

VILLAGE OF MONTEBELLO
LOCAL LAW NO. 1 OF THE YEAR 2021

A LOCAL LAW AMENDING CHAPTER 195, ZONING, AND CHAPTER 104, HOTELS, INNS AND BOARDINGHOUSES, TO REGULATE SHORT TERM RENTALS OF RESIDENTIAL DWELLINGS

Be it enacted by the Village Board of Trustees of the Village of Montebello by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law, as follows:

(Note 1: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikeout symbols. All other language shown is to remain unchanged. The symbol “ * * * *” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

Section 1: Legislative findings and intent. The Village Board of the Village of Montebello hereby finds and declares:

- (1) Legislative findings.
 - (a) There is a critical and compelling need to regulate short-term rental use of residential dwellings located in the Village of Montebello. Most dwellings in the Village are not subject to the New York State Uniform Fire Prevention and Building Code (Uniform Code) provisions for protecting transient occupants. Therefore, the Village Board finds and determines that the public health, safety and welfare of current and future Village residents will be adversely affected by the unregulated short-term rental of all or a portion of residential dwellings.
 - (b) The Board further finds and determines that conditions arising from the short-term rental of dwelling units that may be substandard or in violation of the Uniform Code, New York State Multiple Residence Law and applicable Village of Montebello Codes, pose hazards to life, limb and property of residents of the Village, exacerbate blight, contribute to noise and other nuisance conditions related to crowding, contribute to excessive vehicle traffic and parking problems and overburden municipal services. The Board finds that current zoning law provisions are inadequate to halt the proliferations of such conditions and that public health, safety, welfare and good order and governance of the Village will be enhanced by the enactment of the regulations set forth in this section, which regulations are remedial in nature and effect.
- (2) Intent. These regulations intend to protect the health and safety of Village residents and visitors as follows:
 - (a) Prevent unregulated tourist or transient rental uses within all permitted and preexisting

nonconforming single-family, two-family and multifamily dwellings and in residential neighborhoods; and

- (b) Protect and preserve the Village's appropriately balanced commercial and residential nature and unique, tranquil neighborhood character as enacted by the Village's zoning, subdivision, property maintenance and related local laws; and
- (c) Protect and ensure the safety of its current and future residents as well as those traveling to or visiting in the Village; and
- (d) Prevent to the greatest extent practicable public safety risks, including but not limited to, noise, trash, traffic, and parking impacts associated with unregulated short-term rental of residential dwellings.

Section 2: Amend Chapter 195, Zoning, §195-124 Definitions to add the following new definitions, to be inserted in alphabetical order:

BOARDER

See “roomer.”

OCCUPANT

A person, other than the premises owner of record filed in the Rockland County Clerk's Office or an immediate family member of the premises owner, occupying living accommodations with the premises owner's express or implied consent.

OFFER TO RENT

To personally or through an agent, referral service, representative or other entity or person, communicate or advertise, verbally, in writing, or through electronic means or otherwise, the availability for rental or similar use of any dwelling or rooming unit, or to knowingly allow, commission, authorize, or permit such communication or advertisement.

PERSON

Any individual, partnership, corporation, joint limited liability company, limited liability company, trust or other entity, stock association, and includes any trustee, receiver, assignee, or personal representative thereof, including but not limited to any booking or reservation service, lawful lessees, and premises owners.

ROOMER

A non-transient occupant of a rooming unit.

ROOMING UNIT

One or more rooms, with or without private bathroom facilities, but without cooking facilities, which are rented or available and offered for rent and which are located within a dwelling unit.

SHORT-TERM RENTAL

A dwelling unit or rooming unit that is rented, in whole or in part, to any transient person or entity for a period of 29 consecutive nights or less. "Rental" means an agreement, written or oral, granting use or possession of a residence, in whole or part, to a person in exchange for monetary compensation or other valuable consideration. "Short-term rental" shall also mean the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a residential dwelling unit or accessory yards or accessory structures for 29 consecutive nights or less. The term "short-term rental" shall not include:

- A. Month-to-month tenancies in dwelling units;
- B. Month-to-month tenancies of boarders and roomers in rooming units, as permitted in the Table of General Use Requirements; or
- C. Transient stays in hotels or motels that have received a special use permit from the Planning Board.

TRANSIENT

A rental period of 29 nights or less.

Section 3: Amend Chapter 195 Zoning, §195-11, Prohibited Uses, to add the following additional prohibited use in a new subsection M:

- M. Short-term rentals prohibited. It shall be unlawful for any person to offer to rent any dwelling unit or rooming unit, as defined by this Chapter, to any person for monetary compensation or other valuable consideration for a period of 29 consecutive nights or less.

Section 4: Amend Chapter 104, Hotels, Inns and Boardinghouses, §104-1 as follows:

§ 104-1 License required.

It shall be unlawful, without obtaining a license from the Village Clerk-Treasurer, for any person, firm or corporation, either as owner, tenant or agent, to run, operate or maintain in the Village of Montebello, a hotel, motel, inn, boardinghouse, lodging house, association, club, or any building or part of a building used in the business of renting rooms or furnishing meals to transient occupants, as defined in Chapter 195, Zoning. A license shall not be issued until a Special Permit of the Planning Board is obtained for such an operation, pursuant to all applicable procedures and standards of Chapter 195. As set forth in Chapter 195, accommodations for non-transient occupants of dwelling units for periods of 30 days or more, as well as non-transient accommodations for a maximum of 2 boarders or roomers as allowed as of right in a single-family dwelling, shall not require a hotel, inn and boardinghouse license.. Establishment of a short-term rental of a dwelling unit or rooming unit in violation of Chapter 195 shall be considered as operating a hotel without a license and as a separate violation of this Chapter.

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.