

BILL VOG 05-25

A local law amending and restating Chapter 103 of the Code of the Village of Greenport and Section 150-112.2, in each case, to modify the regulations of rental properties.

Section 1. Chapter 103 of the Village Code is hereby amended in its entirety, to read as follows:

CHAPTER 103 (RENTAL PERMITS)

103-1 Legislative 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 and (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.

- (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 full-time 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) This chapter is intended to adequately address the foregoing findings 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) in the Village of Greenport. A dwelling unit shall be presumed to be, or contain, a rental if said dwelling unit (or any portion thereof) is not occupied by one or more owner occupants or is located in a building or structure or on a lot that contains more than one dwelling unit.

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. 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 section 150-7(B)(7).

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.

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 pursuant to Section 53-3 of the Code.

DOMESTIC PARTNER

With respect to any natural person, another natural person with whom such person

has a long-term committed personal relationship and as to which the following conditions are satisfied:

- (A) such persons are not related by blood closer than would bar marriage in the State of New York;
- (B) neither such natural person is married to any other person;
- (C) both persons are 18 years of age or older;
- (D) each such person shall declare that they are the other person's sole domestic partner;
- (E) both such persons live together in the same dwelling unit as their primary residence and declare they intend to do so for the indefinite future; and
- (F) both such persons declare that they are in a relationship of mutual support, caring and commitment and are responsible for each other's welfare and are financially interdependent. For these purposes "mutual support" means that they contribute mutually to each other's maintenance and support.

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, including facilities for living, sleeping, eating, cooking and sanitation, and whether in a principal building or an accessory building or structure, including any apartment, house, condominium or residential cooperative, but excluding in all cases 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 dwelling unit for purposes of this chapter.

KITCHEN

Any assembly of cabinets, appliances (including a refrigerator, dishwasher, range, oven and/or microwave), countertops or plumbing used in connection with the storage, preparation or cooking of food.

LISTING AGENT

Any person who lists or advertise 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 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 pursuant to this chapter in respect of a dwelling unit other than a transient 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. For purposes of this Code, properties which contain more than two (2) apartments or which are structured as a residential cooperative or condominium shall be deemed to be a multifamily property.

OCCUPIED

With respect to an Owner Occupant, means used and inhabited on a continuous basis as the person’s principal domicile.

OWNER

With respect to any dwelling unit or portion thereof, any person (including any legal entity) who alone, or jointly with others, has legal title to such dwelling unit, including a mortgagee in possession or with maintenance responsibility due to a foreclosure or other proceeding. The general partner of a partnership, director of a corporation and member of a limited liability company or any person with a beneficial interest in such entities shall be deemed to be an owner for purposes of this chapter. If the by-laws, 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.

OWNER OCCUPANT

With respect to any dwelling unit (or portion thereof), (a) an owner of such dwelling unit, (b) the spouse or domestic partner of an owner of such dwelling unit, (c) any person that is the natural born child, adopted child, step-child, foster child or child through any other legal arrangement of an owner of such dwelling unit or the spouse or domestic partner of an owner thereof or (d) any parent (whether by blood, adoption or through any other legal guardianship arrangement) of an owner of such dwelling unit or the spouse or domestic partner of an owner thereof.

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 DOMICILE/RESIDENCE

With respect to any dwelling unit or property and person, such person maintains such dwelling unit or property (or a portion thereof) as the person's principal domicile for not less than 270 days in any calendar year and, as to which, whenever absent therefrom, such person intends to return. A person may have only one principal domicile. A written certification by such person that it intends to be resident on and living at the applicable dwelling unit or property for not less than 270 days of any calendar year, accompanied by evidence of two or more of the following shall be deemed to constitute reasonably satisfactory evidence that a property constitutes a person's principal domicile:

