

BILL VOG 05-25

A local law amending and restating Chapter 103 of the Code of the Village of Greenport (the “Code”) and Section 150-11.2 of the Code, in each case, to modify the regulations pertaining to the rental of dwelling units in the Village of Greenport.

Section 1. Recitals, findings and purpose of local law.

WHEREAS, the Village of Greenport is a unique and vibrant community composed of both full-time residents and part-time seasonal homeowners, and the Village recognizes that many properties serve as either principal places of residence or second homes, with second homes varying in their occupancy patterns throughout the year; and

WHEREAS, the Village has a compelling interest in promoting the fullest feasible use of dwelling units as residences—whether by owners or long-term tenants—so as to support local institutions, ensure public safety and emergency response capacity, maintain neighborhood stability, and preserve the overall community character; and

WHEREAS, a growing number of properties have been used primarily or exclusively as short-term rentals, often reducing the availability of long-term housing, increasing rental costs, and leading to the displacement of year-round residents; and

WHEREAS, the Board of Trustees finds that full-time and regularly occupied homes are essential to ensuring that human capital remains available to serve the Village as emergency responders, educators, hospital and healthcare workers, civic volunteers, and other essential contributors to community life; and

WHEREAS, the presence of a stable, year-round residential population is also critical to supporting local businesses, cultural activities, and economic activity beyond the tourist season, thereby preserving the Village’s economic health and identity as a living, working community; and

WHEREAS, short-term rentals, when not appropriately regulated, may introduce transient occupancy patterns, nuisances, and commercial behaviors that are incompatible with the residential character of neighborhoods and that challenge enforcement of health, safety, and zoning regulations; and

WHEREAS, the Board of Trustees acknowledges that some short-term rentals do provide valuable economic support to homeowners and lodging options to visitors, but finds that the unchecked proliferation of such uses has contributed to several adverse community impacts, including but not limited to: (a) a decline in long-term rental housing stock, (b) increased housing unaffordability, (c) speculative and investor-driven home acquisitions, (d) reduced availability of volunteers for community services, and (e) the conversion of residential areas into quasi-commercial zones; and

WHEREAS, the Board of Trustees therefore finds it necessary to establish regulations that (i) prioritize the residential use of homes, (ii) require short-term rentals to occur primarily

in properties that are genuinely and consistently used as residences, and (iii) discourage the circumvention of rental housing and zoning regulations through absentee ownership and commercial exploitation of residential properties; and

WHEREAS, the Board of Trustees finds that these measures are necessary to promote public health, safety, and welfare, preserve the integrity of Village neighborhoods, ensure accountability in property maintenance, and protect the long-term residential character of the Village of Greenport;

NOW, THEREFORE BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES AS FOLLOWS:

Section 2. Amendment of Chapter 103 (Rental Properties). Chapter 103 of the Village Code is hereby amended in its entirety, to read as follows:

CHAPTER 103 (RENTAL PROPERTIES)

103-1 PURPOSE AND INTENT.

- (A) The Board of Trustees of the Village of Greenport hereby finds that it is in the public interest to provide for an orderly process for identifying, registering and regulating rentals within the Village and to ensure that such rentals (i) meet applicable federal, New York State, county and local laws, including the Uniform Code, (ii) do not adversely affect the residential and community character of the Village, (iii) do not create or cause adverse quality of life issues to the surrounding neighborhood due to unreasonable noise, the creation of public health and safety issues associated with traffic and parking congestion or any other nuisance conditions, and (iv) are in accord with the purposes of this law.
- (B) The Board of Trustees of the Village of Greenport recognizes that in some instances the existence of short-term rentals does provide economic support for Village residents who benefit from rental income and that short-term rentals provide lodging options for visitors to the Village that support the local economy. However, the Board of Trustees hereby also finds that the proliferation of short-term rentals in the Village of Greenport has had a significant negative impact on the Village of Greenport community, including, among other things: (i) contributing to a shortage of full-time residential housing in the Village and an increase in market rental rates, (ii) incentivizing property owners to keep rooms and dwelling units vacant for large periods of the calendar year, (iii) leading to the eviction or displacement of long-term residential tenants in order to convert units that have historically provided full time rental housing into short-term rentals, (iv) adversely impacting the amount of housing available to full-time residents of the Village and persons working in the Village, thereby reducing the number of available volunteers for such functions as emergency workers, board members, scouting leaders and athletic coaches, among others, in the Village, (v) reducing the number of bed and breakfast facilities operating within the Village, (vi) adversely impacting the community character of

the Village by introducing a revolving circuit of transient occupants who are not invested in the community and (vii) introducing incompatible commercial activity into residentially zoned districts of the Village.

- (C) The Board of Trustees further finds that in order to minimize the foregoing adverse effects that are associated with short-term rentals, it is necessary to place reasonable restrictions on the ability of owners to utilize dwelling units for short-term rental purposes in order to (1) discourage the negative impacts from commercialization and investor-driven acquisition of dwelling units in the Village as set forth in the intent identified in the findings preceding the adoption of this Local Law 8 of 2025, (2) promote the principal use of dwelling units for residential housing purposes, including, in the case of properties with more than one dwelling unit, maximizing the amount of rental properties available for full-time occupancy by tenants, (3) ensure that the use of a dwelling unit is principally for residential housing purposes and that any use of a dwelling unit for short-term rental purposes is only incidental to the use of such property principally for residential housing purposes, (4) promote accountability of owners in respect of maintenance and operation of properties for short-term rental purposes in order to minimize the negative impacts on community character and health and safety standards and (5) limit the circumvention of local regulations governing rental units in the Village.
- (D) This chapter is intended to adequately address the foregoing findings and intent and to protect the public health, safety, and welfare of the Village of Greenport.

103-2 APPLICABILITY.

This chapter shall apply to all rentals of any dwelling unit (or any portion thereof), including, any apartment, in the Village of Greenport. A dwelling unit (including any apartment) shall be presumed to be, or contain, a rental if said dwelling unit (or any portion thereof) is not occupied by the legal owner thereof, or if it is located within a building or structure or on a lot that contains multiple dwelling units under common ownership regardless of whether compensation of any form is exchanged for occupancy.

103-3 RELATION TO OTHER LAWS AND REGULATIONS.

The provisions of this chapter shall be deemed to supplement applicable state and local laws, codes and regulations, including, without limitation, New York Real Property Law (RPL) Article 12-D. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies or existing requirements of any other provision of state or local law or code or regulation. The issuance of any permit or the filing of any form under this chapter does not make legal any action or state of facts that is otherwise illegal, unlawful or nonpermitted or is otherwise in contravention of any other applicable law, code, rule or regulation.

103-4 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

BED AND BREAKFAST FACILITIES

Any building or property being operated lawfully as a bed and breakfast facility in accordance with Chapter 150 (Zoning) of the Code.

BEDROOM

A room in any building or structure designed or used primarily for sleeping or, as in the case of a studio apartment, a common room used for sleeping purposes which otherwise complies with the requirements of the Uniform Code and any other applicable New York State laws in respect of the use of a room as a bedroom or for sleeping quarters. Rooms having other purposes, such as dens, kitchens, living rooms or hallways, are not to be interpreted or used as a bedroom.

BONA FIDE TENANT

With respect to any dwelling unit, a tenant who is not a related to any owner-related person in respect of such dwelling unit and who has entered into a written lease in respect of such dwelling unit on an arm's length basis in exchange for the payment of fair market rent.

BUILDING INSPECTOR

One or more persons that have been appointed by the Board of Trustees for purposes of enforcing the New York State Fire Prevention and Building Code and regulations of the Village, including this chapter and Chapter 150 (Zoning) of the Code pursuant to Section 53-3 of the Code.

DOMESTIC PARTNER

With respect to any natural person, either (A) the spouse of such person or (B) any other person living in a committed relationship with such person and who is recognized or treated as a "domestic partner" of such person pursuant to either (i) applicable law, including the terms of Chapter 121 of the Code of the Town of Southold or (ii) joint coverage under employee benefits, including health insurance policies.

