

MEMORANDUM

**TO: Mayor Kyriacou and Members of the City Council
of the City of Beacon**

FROM: Keane & Beane, P.C.

RE: Short-Term Rental Local Law- Update

DATE: April 8, 2020

As a follow up to the Council's last workshop meeting, this memorandum outlines questions the City Council considered regarding the regulation of short-term rentals and the City Council's preferences with respect to each question.

A short-term rental is an entire dwelling unit, or a room or group of rooms or other living or sleeping space, made available to rent, lease or otherwise assigned for a tenancy of less than 30 consecutive days. The term "short-term rental" does not include dormitories, hotels or motel rooms, bed and breakfast inns or lodging houses. The questions considered by the Council and the decision reached is set forth below:

1. Is the City satisfied with the definition of owner occupied provided below?
 - ❖ The City Council would like to amend the definition of owner-occupied as follows: A one-family or two-family house ~~or multiple dwelling building~~ used by the owner, or tenant, as his or her or their domicile or principal residence.
2. Does the City want to allow any property owner to obtain short-term rental permits?
 - ❖ Property owners, tenants, corporations, limited-liability companies, partnerships, associations, trustees, mortgagees, and other business entities may obtain short-term rental permits for properties which are owner-occupied. All owners of the business entity must use the premise as his or her or their domicile or principal residence. When a property is titled in the name of a trustee, the owner-occupied requirement shall be satisfied if the grantor or grantee is the occupant of the property.

3. If any property owner can obtain a short-term rental permit (regardless of whether it is owner-occupied), does the City want to set restrictions based on whether a unit is owner-occupied or not owner-occupied?
 - ❖ All short-term rentals must be owner-occupied, therefore it is not necessary for the City to adopt a different set of restrictions based on whether a unit is owner-occupied or non owner-occupied.
4. Does the City want to allow tenants to obtain short-term rental permits for their rented spaces?
 - ❖ The City would like to allow tenants to apply for short-term rental permits for their rented spaces. The landlord and the tenant must both sign the short-term rental application. The City shall not require a copy of the lease agreement.
5. Can corporations register short-term rental units?
 - ❖ Corporations, limited-liability companies, partnerships, associations, trustees, mortgagees, lien holders and other business entities may apply for a short-term rental permit. All owners of the business entity must use the premise as his or her or their domicile or principal residence. When a property is titled in the name of a trustee, the owner-occupied requirement shall be satisfied if the grantor or grantee is the occupant of the property.
6. Does the City Council want to allow short-term rentals in multifamily homes or buildings?
 - ❖ Short-term rentals shall only be permitted in one- or two- family homes.
7. Does the City want to allow short-term rentals in all Zoning Districts?
 - ❖ The City wants to allow short-term rentals in all Zoning Districts.
8. Does the property owner need to be on-site when the short-term rental unit is rented?
 - ❖ The property owner does not need to be on-site when the short-term rental unit is rented. If a property owner or tenant is renting out the entire unit and not just a bedroom, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City.

9. Can property owners make their accessory apartments short-term rentals?

- ❖ Property owners or tenants may make their accessory apartments short-term rentals if the accessory apartment is owner-occupied.

10. Are pets permitted?

- ❖ The City does not want to adopt regulations concerning pets.

11. Does the City want to set up a distance requirement between short-term rentals?

- ❖ No

12. Should notice be provided to adjoining property owners when a short-term rental permit is submitted?

- ❖ The City does not want to require notice be provided to adjoining property owners. However, a list of all short-term rental units located in the City of Beacon shall be maintained on the City's website and a hard copy shall be available for review in the City Building Department. Such list shall be updated every six months.

13. Does the City want to establish a maximum number of occupants per dwelling or a maximum number per bedroom?

- ❖ No.

14. Does the City want to limit how many days in a year a property may be rented for?

- ❖ There shall be no limit to how many days in a year a property owner may rent a bedroom. However, short-term rental of entire units is limited to 180 days in any one calendar year.

15. Does the City want to establish parking regulations for short-term rentals?

- ❖ No.

16. Does the City want to require residents with short-term rental permits to display some sort of plaque or sign on their property?

- ❖ No.

17. How long is a short-term rental permit valid for? Must it be renewed annually or every five years or another period of time?

- ❖ All short-term rental permits issued shall be valid for a period of two years and shall be renewable for subsequent two-year terms upon application. An inspection of the premises must occur prior to any permit renewal.

18. Does the City want to establish a maximum number of short-term rental permits to issue?

- ❖ No.