- (A) The applicable person claims such property or dwelling unit as its domicile for purposes of voter registration.
- (B) The applicable person claims such dwelling unit or property as its domicile for purposes of the issuance of a valid New York state identification card (including a driver's license).
- (C) The applicable person has filed their most recent federal and New York State tax returns with such dwelling unit indicated as the person's home address on such returns.
- (D) Pay stubs issued within the prior six-month period to the applicable person show the applicable dwelling unit as the address of record for such person.
- (E) Evidence that social security, worker's compensation, unemployment, pension or other similar benefit payments are paid to such person at the address of such dwelling unit.
- (F) In the case of an owner of the property, the property is entitled to a Basic or Enhanced STAR exemption for purposes of Southold and Village of Greenport real property taxes.
- (G) A written certification by such person that such person (i) has not been required to file a State income tax filing in any State other than New York State

as a resident of such State in the prior two (2) year period and (ii) does not intend to, or reasonably believe that it shall be required to, file a State income tax filing in any State other than New York State as a resident of such State in the future.

RENTAL

Occupancy or use for habitation or residential use of any dwelling unit (or any portion thereof) by a 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.

RENTAL UNIT

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

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 date of adoption of Local Law __ of 2025** 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 date of adoption of Local Law __ of 2025**, 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 fourteen (14) consecutive days. Hotels, motels and bed-and-breakfast facilities that are being operated in accordance with Chapter 150 shall not constitute a short-term rental.

SINGLE-DWELLING PROPERTY

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

SPOUSE

With respect to any natural person, another natural person to whom such person is joined in a lawful union that is recognized as a marriage under New York State law.

TENANT

With respect to any dwelling unit, or any portion thereof, any person that is not an owner occupant in respect 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).

TRANSIENT RENTAL.

The rental of any dwelling unit (or any portion thereof) for a term of more than fourteen (14) consecutive days but less than thirty (30) consecutive days that is subject to regulation as a “short-term residential unit” under (and as defined in) New York Real Property Law Article 12-D.

TRANSIENT RENTAL PERMIT.

Any rental permit issued in accordance with this chapter in respect of any dwelling unit or portion thereof that is intended to be rented as a Transient Rental from time to time.

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 Section 150-2 of the Code: “Accessory Building or Structure”; “Apartment”; “Building”; “Basement”; “Condominium”; “Hotel”; “Lot”; “Motel”; “Multifamily Dwelling”; “Principal Building”; “Residential Cooperative” and “Structure”.

103-5 Short-Term Rentals. The short-term rental of any dwelling unit or any portion thereof is prohibited in the Village of Greenport and 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 short-term rental. 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 short-term rental in contravention of this Section shall be guilty of a violation of this chapter.

103-6 RENTAL PERMIT 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. 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 unless such use is expressly permitted pursuant to this chapter and a valid and effective 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 in contravention of this Section shall be guilty of a violation of this chapter.
- (B) It shall be unlawful and a violation of this chapter for any person to cause to be published any advertisement for the rental of any dwelling unit or any portion thereof in the Village of Greenport without including the applicable rental property registration number for the rental permit applicable to such dwelling unit.
- (C) A rental permit (including any transient rental permit) issued under this chapter shall only be issued to the owner(s) of the applicable dwelling unit proposed to be used as a rental unit. The owner or owner(s) of the applicable dwelling unit shall in all cases be responsible for ensuring that any rental of such dwelling unit complies with the requirements of this Chapter.

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) be accompanied by the payment of the fee required under Section 103-11 and (iii) include at least the following information:
 - (1) The address, zoning classification of, and Suffolk County Tax Identification number of the property on which the applicable dwelling unit is locate and whether the applicable dwelling unit or any portion thereof is intended to be utilized as a Transient Rental.
 - (2) The name, physical address, mailing address and other contact details (phone and email) of the owner applicant and, if there is more than one

