_\_\_\_ for the year 2020.

### **Section 2. Legislative Findings, Intent and Purpose.**

The Common Council hereby finds the following:

1. It is in the best interests of the residents of the City of Hudson to further regulate the use of dwelling units for certain short-term lodging and vacation rentals. Limiting the incidence of certain short-term rentals (as defined below) will assist in preserving the supply of dwelling units available for longer term rentals or home ownership in the City of Hudson and maintaining the traditional character of its neighborhoods.
2. Short-term rentals do have a positive economic impact on the City, including increased tourism activity, and are therefore permitted in certain circumstances.
3. Unlike hotels and traditional bed and breakfasts, short-term rentals are not required to, and do not, pay sales tax. They are exempt from paying sales tax pursuant to the laws of the state of New York because they do not provide certain common hotel services. (See Publication 848 by the New York State Department of Taxation and Finance (describing “bungalows” and “motel efficiency units” as renting real property and not operating as hotels)).
4. The City Zoning Law erroneously defines “Dwelling Unit” to exclude studio apartments, which was not the intention of the Common Council.

### **Section 3. Statement of Authority.**

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

### **Section 4. Amendments.**

**I. Hudson City Code, Chapter 325, is hereby *AMENDED* by *ADDING* the following:**

**§325-28.3 Short-Term Rentals**

- A. Definitions. Unless provided otherwise herein, all terms shall have the meaning as defined in Sec. 325-42 of this chapter.

### **SHORT- TERM RENTAL**

Living and/or sleeping accommodation provided for compensation for a period of less than thirty (30) consecutive calendar days, counting any portion of a particular day as a full calendar day, that 1) is not a boarding house (boardinghouse), and 2) is not subject to the imposition of the payment of a sales tax by the State of New York, but is subject to the payment of a lodging tax by the City of Hudson.

- B. Short-term rentals are permitted to operate within the City of Hudson only in any of the following circumstances:
1. A resident of the City of Hudson, either as an individual, or through an entity in which such individual holds a majority equity and voting interest, may operate up to three (3) short term rentals located on the same tax parcel on which the resident resides, provided, however, that the resident may reside on a separate tax parcel that is contiguous with the tax parcel on which the short term rentals are located.
  2. Any person who owns a dwelling unit in the City of Hudson, and resides in it at least fifty (50) days a year, may operate it as a short-term rental for up to a maximum of sixty (60) days per calendar year; or
  3. A building or portion thereof that is not entitled to be operated as a short term rental pursuant to this law, but was operated as a short-term rental prior to the adoption of this law, may continue to operate for a period of five (5) years from the date that this law goes into effect, at which time such right shall terminate.
- C. In order to assist in the administration of this law, the application form prescribed by the City Treasurer pursuant to section §275-27 of the City Code for registering short-term lodging facilities shall include a question as to whether compensation received from the operation the dwelling unit being registered is subject to the payment of a sales tax under New York state law.
- D. No short-term rental shall be located above the second floor of any building unless such floor has a fire sprinkler system or has been otherwise constructed in accordance with the requirements of applicable New York State code requirements for residential occupancy of such floors. Each sleeping room within a short term rental shall have affixed to the occupied side of the entrance door to the sleeping room a written notice stating the means of egress from the room in case of fire or other emergency, the location of means for transmitting fire alarms, if any, and the evacuation procedures to be followed in the event of a fire or smoke condition, or upon activation of a fire or smoke-detecting or other alarm device.

- E. The right to operate a short term rental on any parcel shall terminate for a period of two (2) years from the date the operator of a short-term rental is found liable of violating Chapter 157 (Garbage, Rubbish or Refuse), Chapter 210 (Noise) or Section 300-27 (Unlawful Abandonment of Dangerous Vehicles) of the Hudson Code for the parcel on which the short-term rental is located.
- F. Any violation of the provisions of this section §325-28.3 shall constitute a misdemeanor punishable by a fine of no less than \$1,000 and no more than \$2,500, or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment. Each day of continued violation shall constitute a separate and additional offense.

**III. Hudson City Code, Chapter 325-42 is hereby *AMENDED* by *AMENDING* and *DELETING* the following definitions:**

**DWELLING UNIT** – A building or entirely self-contained portion ~~other than a studio apartment~~, which contains complete housekeeping facilities for one family (including any domestic servants employed on the premises) and having no enclosed space (other than for vestibules, entrance, or other hallways or porches) or cooking or sanitary facilities in common with any dwelling unit. A boardinghouse, or convalescent home, dormitory, fraternity or sorority house, hotel inn, lodging or rooming house, nursing or similar home or other similar structure shall not be deemed to constitute a dwelling unit.

~~**STUDIO APARTMENT** – An apartment unit which consists solely of a single room plus bathroom. The single room shall contain a kitchen, living room and bedroom.~~

**IV. Hudson City Code, Chapter 176 is hereby *AMENDED* by *INSERTING* the phrase “short-term rental” or “short-term rentals” as follows:**

**176-2:** The Code Enforcement Official shall be authorized to make or cause to be made inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units, short-term rentals, and premises in order to safeguard the health, safety, morals and welfare of the public. The Code Enforcement Officer or his designated representatives shall be authorized to enter any dwelling, dwelling unit, rooming house, rooming unit, short-term rental, or premises at any reasonable time during business hours, or at such other time as may be necessary in an emergency, for the purpose of performing his duties under this chapter.

**176-4:** The owner, operator, agent or occupant of every dwelling, dwelling unit, rooming house, rooming unit, short-term rental or premises shall give personnel authorized in § 176-2 access to such dwelling, dwelling unit, rooming house, rooming unit, short-term rental and premises, for the purpose of such inspections, at any reasonable time during business hours or at such other times as may be necessary in an emergency.

**176-8:** At the end of the period specified in the notice of violation, or any extension thereof, it shall be the duty of the Code Enforcement Officer to make or cause to be made a

reinspection of the dwelling, dwelling unit, rooming house, rooming unit, **short-term rental** or premises, and if compliance has not been established, appropriate legal action shall be instituted as specified in § 176-1 of this chapter, provided that additional notices of violation are not required.

#### **Section 5. Severability.**

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

#### **Section 6. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.