DORMITORY-STYLE SLEEPING ARRANGEMENTS

Any room or space in a building or structure that contains more than two (2) sleeping accommodations (including beds, cots, bunks, or mattresses) not separated by permanent walls and doors, or used for sleeping by three (3) or more unrelated persons in a common open area.

DWELLING UNIT

Any building or other structure, or entirely self-contained portion thereof, which has a separate means of ingress and egress and provides complete independent living facilities for one or more persons. To qualify as a dwelling unit, a space must contain its own exclusive and functional kitchen, a sanitation facility and space for living and sleeping. This definition applies whether the dwelling unit is in a principal building or an accessory building or

structure, including any apartment, house, condominium or residential cooperative. This definition expressly excludes any bed and breakfast facilities, hotel or motel that has otherwise been approved pursuant to, and is operating in accordance with, Chapter 150. Any apartment in any condominium or residential cooperative shall be considered a separate dwelling unit for purposes of this chapter.

EFFECTIVE DATE

January 1, 2026

ELIGIBLE DWELLING UNIT

Either (A) a single-unit rental property or (B) a dwelling unit located in a principal building on a two-dwelling property. No accessory building or structure, as those terms are defined in Chapter 150, may be an eligible dwelling unit or portion thereof, except with respect to any apartment constituting a single-unit rental property. Except where such dwelling unit has been approved and used as a rental property in any chapter 150 zoning district prior to the Village's adoption of Local Law 8 of 2025, an eligible dwelling unit may only be located in a residentially zoned district upon compliance with Section 150-6(E)(ii).

EMPLOYEE HOUSING

Any dwelling unit or portion thereof that is owned, leased or otherwise controlled, directly or indirectly, by a business entity and which is intended to be made available for use or occupancy by one or more employees, contractors or affiliated personnel of such business.

EXEMPTED SHORT-TERM RENTAL

With respect to any dwelling unit, any short-term rental of such dwelling unit that has been booked in respect of such dwelling unit prior to the date of adoption of Local Law 8 of 2025 which satisfies the following conditions: (A) such short-term rental is booked for dates occurring on or prior to the twelve (12)-month anniversary of the effective date, (B) with respect to any such short-term rental booked for dates occurring more than ninety (90) days after the effective date, the owner is unable to cancel or terminate such short-term rental booking without incurring a penalty, fee or breakage costs, and (C) such short-term rental has been as identified as an "exempted short-term rental" in the list delivered to the Building Inspector by the owner of such dwelling unit pursuant to Section 103-6(E)(v).

HOSTED SHORT-TERM RENTAL PERMIT

A rental permit issued in respect of any eligible dwelling unit that is a single-unit rental property where one or more owners or resident tenant of such eligible dwelling unit will be physically residing at such eligible dwelling unit (including for sleeping purposes) during any tenant's stay. The issuance of a hosted short-term rental permit shall be subject to the satisfaction of the conditions set forth in Sections 103-6(C)(i)(a) and 103-6(C)(i)(b) below.

INCIDENTAL TO RESIDENTIAL USE

With respect to any short-term rental of any dwelling unit: (A) the applicable dwelling unit is owned by the owners thereof principally for personal enjoyment and occupancy (whether as a principal or secondary residence) and not as an investment, rental or commercial asset for passive income purposes and (B) the short-term rental of the applicable dwelling unit is only incidental to the primary use of the such eligible dwelling unit for residential living purposes of the owner or owner(s) and guests (except for resident tenants, but no other tenants).

KITCHEN

A room or portion of a room in any dwelling unit that is used or intended to be used for the cooking and preparation of food and that contains a sink, cooking appliance (such as a stove, hot plate or oven) and refrigeration equipment, each of which is permanently installed.

LISTING AGENT

Any person who lists or advertises or provides leasing, rental or booking services in respect of any dwelling unit (or any portion thereof), including, without limitation, any natural person that works as a real estate agent or any legal entity that provides a service whether on-line, through a website application or otherwise which is in the business of offering or providing a list of available options for lodging, rentals (including short-term rentals) and/or vacation or temporary stays, including, without limitation, such websites and applications as Zillow, "Apartments.com", Airbnb, VRBO, Tripadvisor, "Booking.com", Vacasa, Hometogo or other similar website and applications. For the avoidance of doubt any "booking service" as defined in N.Y. Real Prop. Law §447-a constitutes a "listing agent for purposes of this chapter.

LONG-TERM RENTAL PERMIT

Any rental permit issued in respect of a dwelling unit pursuant to this chapter other than any short-term rental permit.

MULTIFAMILY PROPERTY

Any property or lot on which there are more than two (2) dwelling units whether located in one or more buildings located on such property or lot.

OWNER

With respect to any dwelling unit or portion thereof, any person (including any natural person or legal entity) holding a present, non-contingent ownership interest in such dwelling unit, whether in fee simple, as a life estate, through a beneficial interest in trust or as a proprietary leaseholder in a residential cooperative. Such ownership interest must include the legal right to possess, use and enjoy the entire premises (or the individual dwelling unit, in the case of a residential cooperative) for residential purposes. If the bylaws, charter, operating agreement or other constituent document governing any applicable legal entity provides that a member, partner or other person has an interest in the applicable legal entity only for the period of occupancy or use of a dwelling unit (or a portion thereof) such person shall not constitute an owner in respect thereof. In the case of any residential cooperative,

an owner shall mean the natural person or natural persons holding shares, directly or indirectly, through a trust in a cooperative housing corporation that entitle such natural person or persons to the exclusive possession and use of a specific dwelling unit in such residential cooperative pursuant to a proprietary lease. In the case of any dwelling unit owned through a trust, the owners of such dwelling unit shall be each natural person with an undivided present non-contingent right to possess and reside in such dwelling unit pursuant to the terms of such trust.

OWNER-OCCUPIED

With respect to any dwelling unit, such dwelling unit is used for residential living purposes by one or more owners of such dwelling unit and one or more owners physically resides (or intends to reside) at such dwelling unit for not less than 120 days in any calendar year.

OWNER-OCCUPIED SHORT-TERM RENTAL PERMIT

A rental permit issued in respect of any eligible dwelling unit that is a single-unit rental property which is owner-occupied. The issuance of an owner-occupied short-term rental permit is subject to the satisfaction of the conditions set forth in Sections 103-6(C)(i)(a) and 103-6(C)(i)(c) below.

OWNER RELATED PERSON

A person with an ownership interest, whether by deed, by membership interest in the case of a limited liability company, by partnership interest in the case of a partnership, or by shareholder or corporate officer interest in the case of a corporation.

OWNER REPRESENTATIVE

With respect to any dwelling unit, a duly appointed natural person with the legal capacity to act on behalf of the owner of such dwelling unit.

PERSON

Any natural person, association, firm, syndicate, company (including any limited liability company), trust, partnership, corporation, department, bureau or agency or any other entity recognized by law.

PRINCIPAL RESIDENCE

With respect to any dwelling unit, an owner maintains a full-time permanent residence at such dwelling unit for residential living purposes and physically resides (or intends to reside) at such dwelling unit not less than 270 days in any calendar year.

RELATED PERSON

With respect to any dwelling unit, each owner of such dwelling unit and each domestic partner of an owner of such dwelling unit.

RENTAL

Occupancy or use of any dwelling unit (or any portion thereof) for residential living purposes by one or more tenant.

RENTAL PERMIT

With respect to any dwelling unit or portion thereof, a permit issued by the Building Inspector to the owner of such dwelling unit to expressly permit the use or occupancy of such dwelling unit or portion thereof as a rental unit. The following types of rental permits are provided for pursuant to this chapter: (a) a hosted short-term rental permit, (b) an owner-occupied short-term rental permit, (c) a resident short-term rental permit and (d) a long-term rental permit.

RENTAL UNIT

A dwelling unit or any portion thereof that is a rental.

RESIDENT DWELLING UNIT

With respect to any principal building located on a two-dwelling property, one of the two dwelling units located in the principal building that is not (and is not intended to be) used as a short-term rental.

RESIDENTIAL LIVING PURPOSES

With respect to any dwelling unit and a specified person or persons, such dwelling unit is physically occupied by such specified person or persons principally for customary residential habitation purposes, including sleeping and cooking.