owner of the applicable dwelling unit, the name and address of each other owner of the applicable dwelling unit, including a description of the legal form of ownership of such dwelling unit and whether the dwelling unit is proposed to be professionally managed by an owner representative, together with a copy of the deed for the applicable dwelling unit or other satisfactory evidence of ownership of such dwelling unit. To the extent the owners of the applicable dwelling unit is a legal entity, the applicant shall also provide a copy of the relevant constituent documents (i.e. operating agreement, trust agreement, partnership agreement or other similar agreement) governing such legal entity and the name, address and contact information in respect of each natural person with a direct or indirect ownership interest in such legal entity including all individuals who have an interest in any entity with an interest in an entity owner. The constituent documents provided pursuant to this clause (2) may be redacted in respect of private and confidential information in a manner reasonably satisfactory to the Building Inspector. For the avoidance of doubt, no such redaction shall include the name of any person (including any natural person or entity) with a direct or indirect ownership interest in the applicable property.

- (3) A floor plan of the applicable dwelling unit, including the total square footage of the applicable dwelling unit and identifying: (i) any kitchen located within the applicable dwelling unit, (ii) any bathroom facilities located within the applicable dwelling unit, (iii) each bedroom located within the applicable dwelling unit and indicating whether such bedroom is intended to be made available for occupancy by a tenant or tenants and (iv) identifying the maximum number of persons anticipated to be accommodated as a tenant or tenants.
- (4) Latest survey of the property showing the size and location of the lot and all buildings and structures thereon.
- (5) A statement of the number of parking spaces on the property on which such dwelling unit is located that satisfy the requirements of Section 150-16 of the Code (including, Section 150-16(A)(2) and 150-16(A)(3)).
- (6) To the extent that more than one dwelling unit exists on the property on which the applicable dwelling unit is located: (i) the total number of dwelling units located on such property, (ii) a description of whether each

such dwelling unit is proposed to be used as a rental unit or is otherwise intended to solely be occupied by an owner and/or one or more owner occupants and (iii) 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.

- (7) 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 purposes.
- (8) A summary of any open building permits in respect of the applicable dwelling unit including an indication of whether such open building permit relates to active construction at such dwelling unit.
- (9) Evidence of liability insurance coverage for the applicable dwelling unit, including proof that such coverage shall remain in effect notwithstanding the proposed rental of the applicable dwelling unit (or portion thereof). To the extent that the dwelling unit or any portion thereof is intended to be used as a transient rental property, such evidence of insurance shall demonstrate compliance with the requirements set forth in N.Y. Real Prop. Law §447-b(f).
- (10) A signed and notarized affidavit by the owner or owners of such dwelling unit certifying as to the following matters:
 - (i) To the best knowledge of such owner, the applicable dwelling unit is safe and fit for human habitation.
 - (ii) To the best knowledge of such owner, the property is in compliance with applicable provisions of the Code, including Chapter 150 and the Uniform Code and either a valid certificate of occupancy is in place in respect of all existing buildings and structures on the property on which such dwelling unit is located or that the Village Building Department has certified that no such certificate of occupancy is required.
 - (iii) That: (a) at least one functioning smoke detector is in each bedroom in such dwelling unit, (b) there is at least one functioning smoke detector in one other room on each floor or level within the

dwelling unit, (c) there is a functioning fire extinguisher in the kitchen and in each other room of the dwelling unit that has an open flame source and (d) there is at least one carbon monoxide detector in such dwelling unit on each floor or level.

- (iv) The exterior doors of such dwelling unit are operational and all passageways to such exterior doors are clear and unobstructed.
 - (v) Electrical systems in the dwelling unit are serviceable with no visual defects or unsafe conditions.
 - (vi) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces are vented and properly installed and flues have been cleaned within twelve months of the application for such rental permit.
 - (vii) The use of such dwelling unit as a rental will otherwise comply with all other applicable requirements of this chapter.
 - (viii) To the best knowledge of such owner, the information otherwise contained in the rental permit application is true and correct in all material respects.
- (11) With respect to any application for a transient rental permit, the following:
- (i) evidence that such dwelling unit has been registered with New York State as a “short-term residential rental unit” (as defined in New York Real Property Law §447-a) in accordance with, and when required by, New York Real Property Law §447-c;
 - (ii) a signed and notarized affidavit by the owner or owners of such dwelling unit certifying as to the following matters: (a) such dwelling unit has been registered with New York State as a “short-term residential rental unit” in accordance with the requirements of N.Y. Real Prop. Law Article 12-D, (b) no portion of such dwelling unit is used to provide single room occupancy as defined N.Y. Multiple Residence Law §4(ff) or N.Y Multiple Dwelling Law §4(16), (c) such dwelling unit or any portion thereof that is intended to be utilized as a transient rental property includes a conspicuously posted evacuation diagram identifying all means of egress from

