

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

**Section 1. Title.**

This local law shall be known as Local Law No. \_\_ for the year 2020.

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

Changes in technology give rise to new issues in land use planning and regulation. The Common Council hereby finds that more specific zoning provisions are appropriate to address the increasingly popular use of residential homes for short-term lodging and vacation rentals. The Common Council finds that short term vacation rentals operated by non-resident owners can and do create conflicts with their residential neighbors, and have the potential to degrade residential neighborhoods by introducing noise, parking and other detrimental impacts while also adversely affecting the traditional neighborhood character that results from a community of owner occupied properties. As such, the Common Council finds that unregulated short-term vacation rentals, or transient occupancies as defined in this local law, are incompatible with residential neighborhoods and zoning districts, and that such uses must be carefully regulated and monitored to minimize deleterious effects in residential zoning districts. This is particularly so in those situations where the property owner is not present during times of transient occupancy. The Common Council further finds that the potential for such conflicts is less in non-residential districts, and therefore such uses may be allowed in specified non-residential districts subject to a lesser degree of regulation.

The intent of this law is to allow owner-occupiers of homes and apartments to rent individual rooms within their dwelling units. It will also allow an owner-occupier to lease out for short-term rentals an adjoining dwelling unit. For a person who owns a multi-family building of three or more units and occupies at least one of those units, the ration of short-term rental units to long-term units must be 1:1, allowing one short-term rental unit for every long-term rental unit.

**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. Amendment to the Charter of the City of Hudson.**

Chapter 325 of the Code of the City of Hudson is hereby amended as follows:

### **§325-28.3 Transient Occupancy Lodging**

#### A. Definitions.

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

**NON-OWNER OCCUPIED TRANSIENT OCCUPANCY LODGING** — A dwelling unit, including associated appurtenant facilities, used for transient occupancy by one or more guests, boarders or tenants, where no record owner of the property is residing on the premises on a permanent basis, and no record owner of the premises is physically present upon the premises during the transient occupancy, and whether or not meals or cooking facilities are provided for the guests, boarders or tenants, but excluding motel/hotel and bed and breakfast uses. Except for Bed and Breakfasts, motels and hotels, non-owner-occupied transient occupancy lodging is prohibited within the City of Hudson.

**OWNER-OCCUPIED TRANSIENT OCCUPANCY LODGING** — A dwelling unit owned by one or more natural persons, including associated appurtenant facilities, used for transient occupancy by one or more guests, boarders or tenants, with at least one record owner of the property permanently residing on the premises, and whether or not meals or cooking facilities are provided for the guests, boarders or tenants, but excluding motel/hotel and bed and breakfast uses. The owner of a dwelling unit that is otherwise not used for transient occupancy lodging and is not part of a building used for transient occupancy lodging, shall not be subject to the provisions of this chapter provided dwelling unit is not provided for compensation and/or barter for more than two consecutive weeks in a calendar year.

**TRANSIENT OCCUPANCY LODGING**— Living and/or sleeping accommodation provided for compensation and/or barter for any period of less than thirty (30) consecutive calendar days, counting any portion of a particular day as a full calendar day. Bed and Breakfasts, Motels/Hotels and Boardinghouses shall individually and collectively be considered types of transient occupancies.

B. Transient Occupancy Lodging with the capacity for up to three (3) guests, boarders or tenants within the same dwelling unit is classified as a permitted use within the R-1, R-2, R-2H, R-3, R-4, R-5, R-S-C, R-S-C2, C-C, G-C, and G-C-T zoning districts subject to compliance with the requirements of this subchapter. Transient Occupancy Lodging is not permitted in any other zoning districts. Transient Occupancy Lodging with the capacity for four (4) or more guests, boarders or tenants shall be considered a conditional use because of the potentially unpredictable intensity of use and resulting conflicts with other adjoining and nearby uses. The Planning Board shall review such uses under the criteria set forth in this section 325-28.3 and the conditional use permit and site plan standards set forth in Article VIII of this Chapter, and shall particularly address each application in terms of site plan features such as proximity to other uses and the nature of nearby uses, as well as lighting and other site features in order to minimize land use