RESIDENT-OCCUPIED

With respect to any resident dwelling unit, either: (A) such dwelling unit is the principal residence of one or more owners of such dwelling unit, or (B) such dwelling unit is the occupied by a resident tenant.

RESIDENT SHORT-TERM RENTAL PERMIT

A rental permit issued in respect of any eligible dwelling unit that is located on a two-dwelling property where the resident dwelling unit is resident-occupied. The issuance of a resident short-term rental permit shall be subject to the satisfaction of the conditions set forth in Sections 103-6(C)(i)(a) and 103-(C)(i)(d) below.

RESIDENT TENANT

With respect to any dwelling unit, one or more bona fide tenants who have the right to exclusive possession and use of such dwelling unit for residential living purposes pursuant to the terms of a written lease agreement with the owners of such dwelling unit with a term of not less than twelve (12) consecutive months.

RESIDENTIAL ZONE, RESIDENTIAL DISTRICT OR RESIDENTIALLY ZONED DISTRICT

Any district or zone in the Village that is principally zoned for, and restricted to, residential use pursuant to Chapter 150 from time to time; as of the effective date, properties located in the R-1 One-Family Residence District and the R-2 One- and Two-Family Residence District are the only residential zones or residentially zoned districts. Zones in which residential uses are permitted but where other commercial uses are generally permitted shall not be considered to be “residential zones” or a “residentially-zoned district” for purposes

of this chapter; as of the effective date, properties located in the CR Retail Commercial District, CG General Commercial District and the WC Waterfront Commercial District shall not be considered to be residential zones or residentially zoned districts.

SHORT-TERM RENTAL

The rental of any dwelling unit (or any portion thereof) for a term of less than thirty (30) consecutive days. Hotels, motels and bed-and-breakfast facilities that are being operated in accordance with Chapter 150 and for which all required and necessary permits, approvals and/or certificates are currently in place and valid shall not constitute a short-term rental.

SHORT-TERM RENTAL PERMIT

Any of the following: a hosted short-term rental permit, an owner-occupied short-term rental permit or a resident short-term rental permit.

SINGLE-DWELLING PROPERTY

Any property or lot located in a residential zone on which there is a single (1) dwelling unit.

SINGLE-UNIT RENTAL PROPERTY

Any (A) dwelling unit located in the principal building on a single-dwelling property or (B) apartment located in a condominium or residential cooperative that is in existence as of the effective date.

TENANT-OCCUPIED RENTAL PROPERTY

Any dwelling unit that is (or is intended to be) the subject of a resident short-term rental permit where the resident dwelling unit is occupied by one or more resident tenants (as opposed to one or more owners).

TENANT

With respect to any dwelling unit, or any portion thereof, any person that is not an owner of such dwelling unit and who has the right to occupy such dwelling unit or portion thereof overnight in exchange for compensation (whether in the form of rent, provision of services or other forms of compensation) to, or on behalf of, or as directed by, the owner or owners of such dwelling unit.

TWO-DWELLING PROPERTY

Any property or lot located in a residential zone on which there are two (2) dwelling units (but not more than two (2) dwelling units).

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code and any related rules or regulations adopted by New York State or New York State agencies or departments in respect thereof as in effect from time to time.

The following terms shall have the meaning set forth for such term in Chapter 150 of the Code: “Accessory Building or Structure”; “Apartment”; “Building”; “Basement”;

“Condominium”; “Hotel”; “Lot”; “Motel”; “Multifamily Dwelling”; “Principal Building”; Residential Cooperative” and “Structure”.

103-5 Rental Permits Required.

- (A) The rental of any dwelling unit or any portion thereof is prohibited in the Village of Greenport unless a rental permit is in full force and effect in respect of such dwelling unit; *provided* that, except with respect to any exempted short-term rental, the short-term rental of any dwelling unit or any portion thereof is prohibited in all cases unless such dwelling unit is an eligible dwelling unit and a short-term rental permit is in full force and effect in respect of such dwelling unit.
- (B) No person (whether an owner, owner representative, listing agent, tenant or otherwise) shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent any dwelling unit or any portion thereof (whether located in a principal building, an accessory building or structure or otherwise) located within the Village of Greenport as a rental (including, without limitation, as a short-term rental) unless such use is expressly permitted pursuant to this chapter and a valid and effective rental permit (including, to the extent applicable, a short-term rental permit) is in full force and respect in respect thereof. Any person acting as an owner or an owner’s representative or a person with authority to permit use or occupancy of a dwelling unit or portion thereof who permits such dwelling unit or portion thereof to be used as a rental (including, without limitation, as a short-term rental) in contravention of this chapter shall be guilty of a violation of this chapter.
- (C) Any employee housing, regardless of whether rent is collected and irrespective of whether any occupant thereof is considered a tenant under applicable law, shall be deemed a rental for all purposes of this chapter and shall only be permitted to the extent that a long-term rental permit is in effect with respect to the applicable dwelling unit. For the avoidance of doubt, any employee housing offered by a business entity as part of an employment arrangement or compensation package shall be considered a rental for all purposes of this chapter.
- (D) The listing of all or a portion of a property or dwelling unit for lease through a listing agent that is commonly used for vacation or other short-term rental purposes such as Air BnB, VRBO, VACASA or HomeAway shall result in the presumption that such dwelling unit is being utilized as a short-term rental. The forgoing presumption may be rebutted by reasonable evidence to the contrary presented to the Building Inspector.

103-6 LIMITATIONS AND REQUIREMENTS IN RESPECT OF RENTALS AND RENTAL PERMITS.

(A) Rental Permits Generally.

- (i) Except as provided otherwise herein, rental permits may only be obtained

for properties in a Residential Zone or where such dwelling unit has been approved and used as a rental property in any chapter 150 zoning district prior to the Village's adoption of Local Law 8 of 2025 upon compliance with Section 150-6(E)(ii).

- (ii) A rental permit (including any short-term rental permit) issued under this chapter shall only be issued to an owner(s) of the applicable dwelling unit proposed to be used as a rental unit.
 - (iii) All owners of a dwelling unit shall in all cases be jointly and severally responsible for ensuring that any rental of such dwelling unit complies with the requirements of this chapter.
 - (iv) In the case of any two-dwelling property or multifamily property, a separate rental permit shall be required in respect of each dwelling unit located thereon that is intended to be utilized as a rental unit.
 - (v) A dwelling unit may only be the subject of one rental permit at any given time which shall be one of any of the following: (a) a long-term rental permit, (b) a hosted short-term rental permit, (c) an owner-occupied short-term rental permit or (d) a resident short-term rental permit. An owner of any dwelling unit may terminate a rental permit issued to such owner in respect of such dwelling unit at any time in order to apply for a different rental permit in respect of such dwelling unit in accordance with the provisions of Section 103-7 (including the payment of any fee required to be paid in connection with an application in respect of such different rental permit pursuant to Section 103-8) by written notice to the Building Inspector and such existing rental permit shall be deemed null and void at such time as the new different type of rental permit shall become effective.
 - (vi) Issuance of a rental permit pursuant to this chapter shall not be construed as permission for, or approval, of the use of such dwelling unit or any portion thereof for any occupancy, habitation, rental or other purposes that would otherwise be in violation of a lease, cooperative bylaws, condominium association rules and regulations or any other applicable contractual agreement, law or regulation.
- (B) Dwelling Units in CR Commercial Retail District. The issuance of a rental permit in respect of any dwelling unit located in the CR Commercial Retail district shall only be permitted to the extent such dwelling unit satisfies any applicable requirements set forth in Section 150-9 of the Code. Except where such dwelling unit has been approved and used as a rental property in any chapter 150 zoning district prior to the Village's adoption of Local Law 8 of 2025 upon compliance with Section 150-6(E)(ii), in no circumstances shall a short-term rental permit be issued in respect of any dwelling unit located in the CR Commercial Retail district.