the unit and the building in which it is located, (d) such dwelling unit or any portion thereof that is intended to be utilized as a transient rental property includes a conspicuously posted lists of emergency phone numbers for police, fire and poison control, (e) any portion of such dwelling unit that is intended to be available as a transient rental property has a working fire-extinguisher, (f) such dwelling unit is not subject to the 1974 emergency tenant protection act, the 1996 rent stabilization law, the emergency housing rent control law, the local emergency housing rent control act or is otherwise regulated or supervised by a federal, state or local agency pursuant to any other law or rule or an agreement with such federal, state or local agency, (g) such dwelling unit is in compliance with the Uniform Code, the Village Code and any and all other health and safety requirements established by the Village from time to time in respect of residential dwelling units and (h) the owner of such dwelling unit has otherwise complied with and will continue to comply with all requirements set forth in N.Y. Real Prop Law Article 12-D in respect of the use of such dwelling unit or portion thereof as a “short-term residential rental unit”;

(iii) a list of all proposed methods for advertising and/or listing the applicable dwelling unit as available for rental, leasing or lodging, including (a) the identification of any listing agent intended to be used in connection therewith and (b) if an independent website is to be used for purposes of advertising such rental, the web address/url for such website.

(12) A waste management plan demonstrating compliance with Section 103-15(K) and information in respect of persons required to be designated as contacts for the rental of such dwelling unit pursuant to Section 103-15(D).

(13) 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.

- B. The owner of rental property or a dwelling unit shall apply for a rental permit before the property or dwelling unit is advertised for rent or if the vacancy is not advertised then such permit shall be obtained before the premises are leased or used by one other an owner. The rental permit number shall be noted on all advertisements.

- C. If ownership of rental property is transferred to a new owner, the new owner shall apply for a rental permit within thirty (30) days of the closing of title if any portion of the property is rented or leased at the time of closing. If an application is not filed as required by this article there shall be a presumption that the property is being utilized as rental property by the new owner(s) in violation of law.

103-8 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 103-12, 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) An application for a rental permit or a renewal may be denied for one or more of the following reasons:
 - (i) The information or documentation required for the application was not submitted or the permit fee was not included with the application.

 - (ii) There are violations pending against an applicable owner or owners in respect of violations of the Code in respect of the applicable dwelling unit and/or related property, including violations of this chapter or Chapter 150.

 - (iii) A rental permit for the applicable dwelling unit has been revoked within the past year unless the owner of the applicable dwelling was not an owner of the applicable dwelling unit at the time such rental permit was revoked.

- (iv) The rental property, or parts thereof, is determined to be unfit for human habitation or occupancy or a hazard to the public because of the failure of the owner or occupant to comply with notice(s) or order(s) issued by the Village, or due to a prolonged lack of maintenance or owner failure.
- (v) The rental property, or parts thereof, contains unsafe equipment, wiring, pipes or other conduit or installation, or lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.
- (vi) The rental property, or parts thereof, is damaged, decayed, dilapidated, unsanitary, unsafe or infested in such a manner as to create a hazard to the health and safety of the occupants or the public.
- (vii) The rental property, because of its location, general condition, state of the premises, number of occupants or other reason, is unsanitary, unsafe, hazardous, overcrowded or for other reasons is detrimental to the health and safety of the occupants or the general public in whole or part.