conflicts and associated adverse impacts to other residential uses. An initial application to the Planning Board for a conditional use permit to operate an owner or non-owner transient occupancy lodging use facility with the capacity of four (4) more guests, boarders or tenants located within the R-1, R-2, R-2H, R-3, R-4, R-5, R-S-C, R-S-C2, C-C, G-C, or G-C-T zoning districts must be received by the Code Enforcement Officer no later than \_\_\_\_\_, 202\_.

C. The maximum number of persons permitted to occupy any Transient Occupancy Lodging facility shall be two (2) persons per sleeping room.

D. No Transient Occupancy Lodging facility 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 requirements of applicable New York State code requirements for residential occupancy of such floors.

E. Each sleeping room within a Transient Occupancy Lodging facility 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. Each sleeping room within a Transient Occupancy Lodging shall be equipped with a fire extinguisher and a smoke detector.

F. All transient occupancy lodging uses shall be limited to the temporary lodging of registered guests, and no commercial activities and no public or private parties, receptions, meetings or similar social gatherings or events shall be permitted. Occupancy shall be limited to up to three (3) persons unless otherwise permitted by a conditional use permit issued by the Planning Board. The operator of the facility shall maintain a register of all guests staying at the facility, their permanent addresses, and the dates of their stay. This register shall be immediately made available to the Code Enforcement Officer and/or Police Department as part of any City investigation of any complaints regarding guest behavior and/or to determine compliance with requirements of any special permit issued for the facility.

G. An individual shall be permitted to own and operate one (1) owner-occupied transient occupancy lodging facility within the R-1, R-2, R-2H, R-3, R-4, R-5, R-S-C, R-S-C2, C-C, G-C, and G-C-T zoning districts.

H. An individual who owns a two-family dwelling and occupies one unit as their primary residence may own and operate the other unit as a Non-owner occupied Transient Occupancy Lodging facility provided said building is located within the R-1, R-2, R-2H, R-3, R-4, R-5, R-S-C, R-S-C2, C-C, G-C, or G-C-T zoning districts.

I. A person who owns a multiple dwelling building and uses one of the dwelling units as their primary residence may rent other dwelling units for short-term rentals if an equal number of dwelling units are rented as long-term rentals. A person wishing to use a

multiple dwelling unit building for short-term rentals must identify which units are designated for short-term and which are designated for long-term in their application to the Planning Board for a conditional use permit.

J. No person, whether directly or as a sole or partial owner of another legal entity, may be the owner or operator of more than one (1) non-owner transient occupancy lodging facility within any area of the city at any one time.

K. The owners of a permitted non-owner occupied transient occupancy lodging facility shall be required at all days and times to be able to physically be at the subject premise within fifteen (15) minutes of receiving notification of a complaint relating to the premises. For those times when the owner is not able to be present in a timely manner, the owner shall have a designated property manager who resides in such proximity to the subject premise. Current contact information for this person or persons shall be kept on file with the City of Hudson Code Enforcement Officer at all times.

L. Owners of Transient Occupancy Lodging facilities must at all times be current in the payment of all real property taxes, special assessments, and City lodging taxes, and shall be responsible for complying with other applicable legal and regulatory requirements, including, but not necessarily limited to compliance with New York State building, property maintenance and safety codes and registration and collection of state and local sales taxes and City lodging taxes.