- (C) Short-Term Rental Permits. The following limitations and requirements shall apply to the issuance of any short-term rental permit and no short-term rental permit shall be issued in contravention of these provisions:
- (i) A short-term rental permit shall only be issued to an owner or owners of a dwelling unit, subject to satisfaction of each of the following conditions (as applicable):
 - (a) Eligible Dwelling Unit Required. Such dwelling unit is an eligible dwelling unit. No apartment or dwelling unit located on any multifamily property shall be the subject of a short-term rental permit unless such apartment constitutes a single-unit rental property in accordance with clause (B) of the definition thereof.
 - (b) Hosted Short-Term Rental Permit. With respect to any application for a hosted short-term rental permit:
 - (1) such dwelling unit is a single-unit dwelling unit;
 - (2) the short-term rental is only in respect of one or more bedrooms at such dwelling unit and is not for the entire exclusive right of use of the dwelling unit;
 - (3) the short-term rental is only incidental to residential use;
 - (4) at least one bedroom in the dwelling unit shall be reserved for occupancy by an owner or owners or resident tenant and not available for use by any other tenant; and
 - (5) an owner or resident tenant of such eligible dwelling unit shall be physically living on-site at such eligible dwelling unit (including overnight) during the period of any short-term rental of a bedroom at such dwelling unit.
 - (c) Owner-Occupied Short-Term Rental Permit. With respect to any application for an owner-occupied short-term rental permit:
 - (1) such dwelling unit is a single-unit dwelling unit;
 - (2) the short-term rental of such dwelling unit is only incidental to residential use; and
 - (3) such dwelling unit is owner-occupied.
 - (d) Resident Short-Term Rental Permit. With respect to any application for a resident short-term rental permit:

- (1) such dwelling unit is located on a two-dwelling property; and
 - (2) the related resident dwelling unit is resident-occupied.
 - (ii) No short-term rental permit shall be issued in respect of any accessory building or structure.
 - (iii) No short-term rental permit shall be issued in respect of any employee housing.
 - (iv) There shall be no more than one (1) short-term rental permit issued in respect of any property or lot, except in the case of a property where the dwelling units take the form of a residential cooperative or condominium, in which case, the owner or owners of an eligible dwelling unit located therein shall be entitled to a single short-term rental permit in respect of such eligible dwelling unit so long as the conditions related to the issuance thereof are satisfied as contemplated in this chapter. For the avoidance of doubt, with respect to any two-dwelling property that has an eligible dwelling unit that is the subject of a short-term rental permit, the resident dwelling unit located on the property must be resident-occupied.
 - (v) No short-term rental permit shall be issued in respect of any eligible dwelling unit if any owner-related person in respect of such eligible dwelling unit has an ownership interest in any other dwelling unit in the Village of Greenport for which there is an effective short-term rental permit in respect thereof.
 - (vi) No person shall be entitled to the issuance of more than one short-term rental permit.
- (D) Phase-in Period for Rental Permit for Employee Housing. Enforcement of the rules and regulations in this chapter in respect of any employee housing, including the requirement that any dwelling unit used in connection therewith be the subject of a long-term rental permit, shall only commence on the day occurring 60 days after the effective date; *provided* that if the owner has filed for a rental permit in respect of such employee housing within the 60 day period following such effective date, such period shall be extended to 120 days to permit time for the issuance of the applicable rental permit.
- (E) Phase-In Period for Short Term Rental Permits.
- (i) Any person applying for a rental permit (including any renewal of a rental permit) in respect of a dwelling unit shall be required to apply for a single specific type of rental permit which shall include one of the following: a hosted short-term rental permit, an owner-occupied short-term rental permit, a resident short-term rental permit or long-term rental permit and, in each

case, shall be required to satisfy all of the criteria in respect thereof contained in this chapter prior to the issuance of such rental permit.

- (ii) Any owner that has a rental permit in respect of an eligible dwelling unit that was issued prior to the effective date and who desires to continue to rent such eligible dwelling unit as a short-term rental shall promptly apply for a short-term rental permit in accordance with the terms of this chapter but in any event shall apply for such short-term rental permit by no later than 60 days after the effective date.
- (iii) From and after the date occurring 60 days after the effective date, any rental permit that was issued prior to the effective date shall be deemed to constitute a long-term rental permit and no dwelling unit subject to such rental permit shall be permitted to be a short-term rental except to the extent of any exempted short-term rental.
- (iv) Except with respect to any exempted short-term rental, enforcement of the rules and regulations contained in this chapter that require that a short-term rental be the subject of a short-term rental permit, or which otherwise solely apply to short-term rentals shall only commence on the date occurring 60 days after the effective date. *provided* that if the owner has filed for a short-term rental permit within the 60 -ay period following such effective date, such period shall be extended to 120 days to permit time for the issuance of the applicable short-term rental permit.
- (v) If an owner of a dwelling unit has committed and booked short-term rentals in respect of such dwelling unit on or prior to the effective date, such owner may within 60 days of the effective date submit in writing to the Building Inspector a list of all exempted short-term rentals applicable to such dwelling unit. Any such writing shall be made in accordance with the provisions governing written certifications set forth in Section 103-13 below and shall include a written certification by the owner of such dwelling unit in respect of any such short-term rental scheduled to occur more than ninety (90) days after the effective date to the effect that the owner or owners are unable to terminate or cancel such short-term rental without penalty, fee or incurring breakage costs.
- (vi) Application for a rental permit as provided in this section (E) requires the submission of a complete application with the time period allotted in this section (E).

103-7 APPLICATION FOR RENTAL PERMIT.

- (A) An application for a rental permit in respect of any dwelling unit required by this chapter shall: (i) be made in writing by an owner of such dwelling unit to the Building Inspector, on a form provided therefor by the Village, (ii) indicate the type

of rental permit the owner thereof is seeking in respect of the applicable dwelling unit, which shall be one of the following: a hosted short-term rental permit, an owner-occupied short-term rental permit, a resident short-term rental permit or a long-term rental permit, (iii) be accompanied by the payment of the applicable fee required under Section 103-8 and (iv) subject to clause (B) below in respect of any apartment located in a condominium or residential cooperative, include at least the following information and documentation:

- (i) The address and Suffolk County Tax Identification number of the property on which the applicable dwelling unit is located and whether the applicable dwelling unit or any other dwelling unit located on the property on which such dwelling unit is located is intended to be utilized as a short-term rental or employee housing.
- (ii) The name, physical address, mailing address and other contact details (phone and email) of (a) in the case of any long-term rental permit application, each owner of the applicable dwelling unit and (b) in the case of any short-term rental permit application, each owner-related person in respect of such eligible dwelling, including, in each case, a description of the legal form of ownership of such dwelling unit (i.e. whether title is held through a trust, limited liability company, partnership or other legal entity) and whether the dwelling unit is proposed to be professionally managed by an owner representative. If such dwelling unit is intended to be professionally managed by an owner representative, the owner shall also provide the name, physical address, mailing address and other contact details (phone and email) of such owner representative.
- (iii) A statement of the number of parking spaces on the property on which such dwelling unit is located that satisfy any applicable requirements under Sections 150-16 and this chapter of the Code. The location of each on-site parking space shall be identified.
- (iv) To the extent that more than one dwelling unit exists on the property on which the applicable dwelling unit is located: (a) the total number of dwelling units located on such property, (b) a description of whether each such dwelling unit is proposed to be used as a rental unit or is otherwise intended to be used for residential living purposes by the owner or owners of such dwelling unit and (c) a description of the location of each such dwelling unit on the property, including any applicable identifying number or letter or other identification used in respect of such dwelling unit.
- (v) A copy of a valid certificate of occupancy with respect to the applicable dwelling unit or a letter from the Village of Greenport Building Department certifying that no certificate of occupancy is required to permit such dwelling unit to be used or occupied for residential living purposes by any person.

