

**VILLAGE OF OLD BROOKVILLE
LOCAL LAW 1-2019
“RENTALS”**

A local law to amend Section 300-3, “*Word usage; definitions*” and add new Section 300-17.1, entitled “*Rentals*” to Chapter 300, “*Zoning*,” of the Code of the Village of Old Brookville to prohibit short term rentals in the Village and require notification requirements and limitations for other rentals. The Code was adopted by Local Law 1-2016 by the Board of Trustees on March 21, 2016 and was last amended by the Board of Trustees by Local Law 4-2017 on October 16, 2017.

BE IT ENACTED by the Board of Trustees of the Village of Old Brookville as follows:

SECTION 1. Purpose of Local Law

The Board of Trustees of the Incorporated Village of Old Brookville has determined that with the advent of internet-based “for rent by owner” services there has been a dramatic increase in residential homes being rented for short periods of time, often only for a weekend. As a result, Village residents have experienced frequent situations where such rentals and the tenants, and the invitees they attract, cause excessive traffic congestion, blocking of neighboring driveways, noise and disturbance in the neighborhoods where such rentals have taken place. The Board of Trustees finds that such transient rentals threaten the residential character and quality of life of neighborhoods in which they occur. Therefore, the Board of Trustees in order to protect the health, safety and welfare of the community has determined to prohibit such short term rental of properties in the residence districts of the Village.

SECTION 2. Section 300-3, “*Word usage; definitions*” of Chapter 300, “*Zoning*,” Article I, “*General Provisions*,” of the Code of the Village of Old Brookville is hereby amended to add the following definitions:

RENT - A return, in money, property or other valuable consideration (including payment in kind or services or other thing of value), for use and occupancy or the right to the use and occupancy of a dwelling or portion thereof, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL DWELLING - A dwelling or portion thereof established, occupied, used or maintained for rental occupancy.

RENTAL OCCUPANCY - The occupancy or use of a dwelling or portion thereof by one or more persons other than the owner or a family member of the owner as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use. There is a rebuttable presumption that any occupancy or use of a dwelling or dwelling unit is a “rental occupancy” if the owner of the building containing the dwelling does not reside in the same building.

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SHORT TERM RENTAL PROPERTY - A rental dwelling with a rental occupancy for a period of less than ninety (90) consecutive days. For the purposes of this Chapter, the term "short term rental property" shall mean all non-owner-occupied dwelling units rented for a period of less than ninety (90) consecutive days and shall not include:

(1) Properties used exclusively for nonresidential commercial purposes lawfully permitted and occurring within Business District 1 or Business District 2; or

(2) Properties used for commercial filming for which a permit has been duly issued by the Village Clerk under Chapter 125 of this Code.

There shall be a rebuttable presumption that a dwelling or dwelling unit is being used as a short term rental property if the dwelling, dwelling unit or any room therein is offered for lease on a short-term rental website, including Airbnb, Home Away, VRBO and the like or offered for lease in any medium for a period of less than ninety (90) consecutive days.

SECTION 3. Section 300-17.1, entitled, "Rentals" of Chapter 300, "Zoning," Article V, "Supplemental Regulations," of the Code of the Village of Old Brookville is hereby added as follows:

§ 300.17.1 Rentals

A. No more than one family may rent or occupy a dwelling at any given time and no dwelling may be divided into separate dwelling units to rent to more than one family. No person shall permit any tenant, sub-tenant or other person to take up residence by a rental occupancy of an individual room or of anything less than the entire structure or building.

B. The renting, leasing, sub-leasing or letting of a short term rental property or the advertising thereof in any medium is prohibited.

C. No more than two (2) rental occupancies not otherwise prohibited herein shall occur within any 365 day period.

D. A property owner must notify the Village Clerk and Police Department of the name, contact telephone number, and length of lease term of any individual(s) occupying the premises upon any renting, leasing, sub-leasing or letting authorized under this section, prior to the occupancy of such individual(s).

SECTION 4. This local law shall take effect immediately upon filing with the Secretary of State.

| **Note:** Dotted . . . lines set off that portion of a section or subsection which is amended.