M. Pre-existing Transient Occupancy Lodging Facilities. All owners of a non-owner occupied transient occupancy lodging facility in existence prior to \_\_\_\_\_, 2020 may apply to the City Code Enforcement Officer for permission to continue to operate for a limited period of time in an R-1, R-2, R-2H, R-3, R-4, R-5, R-S-C, R-S-C2, C-C, G-C, and G-C-T zoning district. Such application shall be accompanied by documentary proof of operation as a non-owner occupied transient occupancy lodging facility, which shall include a copy of the City of Hudson Lodging Tax registration form for the premises dated before \_\_\_\_\_, 2019 and proof of website hosting of the property before \_\_\_\_\_, 2019 (such as a screen shot/proof), the adequacy of which shall be subject to the Code Enforcement Officer's approval, and consisting of at least one of the following two items:

1. A copy of the most recent City Lodging Tax Occupancy Quarterly Return showing payment of lodging taxes on at least one rental before \_\_\_\_\_, 2019;
2. A copy of at least one rental agreement/booking (online proof is acceptable) showing occupancy of the premises by a transient tenant before \_\_\_\_\_, 2019.

Transient Occupancy Lodging Facilities that demonstrate their existence and operation prior to \_\_\_\_\_, 2019 shall be permitted to continue until October 31, 2022, subject to the provisions set forth in this subchapter. An owner of a Transient Occupancy Lodging Facility may request permission to continue to use the facility beyond October

31. 2022 by applying to the Zoning Board of Appeals for a use variance under Sec. 325-37 of this chapter.

N. License Required. No person, firm or entity shall own, operate or manage a Transient Occupancy Lodging facility in the City of Hudson, nor shall any owner permit the operation of a Transient Occupancy Lodging Facility on premises owned the person or entity without a duly issued license from the City of Hudson to operate a Transient Occupancy Lodging facility. All new and existing Transient Occupancy Lodging facilities shall be required to obtain a license annually from the Code Enforcement Officer, the original or copy of which shall be prominently displayed in a front window of the subject residence in such manner so that it is clearly visible from the public sidewalk, or from the street if there is no sidewalk.

O. Licenses issued for Transient Occupancy Lodging facilities shall be valid for one year, from October 1 to September 30. A complete application for a license or license renewal shall be submitted to the Code Enforcement Officer not less than two (2) months prior to the date the license, or renewal license, as applicable, is to be effective. Applications not submitted in time to be effective as of the 1<sup>st</sup> day of October shall be effective as of the date of issuance and shall expire on the next succeeding 30<sup>th</sup> day of September. The applicant shall schedule with the Code Enforcement Officer the necessary inspection of the dwelling or dwelling unit not less than thirty (30) days prior to the desired license effective date. All applications for a conditional use permit and license shall include the following information:

1) Current and accurate site plan of the premises (as approved by the Planning Board for the conditional use permit), showing all property lines, building lines, driveways, sidewalks, parking spaces, garbage and recycling storage areas, and any outbuildings and outdoor gathering areas such as patios and decks;

2) Floor plans, as determined adequate by the Planning Board and which need not be prepared by a licensed design professional, for each building floor level containing rentable space, which specifically depict all room sizes and locations, common areas, exits and other facilities;

3) A copy of the recorded deed showing all current owners of the premises, and a list of the names, home and business addresses, all phone numbers (including home, business and cell) and email addresses of all property owners and all property managers in the case of non-owner occupied facilities;

4) The number of permanent residents and the number of transient residents proposed to reside on the premises (as authorized per the conditions of the conditional use permit granted by the Planning Board in the case of license applications), including the number assigned to each bedroom shown on the building floor plans;

5) The number of all automobiles, trucks and other vehicles belonging to the owners / permanent residents that will be parked on the premises during periods of transient rentals, including for each such vehicle, the make, model and year of the vehicle, license plate number; the name and permanent address of each vehicle's local operator and its titled owner;

6) The name and telephone number(s) of the owner and contact information for all persons responsible for compliance with the requirements of this sub-chapter.

7) Such other information as the Code Enforcement Officer may reasonably require for the premises in question.