- (vi) Evidence of liability insurance coverage for the applicable dwelling unit meeting the requirements of Section 103-17(S), including proof that such coverage shall remain in effect notwithstanding the proposed rental of the applicable dwelling unit (or portion thereof).
- (vii) A waste management plan demonstrating compliance with Section 103-17(H) and, to the extent that the authorized responsible contact persons required pursuant to Section 103-17(C) are not one or more owners of the dwelling unit, contact information (including phone and email) for such authorized responsible person.
- (viii) A signed certification by all owners of such dwelling unit as to the following matters:
 - (a) To the best knowledge of such owner, the applicable dwelling unit is safe and fit for human habitation.
 - (b) Electrical systems in the dwelling unit are serviceable with no visual defects or unsafe conditions.
 - (c) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces are vented and properly installed and flues have been cleaned within twelve (12) months of the application for such rental permit.
 - (d) The use of such dwelling unit as a rental will otherwise comply with all other applicable requirements of this chapter, including, any applicable requirements set forth in Section 103-17.
 - (e) To the best knowledge of such owner, the information otherwise contained in the rental permit application is true and correct in all material respects.
- (ix) With respect to any application for a long-term rental permit in respect of a dwelling unit to be utilized for employee housing, the following: (a) a rough, legible floor plan (which may be hand drawn) in respect of the applicable principal building identifying (1) each dwelling unit contained therein, (2) any kitchen located within any dwelling unit located in such principal building, (3) each bedroom located within each dwelling unit located in such principal building and (4) the maximum number of persons anticipated to be accommodated as a tenant or tenants from time to time in such eligible dwelling unit, and (b) a signed certification by all owners of the applicable dwelling unit to the effect that no dormitory-style sleeping arrangements are provided for in such dwelling unit and that the occupancy of such dwelling unit will not exceed that otherwise permitted pursuant to Section 103-17(K).

- (x) With respect to an application for short-term rental permit, the following:
- (a) A rough, legible floor plan (which may be hand drawn) in respect of the applicable principal building identifying (1) each dwelling unit contained therein, (2) any kitchen located within any dwelling unit located in such principal building, (3) each bedroom located within each dwelling unit located in such principal building and (4) in the case of the applicable dwelling unit that is intended to be the subject of the short-term rental permit, the maximum number of persons anticipated to be accommodated as a tenant or tenants from time to time in such dwelling unit.
 - (b) A list of all proposed methods for advertising and/or listing the applicable eligible dwelling unit as available for rental, leasing or lodging, including (1) the identification of any listing agent intended to be used in connection therewith and (2) if an independent website is to be used for purposes of advertising such rental, the web address/url for such website.
 - (c) A statement as to whether the applicable eligible dwelling unit is located on a single-dwelling property, two-dwelling property or, is apartment located in a condominium or residential cooperative that was in existence as of the effective date.
 - (d) A signed certification by the owner or owners of such dwelling unit confirming any applicable requirements in respect of the applicable short-term rental permit required to be satisfied pursuant to Section 103-6(C)(i).
 - (e) In connection with any resident short-term rental permit, either:
 - (1) if the applicable resident dwelling unit is to be occupied by one or more resident tenants in order to satisfy the requirement that the resident dwelling unit be resident-occupied, a reasonably redacted copy of the lease applicable to such resident tenant or tenants (such redaction may include personal and financial information in respect of the tenant or tenants but shall not include any of the provisions relating to the term of the applicable lease, the rights of the owner of such dwelling unit to terminate such lease from time to time or any rights of renewal in respect of such lease); or
 - (2) if the applicable resident dwelling unit is to be occupied by one or more owners of the applicable two-dwelling property in order to satisfy the requirement that the resident dwelling unit be resident-occupied, reasonably satisfactory documentary

evidence that such resident dwelling unit is the principal residence of one or more owners of such dwelling unit.

- (xi) If the rental unit is occupied by a resident tenant, a copy of the lease. In such instance, all certifications required herein shall also be signed by the resident tenant.
- (xii) Such other information as may be reasonably be required by the Building Inspector to determine whether the applicable dwelling unit is entitled to the issuance of the applicable proposed rental permit pursuant to the terms of this chapter.
- (xiii) Off-street parking requirements.
 - (a) The number of vehicles permitted overnight is limited to one (1) vehicle per bedroom.
 - (b) A parking space shall have a minimum of 180 square feet in a rectangular configuration of at least 9 feet by 20 feet.
 - (c) Tenants and guests shall park in the off-street parking spaces required by this section and shall not park on any part of the lawn of the property or on any public or private street.
- (B) For purposes of an application for a rental permit, any apartment located in a condominium or residential cooperative shall be treated as though it were a dwelling unit on a single-dwelling property and the owner shall not be required to provide any information in respect of any other dwelling units located on the related multifamily property.
- (C) For purposes of verifying any person's residence in connection with any rental permit application, acceptable evidence may include, but is not limited to, the following documents, provided they are current and clearly state the individual's name and residential address: (1) government-issued identification, such as a driver's license, state ID card or vehicle registration, (2) bank or financial institution statements dated within the preceding 90 days, (3) official correspondence from a government agency (i.e. tax authority, immigration office or social security administration). (4) voter registration card or records, (5) school or university enrolment documentation or (6) employment records or employer correspondence confirming the individual's address.
- (D) Any and all certifications, writings and other information required to be provided for purposes of this Section 103-7 shall be subject to the provisions set forth in Section 103-13.

103-8 APPLICATION FEES.

The fee required to be paid in connection with any application for, and issuance of any rental permit shall be in such amount as may be determined to be applicable with respect to such type of rental permit from time to time by resolution of the Board of Trustees. Said fee shall be due and payable in full without rebate at the time of filing for an application for such

rental permit regardless of whether a rental permit is ultimately issued in respect of the proposed application.

103-9 REVIEW OF APPLICATION: ISSUANCE OF RENTAL PERMIT.

- (A) The Building Inspector shall review each application for a rental permit in respect of any dwelling unit for completeness and accuracy as well as compliance with the other provisions set forth in this chapter, shall assure that any inspection or certification, as required pursuant to Section 103-9, shall have been completed by the Village or submitted to the Village and shall issue the applicable rental permit or provide a written denial of the application with a reasonable explanation for such denial within 60 days of the filing of a complete application for a rental permit.
- (B) No rental permit shall be issued unless such dwelling unit and the applicable property on which the applicable dwelling unit is located (including any structures located thereon) complies with all applicable local, county, state and federal laws, codes, rules and regulations that apply to the use of such dwelling unit and property for residential and/or rental purposes.
- (C) No rental permit or renewal thereof shall be issued unless the owner(s) of the applicable dwelling unit submits either (i) a certification from an independent professional engineer or registered architect, other than any owner-related person, licensed in the State of New York and containing their seal, or (ii) the certification of the Building Inspector or of an independent state certified code enforcement official, attesting, in either case, that the applicable dwelling unit is in compliance with the Uniform Code, and complies with all applicable local, county, state and federal laws, codes, rules and regulations that apply to the use of such dwelling unit for residential and/or rental purposes. Nothing in this article, except in the case of an emergency pursuant to Section 103-19 and in accord with federal law, shall be deemed to authorize any Village employee or personnel or any other person acting on behalf of the Village to conduct an inspection of any property without the consent of an owner or the property, if the dwelling unit or units are unoccupied, and if occupied, upon the consent of the occupant or owner of the property in the absence of a warrant duly issued by a court of law.
- (D) No rental permit shall be issued unless and until certification contemplated by clause (C) has been received by the Building Inspector and the Building Inspector has confirmed to its reasonable satisfaction that the applicable dwelling unit fully complies with all applicable provisions of the Uniform Code and all other applicable local, county, state and federal laws, codes, rules and regulations that apply to the use of such property for residential and/or rental purposes
- (E) An application for a rental permit may be denied for one or more of the following reasons:

- (i) The information or documentation required for the application was not submitted in full or the permit fee was not included with the application.
 - (ii) The Building Inspector has reasonable grounds to believe that any of the information or certifications contained in the rental permit application are materially incorrect or fail to state a material fact that is relevant to the determination as to whether an applicable dwelling unit is permitted to be the subject of the applicable type of rental permit being applied for, including, in connection with an application in respect of any short-term rental permit, the determination that the applicable dwelling unit satisfies the criteria to constitute an eligible dwelling unit or that any of the other applicable conditions contained in Section 103-6(C)(i) are satisfied in respect of the issuance of such short-term rental permit.
 - (iii) There are violations of the Code pending against an applicable owner or owners in respect of the applicable dwelling unit or the property on which such dwelling unit is located, including violations of this chapter, Chapter 88 (Noise) or Chapter 150 (Zoning).
 - (iv) A rental permit for the applicable dwelling unit has been revoked in accordance with the terms of this chapter within the prior three (3) years unless the owner of the applicable dwelling unit was not an owner of the applicable dwelling unit at the time such rental permit was revoked.
 - (v) The applicable dwelling unit and/or the property on which it is located is determined to be unfit for human habitation or occupancy.
 - (vi) The applicable dwelling unit or any other building or structure located on the same property, is damaged, decayed, dilapidated, unsanitary, unsafe or infested in such a manner as to create a hazard to the health and safety of the general public or any occupants of the dwelling unit or property.
 - (vii) The existence of any other condition or circumstance in respect of the applicable dwelling unit or the property on which it is located which, in the reasonable opinion of the Building Inspector is dangerous, illegal, unsafe or jeopardizes the health, welfare and safety of the general public or any occupants of the dwelling unit or property.
- (F) Any application for a rental permit, including the renewal of a permit, can be denied for the reasons set forth above. If an application is denied, notice of denial shall be given in writing and served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. If the notice is returned by the Post Office as undeliverable for any reason, so long as such notice was properly addressed, service of the notice shall be valid.

- (G) Any notice of denial shall set forth the grounds therefor and contain a statement that the applicant may appeal such denial in accordance with Section 103-15 below.
- (H) Such notice of denial shall be deemed the issuance of a determination by the administrative official charged with enforcement of this chapter.

103-10 TERM OF PERMIT; RENEWAL

- (A) The rental permit term applicable to (i) any resident short-term rental permit that relates to a tenant-occupied rental property shall be the shorter of (a) one (1) year and (b) the period between the date of issuance of such rental permit and the stated termination date on the lease applicable to the related resident dwelling unit which is provided in connection with the application for such rental permit in accordance with Section 103-7(A)(x)(e)(1); *provided* that if during the term of such short-term rental permit, the owner provides the Building Inspector with a certified copy of a lease extension with a termination date that is later than twelve (12) months from the date on which such short-term rental permit is issued, the term of such short-term rental period shall be for one (1) year from the date of original issuance thereof; (ii) any other short-term rental permit, one (1) year), and (iii) any long-term rental permit, two (2) years.
- (B) An application for the renewal of a rental permit shall be signed by the owner or owners of the applicable dwelling unit and shall be completed and filed with the Building Inspector in accordance with the requirements set forth in Section 103-7 and shall be processed in accordance with Sections 103-9 and 103-10.
- (C) A rental permit is not transferable to a new owner or owners of an applicable dwelling unit. In such cases, such new owner or owners shall be required to file a new application for a rental permit in respect of such dwelling unit within 30 days of their acquisition of such dwelling unit. Notwithstanding the foregoing, a rental, other than a short-term rental, of a property that is the subject of new ownership shall continue to be permitted for a period of 75 days following the new owner's acquisition of the applicable property in order to permit such owner to apply and receive a rental permit in accordance with the terms of this chapter.

103-11 REGISTER OF PERMITS.

Upon approval and issuance of any rental permit, the Building Inspector will assign a registration number in respect of the applicable dwelling unit. The registration number for any hosted short-term rental permit shall commence with the letter “H”; the registration number for any owner-occupied short-term rental permit shall commence with the letters “O”; and the registration number for each resident short-term rental permit shall commence with the letter “R”. The Village shall maintain a registry of all rental permits, including the address of the applicable dwelling unit, contact details of each owner and owner representative in respect thereof and the type of rental permit issued for such applicable dwelling. Such registry shall be available for inspection by the public upon reasonable request and notice.

103-12 EFFECT OF DELIVERY OF INFORMATION OR CERTIFICATIONS.

Any writing or certification required to be made by an owner pursuant to this chapter (including any information contained therein) shall be made under penalty of perjury of the laws of the Village of Greenport and the State of New York and any statement that is determined to be false, misleading or fraudulent or an omission of any material fact or information required to be disclosed in connection therewith shall constitute a violation of this chapter and shall be subject in all respects to the penalties set forth below in Section 103-18 and the suspension or revocation of the applicable rental permit in accordance with Section 103-14.

103-13 REVOCATION OF PERMIT

- (A) Grounds for Suspension or Revocation. A rental permit issued under this chapter may be suspended or revoked by the Building Inspector as a result of the occurrence of any of the following:
- (i) the Building Inspector has reasonable grounds, including based on one or more written complaints, to conclude that there is a material misstatement or omission of material information by an applicant in connection with an application for the applicable rental permit;
 - (ii) in the case of any short-term rental permit, the Building Inspector has reasonable grounds, including based one or more written complaints, to conclude that either the applicable dwelling unit that is the subject of such short-term rental permit is no longer an eligible dwelling unit or that any of the conditions applicable to the issuance of such short-term rental permit pursuant to Section 130-6(C), including, any requirements relating to occupancy or residency, are no longer satisfied;
 - (iii) any owner or owner representative has failed to comply with the provisions set forth in this chapter applicable to any rental unit owned by such owner;
or

- (iv) one or more written complaints have been filed with the Building Inspector alleging that a rental property is not being operated in accordance with the provisions set forth in this chapter that are applicable to such rental unit.
- (B) Notice and Opportunity to Cure. Prior to the effective date of any suspension or revocation of a rental permit, the Building Inspector shall give written notice to the holder of such rental permit identifying the following: (1) the specific grounds or deficiencies giving rise to the proposed action, (2) the evidence or basis supporting the determination (which may include the filing of one or more complaints in respect of the applicable rental unit), (3) that the permit holder has the right to respond in writing or in person within 14 calendar days from the date of such notice and (4) that the permit holder has the right cure any deficiency, provide additional documentation or provide the Building Inspector with an opportunity to inspect the applicable property in order to provide evidence to the Building Inspector that there are insufficient grounds for suspending or revoking the applicable rental permit.
- (C) Determination Following Response. If the holder of a rental permit timely responds to a notice of suspension or revocation, the Building Inspector shall review any submission or corrective actions taken and, within 30 days issue a final written decision either (i) withdrawing the proposed suspension or revocation if the holder of the rental permit has remedied the deficiency or demonstrated continued compliance or (ii) confirming the suspension or revocation of deficiencies remain unaddressed or the response is insufficient.
- (D) Immediate Suspension of Rental Permit for Hazardous Conditions. Notwithstanding the provisions above, the Building Inspector may immediately suspend a rental permit without prior notice if continued occupancy of the applicable rental property presents an imminent threat to the health, safety, or welfare of tenants or the general public. In such cases, the holder of the applicable rental permit shall be notified as soon as practicable and shall have the right to request a hearing within ten (10) calendar days of receipt of such notice.
- (E) Right of Appeal. An appeal from any suspension or revocation of a rental permit pursuant to this Section 103-14 may be made in accordance with Section 103-15 below.
- (F) No New Rental Permit. If a rental permit is revoked or suspended with respect to any applicable rental property, no application for a new rental permit in respect of such rental property will be accepted for filing until the applicant has remedied the conditions that formed the basis of the revocation to the satisfaction of the Building Inspector.
- (G) Temporary Absence Exception. A short-term rental permit shall not be suspended, revoked, or deemed in violation of this chapter solely because an owner or resident tenant is temporarily unable to occupy a dwelling unit; *provided* that:

- (i) The absence is due to unforeseen and compelling circumstances, including but not limited to: (a) person or family illness or medical treatment, (b) employment-related travel or reassignment, (c) military deployment or (d) natural disasters or other *force majeure* events beyond the control of such owner or resident tenant.
- (ii) The failure to so occupy a dwelling unit must not be solely for financial reasons, such as the need to generate additional income.
- (iii) The owner of the applicable rental unit must: (a) provide the Building Inspector written notice within 30 days of becoming aware of the event giving rise to the absence from the property and (b) submit reasonable supporting documentation upon request (i.e. a physician's letter, employer documentation o relevant travel orders) in respect of the event giving rise to the absence from the property.
- (iv) This exception shall not extend the validity of a short-term rental permit beyond its stated expiration date. but shall protect the short-term permit from suspension or revocation solely due to a temporary unforeseen absence from the property.