P. All applications for a conditional use permit and/or license to operate a Transient Occupancy Lodging Facility shall be signed by all owners of the premises. All applications shall include an accurate list of all property owners within 150 feet of the subject premises, as indicated on the most recent real property tax assessment roll, accompanied by a statement that all such owners have been provided a copy of the application. Each signatory to the application shall swear or affirm to the truth and accuracy of the information contained in the application. Upon each license application and renewal application, the applicant shall be required to pay a license administration fee to the City of Hudson as established by the Common Council.

Q. All proposed transient occupancy lodging facilities shall be physically inspected for proper maintenance of the premises in accordance with paragraph (1) of subsection N below, and for general code compliance prior to issuance of a license to operate the facility, and also on an annual basis thereafter prior to the issuance of any renewal license.

R. Upon such timely application and inspection, the Code Enforcement Officer will issue or renew, as applicable, the license upon a finding of full and proper compliance with all provisions of this chapter and all other applicable laws and standards. The Code Enforcement Officer may issue an order revoking a license upon determining that sufficient grounds exist under the provisions of Subsection R below. Such order of revocation may be appealed by the owner to the City of Hudson Zoning Board of Appeals within 30 days of the date of the order.

S. Grounds for denial or revocation of license. Any proposed or existing Transient Occupancy Lodging Facility that is not in compliance with the requirements of this chapter, or any other applicable laws or standards, shall not be granted a license to operate, and, in the event a license has been issued, such license shall be subject to revocation, as herein provided, and the owner(s) and operator(s) of the Transient Occupancy Lodging Facility shall be subject to such other penalties and/or remedies as may be applicable. The existence of any of the following conditions and circumstances shall be deemed violations that constitute grounds for denial or revocation of a Transient Occupancy Lodging Facility license:

1) Indications of improper maintenance or operation of the property in keeping with the character of the neighborhood, and/or failure to maintain and keep the premises in a healthy, safe and sanitary condition, which shall include, but is not necessarily limited to:

(a) exposed garbage or litter on the premises;

(b) failure to maintain the buildings and grounds in a neat and orderly fashion, including painting and maintenance of exterior surfaces and windows and maintaining and trimming of grass and other vegetation;

(c) parking of vehicles on or about the premises in undesignated and/or unapproved parking areas;

(d) the occurrence of parties or other gatherings of individuals upon the premises wherein the number of persons gathered upon the premises exceeds the number of persons authorized upon the premises under the terms of the special permit and license.

2) Two or more instances within any twelve month period where a police officer or agency, or the Code Enforcement Officer, issued one or more appearance tickets or arrest warrants with respect to acts or omissions related to the transient occupancy of the premises. Such conduct shall include, but is not necessarily limited to, the occurrence of any acts, incidents or events upon the premises that constitute violations of any provision of this chapter, or any other provision of the City of Hudson Code, and/or the New York State Penal Law.

3) The conviction upon any formal charges as described in the immediately preceding paragraph (2) shall be prima facie evidence of improper operation of a transient occupancy lodging facility, and shall constitute grounds for immediate revocation of a license, as well as for automatic denial of a license renewal application for a period of one year following the date of license revocation or expiration, as applicable.

T. Upon determining the existence of one or more offending conditions relative to the premises, the Code Enforcement Officer shall deny the application for a Transient Occupancy Lodging Facility license and, with respect to previously licensed Transient Occupancy Lodging Facilities, at that time may take any action authorized by law, including, but not necessarily limited to the following:

1) impose additional conditions upon the license;

2) refer the matter to the Planning Board to schedule a public hearing to consider revocation of the license;

(3) issue one or more appearance ticket or tickets for any violation(s) of the City Code, NYS Building Code and/or NY Penal Law. The Code Enforcement Officer and Hudson Police Department shall be authorized to issue an appearance ticket to any owner or operator of a Transient Occupancy Lodging Facility operating without a valid license.

U. Any violation of the provisions of this section §325-28.3 shall constitute a misdemeanor punishable by a maximum fine of \$1,000.00, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Each day of continued violation shall constitute a separate and additional offense.

**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.