103-14 RIGHT OF APPEAL

- (A) Right of Appeal. Any owner of a dwelling unit that is aggrieved by a final decision or determination of the Building Inspector, including, but not limited to the issuance of a notice of denial in respect of the issuance of a rental permit or a notice of suspension or revocation in respect of a rental permit, shall have the right to appeal such denial to the Village Board of Trustees.
- (B) Filing of Appeal. An appeal of a decision or determination by the Building Inspector must be filed by an owner of the relevant dwelling unit or property with the Village Clerk within thirty (30) days of the date of the Building Inspector's decision or determination. Such filing must include the following:
 - (i) the name and contact information of the appellant and all other owners of the relevant dwelling unit or property;
 - (ii) a copy of the decision or determination rendered by the Building Inspector;
 - (iii) a detailed statement of the grounds for the appeal;
 - (iv) such other supporting documentation as an appellant may wish to include.

A notice of appeal shall also be accompanied by a payment of \$200 dollars, or such other fee as is determined from time to time to be applicable to hearings under this Section 103-15 by resolution of the Board of Trustees to cover the costs of processing the appeal. The Village Clerk shall forward a copy of any notice of appeal to each member of the Board of Trustees, the Building Inspector and legal counsel to the Village for further consideration and processing.

- (C) Stay of Decision. Unless the Building Inspector certifies that a stay would cause imminent peril to life or property, the filing of an appeal shall stay the decision or determination of the Building Inspector pending final determination by the Village Board of Trustees.
- (D) Hearing and Determination.
 - (i) The Village Board of Trustees shall schedule a public hearing on an appeal filed pursuant to this Section within forty-five (45) days of the filing of the appeal. Notice of the date, time and location of the hearing shall be given in writing and served by registered or certified mail, return receipt requested to the appellant at the address shown in the notice of appeal at least ten (10) days in advance of the date of such public hearing. The notice shall include a statement that (a) the appellant is entitled to be represented by legal counsel at the hearing and may present the testimony of witnesses and such other evidence in his or her own behalf as may be deemed relevant or necessary and (b) if the appellant fails to appear for the hearing, the denial or determination shall remain in full force and effect and be final.
 - (ii) The public hearing shall occur before the Board of Trustees or an administrative hearing officer (Hearing Officer) appointed by the Board of Trustees and may be adjourned by the Board or Hearing Officer only upon good cause shown. At the hearing the applicant shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. The applicant may present the testimony of witnesses, experts and other evidence in his or her own behalf as he or she deems advisable. The Building Inspector or other witnesses may appear and give testimony or submit evidence in support of the applicable decision or determination issued by the Building Inspector as deemed necessary by the Village Board of Trustees.
 - (iii) The Board of Trustees or Hearing Officer, as applicable, shall consider the evidence presented and shall submit findings in writing within thirty (30) days of the close of the hearing or sooner. The Board of Trustees or Hearing Officer, as applicable, may affirm, modify or reverse the original denial or determination by the Building Inspector. A copy of the Board of Trustees or Hearing Officer's determination shall be filed with the Building Inspector and the Village Clerk and served on the applicant or applicant's attorney in the same manner as the original notice. The Board of Trustees' or Hearing

Officer's determination, as applicable, shall be final as to the Village of Greenport.

- (iv) All hearings shall be recorded and a record thereof and of the final determination by the Board of Trustees or Hearing Officer, as applicable, shall be maintained by the Village Clerk.

103-15 PRESUMPTIONS.

- (A) The presence or existence of any of the following factors shall create a rebuttable presumption that a dwelling unit is being used for rental purposes:
 - (i) such dwelling unit is used or occupied by one or more persons that are not owners of the property (or otherwise related to such owners) at which such dwelling unit is located, and no owner is resident at such dwelling unit;
 - (ii) one or more persons residing in such dwelling unit represents that such person or one or more other persons who are not owners pay rent to the owner of such dwelling unit;
 - (iii) a sworn statement or testimony be a person having knowledge of the facts that it is common knowledge in the community that persons other than an owner (or persons related to such owner) reside at the applicable dwelling unit from time to time when no owner is present in the dwelling unit;
 - (iv) there are separate entrances for individual portions of the building containing a dwelling unit which do not provide for general access to the full building containing such dwelling unit;
 - (v) there exists a written or oral lease or rental arrangement, payment or other agreement for occupancy of portions of such dwelling unit among an owner of such dwelling unit and any other person; or
 - (vi) an advertisement or listing is available in respect of such dwelling unit which purports that such dwelling unit is available for rent, lease or a short-term stay.
- (B) The presence or existence of any of the following factors shall create a rebuttable presumption that a property is either a two-dwelling property or a multifamily property:
 - (i) there is more than one mailbox at the property on which such dwelling unit is located (in the case of a property containing two (2) mailboxes), the presumption shall be that such property is a two-dwelling property and, in

the case of a property containing three (3) or more mailboxes, the presumption shall be that such property is a multifamily property);

- (ii) there is more than one electrical, water or gas utility meter for the property on which such dwelling unit is located (in the case of a property containing two (2) such utility meters, the presumption shall be that such property is a two-dwelling property and in the case of a property containing more than three (3) such utility meters, the presumption shall be that such property is a multifamily property);
- (iii) doors located for the building in which a dwelling unit is located contain individual identification numbers such as “#1”, “#2”, “#3”, “A”, “B” etc. and provide separate ingress or egress to distinct portions of the building in which such doors are located;
- (iv) there is more than one connection line for cable television service or more than one antenna, satellite dish or related receiving equipment attached to the applicable dwelling unit;
- (v) such dwelling unit is located on a property that is identified in the Town of Southold Tax Assessor’s roll as falling under the following types of property classifications: “apartment” (but not “apartment – condo” or “apartment-co-op”) , “2 Family Res”, “multiple res” or “res multiple”, or “attached row building”; or
- (vi) there are two or more kitchens located in buildings located on the property on which such dwelling unit is located.

Any of the foregoing presumptions may be rebutted by reasonable evidence to the contrary presented to the Building Inspector.

103-16 RULES AND REGULATIONS.

Each owner of any rental unit shall comply with the following:

- (A) Each rental unit must have a valid and effective rental permit in effect.
- (B) No accessory building or structure, temporary structure, tent, trailer, camper or recreational vehicle shall be used for residential living purposes by any person in connection with any rental of a dwelling unit.
- (C) The owner or owners of any rental unit that is the subject of a short-term rental permit shall designate up to two (2) natural persons located no more than a sixty (60) minute drive from the property on which the applicable rental unit is contained who shall be available twenty-four (24) hours per day, seven (7) days per week to serve as the local responsible party for such rental unit and to immediately respond to any issues arising from any short-term rental of such rental unit other than a resident

tenant. No tenant may be a designated responsible party, but an owner may be a designated responsible party. The owner shall notify the Village in writing of the designation of a responsible party within five (5) business days of such designation or modification of any such designation. The owner or owners shall ensure that each person designated as a responsible party pursuant to this clause (C) is available at all times during any short-term rental of the relevant rental unit, including nights and weekends in order to facilitate compliance of such rental unit with the terms and conditions of this chapter and any other applicable provisions of the Code, including those set forth in Chapter 88 (Noise). For the purposes of this chapter, “availability” means that the responsible part is accessible by telephone and able to be physically present at the rental unit within three (3) hours of being contacted.

- (D) Except in those instances in which a listing agent bears the responsibility for collecting and remitting taxes and fees applicable to any short-term rental, the owner of any rental unit shall collect and pay all applicable local, state and federal taxes related to the use of the applicable dwelling unit as a rental unit, including any applicable sales, lodging or other similar taxes required to be paid pursuant to Chapter 523, Article II of the Suffolk County Code and any other taxes payable in accordance with the Code or RPL Article 12-D.
- (E) No more than two (2) bedrooms shall be permitted in the basement of any building that contains one or more rental units and only where such basement may be inhabited lawfully in accordance with the Uniform Code.
- (F) The leasing, subleasing, occupancy or use by a non-resident tenant or tenants of less than the entire dwelling unit that is the subject of a rental shall be prohibited.
- (G) The owners and tenants of any rental shall ensure that all property maintenance regulations provided for in the Village Code, Uniform Code and the United States Department of Housing and Urban Development Section 8 Housing Quality Standard Inspection checklist standards are satisfied in respect of such rental to the extent applicable.
- (H) Dumpsters are prohibited on any residentially zoned property containing a rental unit for anything other than occasional short-term use, but in such instance no dumpster shall be on-site for more than seven (7) consecutive days unless otherwise authorized by the Building Inspector in connection with an on-site construction project. The owners of any rental unit shall ensure that garbage is not left outside for a period greater than 24 hours at curbside and that all garbage on the property is removed on not less than a weekly basis. All garbage containers on any property with a rental unit shall be secured with tight-fitting covers at all times preventing leakage, spilling or odors and placed where they are not clearly visible from the street or road except around pick-up time.
- (I) The type of rental permit and rental permit registration number issued in respect of any dwelling unit that is a rental shall be displayed on all advertisements with any

listing agency. The complete rental permit registration number must be included in any listing or advertisement in respect of any rental of a dwelling unit (or any portion thereof), whether in print or online. If the applicable short-term rental permit is a hosted short-term rental permit, any listing or advertisement in respect of a short-term rental of such dwelling unit shall include a clear statement to the effect that one or more owner(s) or a resident tenant will be residing at the dwelling unit during the time of such short-term rental.

- (J) All short-term rentals shall be offered to only one party of renters at a time and may not be rented (or sub-leased) as separate bedrooms, beds or spaces to separate parties.
- (K) The maximum occupancy of any bedroom in any short-term rental or employee housing shall not be more than two (2) persons and if occupied by one (1) or two (2) adults also may include a child under twelve (12) years of age. The maximum occupancy of any other rental unit shall not exceed any limits applicable under New York or federal law.
- (L) No short-term rental or employee house shall contain dormitory-style sleeping arrangements.
- (M) Subject to the bedroom occupancy limits in (K) above, the maximum occupancy of any dwelling unit to be used as a short-term rental shall be no more than six (6) adult persons and shall in no event exceed a total of eight (8) persons (but excluding any minor children that are under the age of three (3)).
- (N) The owner of any dwelling unit that is being used as a short-term rental shall maintain a log with the actual dates of occupancy for short-term rental purposes, the total number of guests per stay and the rate(s) charged in respect of any such short-term rental for each such stay, but not any personally identifiable information about any tenants. Such records shall be maintained for a three (3) year period and shall be submitted to the Building Inspector by September 30th of each calendar year during which any short-term rental permit is in effect.
- (O) Any owner of a dwelling unit that is being used as a short-term rental shall ensure that there is prominently displayed at all times the contact names and phone numbers of the of the designated responsible contact persons for the rental of such dwelling unit required pursuant to Section 103-17(C) along with a list of the numbers for emergency services in the Village and the Town of Southold and information relating to disposal of garbage, recycling and any applicable Village restrictions relating to noise or parking.
- (P) The owner(s) of any dwelling unit that is the subject of a short-term rental permit shall not post any signs or advertisements identifying the property as a rental on the property.

- (Q) Any owner of a rental unit shall promptly notify the Building Inspector if any information contained in any rental permit application shall change in any material respect prior to the expiration of the applicable rental permit for such rental unit.
- (R) All dwelling units on any property or lot that contains more than one dwelling unit shall be individually clearly marked and identified with a unique identifying number or letter so as to enable the Village to clearly identify any rental unit as distinct from any other dwelling unit on such property or lot.
- (S) The owner(s) of any dwelling unit that is the subject of a rental permit shall maintain the following insurance with insurers licensed to write insurance in the State of New York or procured by a duly licensed excess line broker pursuant to N.Y. Insurance Law §2118 in respect of such dwelling unit: (i) property insurance sufficient to cover replacement or repair of the applicable dwelling unit and the building in which it is located and (ii) general liability insurance with a minimum coverage of \$500,000 per occurrence and \$2,000,000 in the aggregate; *provided* that if such rental is a short-term rental, the liability insurance coverage may be satisfied by insurance maintained by a listing agent that provides equal or greater coverage if the owner lists the rental of such dwelling unit with such listing agent.
- (T) The owner(s) of any rental unit shall ensure that (i) there is at least one functioning smoke detector in each bedroom in such rental unit, (ii) there are functioning smoke detectors and carbon monoxide detectors in compliance with the New York State Uniform Code, and (iii) there is a functioning fire extinguisher in the kitchen and in each other room of the rental unit that has an open flame source.

A failure to comply with any of the foregoing shall be a violation of this chapter and shall be grounds for suspension revocation of any rental permit in accordance with Section 103-14 as well as the penalties contemplated by Section 103-18 and denial of a future rental permit application.

103-17 PENALTIES FOR OFFENSES.

- (A) Any violation of this chapter shall be subject to the following consequences and penalties:
 - (i) subject to any right of appeal pursuant to Section 103-15, suspension or revocation of any applicable rental permit in accordance with Section 103-14;
 - (ii) disqualification from the receipt of any rental permit for a period of three (3) years;
 - (iii) the following civil penalties:

- (a) the first violation of this chapter within an eighteen (18)-month period by any person shall be punishable by a fine of not less than \$500 nor more than \$1500;
 - (b) the second violation of this chapter within an eighteen (18)-month period by any person shall be punishable by a fine of not less than \$1,000 nor more than \$2,500; and
 - (c) the third violation of this chapter within an eighteen (18)-month period by any person shall be punishable by a fine of not less than \$1,500 nor more than \$5,000;
- (iv) criminal penalties in a sum determined by the Village Board of Trustees; and/or
- (v) any other remedy available to the Village of Greenport under local or state law, including enforcement action or criminal prosecution for perjury and fraud.
- (B) Each day that a violation of this chapter exists shall constitute a separate violation of this chapter.
- (C) A violation existing in respect of any dwelling unit under this chapter shall be considered a violation by both the tenant and the owner of such dwelling unit and, at the sole discretion of the Village, either the tenant or the owner or both the tenant and the owner may be charged with and prosecuted for the existence of a violation.
- (D) Additionally, in lieu of imposing the fine authorized by this chapter, in accordance with Penal Law § 80.05(5), the court may sentence any defendant to pay an amount, fixed by the court, not exceeding double the amount of rent collected by an owner over the term of any occupancy in violation of this chapter.

103-18 VILLAGE AUTHORITY TO INSPECT.

- (A) Application for a search warrant. The Building Inspector is authorized to make application to any court of competent jurisdiction for the issuance of a search warrant in order to conduct an inspection of any premises covered by this chapter where the owner or occupant fails or refuses to allow an inspection of any dwelling unit or property, and where there is reasonable cause to believe that a violation of this chapter has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.
- (B) Search without warrant restricted. Nothing in this chapter, except for the provisions concerning emergency inspections, shall be deemed to authorize the Building Inspector to conduct an inspection of any premises subject to this chapter without the consent of the owner or occupant of the premises, or without a warrant duly issued by a court of competent jurisdiction.

(C) Emergencies. If, in the judgment of the Building Inspector, an emergency exists as when a condition or hazard is an immediate peril to the public health and safety, or a serious and immediate danger to person or property, he or she may enter any building or structure to inspect and investigate

103-19 SEVERABILITY.

If one or more provisions of this local law or chapter shall be deemed to be unenforceable, the remaining provisions of this local law or chapter shall remain in full force and effect.

Section 3. Amendment to Chapter 150-11.2 of Village Code. Section 150-11.2 of the Village Code is hereby amended to read as follows:

150-11.2. Residential Rentals of Property.

The use of any dwelling unit as a rental unit (as defined in Chapter 103 (Rental Properties)), including as employee housing or as a short-term rental (each as defined in Chapter 103 (Rental Properties)), is prohibited except to the extent expressly permitted pursuant to Chapter 103. Any such use of a dwelling unit requires that such dwelling unit be the subject of a valid rental permit issued under and pursuant to Chapter 103 (Rental Properties).

Section 4. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date. This local law shall take effect on the Effective Date set forth in the law.