The existence of any other condition or circumstance which, in the opinion of the Village Building Department is dangerous, illegal, unsafe or jeopardizes the health, welfare and safety of the general public or occupants.

(C) 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 for any occupancy or residential purpose 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.

(D) Basis for denial. Any application for a rental permit, including the renewal or transfer of a permit, can be denied for the reasons set forth in § 103-8(B). 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, as long as it was properly addressed, service of the notice shall be valid.

- (E) Notice of denial. The notice of denial shall set forth the grounds therefor and contain a statement that the applicant may appeal such denial by filing a written request for an appeal thereof with the Greenport Village Clerk within twenty (20) days of receipt of the notice of denial, together with payment of two hundred (\$200) dollars or such other fee as determined from time to time by resolution of the Board of Trustees to cover the costs of processing the appeal. The notice shall also contain a statement that the applicant may submit written objections to the denial, and any other information the applicant deems advisable or necessary. The Village Clerk shall forward a copy of the appeal to the Village Attorney for further processing.
- (F) Notice of hearing. Notice of the date, time and place of the appeal hearing shall be given in writing and served by registered or certified mail, return receipt requested to the applicant at the address shown on the application. The notice shall contain a statement that (1) the applicant 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 (2) if the applicant fails to appear for the hearing, the denial shall remain in full force and effect and be final.
- (G) Conduct of hearing. The hearing shall occur before the Board of Trustees of 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 code officer or other witness may appear and give testimony or submit evidence in support of the determination to deny a permit, or to deny the transfer or renewal of same, as deemed necessary by the Village. All hearings shall be recorded.
- (H) The Board or Hearing Officer shall consider the evidence presented and shall submit findings in writing within thirty (30) days of the close of the hearing or sooner. A copy of the Hearing Officer's determination shall be filed with the Building Department and the Village Clerk, and served on the applicant or applicant's attorney in the same manner as the original notice. The Hearing Officer's determination shall be final as to the Village of Greenport.
- (I) Once an application has been denied, no reapplication for a permit, or a renewal or transfer of a permit, shall be accepted for filing until the applicant has

remedied the conditions that formed the basis for denial to the satisfaction of the Village Building Department.

103-9 TERM OF PERMIT; RENEWAL.

- (A) All rental permits shall have a term of 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 Section 103-8.
- (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 so long as the new owner meets the predicate requirements herein and provides the Village with contact information.

103-10 REGISTER OF PERMITS.

Upon approval of any rental permit, the Building Inspector will assign a registration number in respect of the applicable rental property. The registration number of any rental permit must be included in any listing or advertisement in respect of any rental, whether in print or online. The Village shall maintain a registry of all rental permits, including the address of the applicable dwelling unit, contact details of the owner or an owner representative in respect thereof, the type of rental permit issued for such applicable dwelling, the total number of bedrooms available for tenancy within the applicable dwelling unit, the total number of persons allowed to occupy the applicable dwelling unit and the applicable registration number. Such registry shall be available for inspection by the public upon reasonable request and notice.

103-11 FEES.

The fees applicable to the filing and issuance of any rental permit shall be as follows:

- (A) Application for, and issuance of, any long-term rental permit: \$250 or such other amount as may be determined 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.

- (B) Application for, and issuance of, a transient rental permit: \$500 or such other amount as may be determined 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.
- (C) A late charge equal to two times the amount of the permit fee, prorated for the period of delay, shall be charged to owners and/or managing agents who fail to apply for a rental permit or renew their permits on a timely basis.

103-12 **INSPECTIONS.**

- (A) No rental permit or renewal thereof shall be issued unless the applicable property (including any structures located thereon) is in compliance with all the provisions of the Code of the Village of Greenport, and meets the requirements of all applicable county, state and federal laws, codes, rules and regulations.
- (B) No rental permit or renewal thereof shall be issued unless the property owner submits a certification from an independent professional engineer or registered architect, other than the property owner, licensed in the State of New York and containing their seal, or the certification of a Village Building Department official, or of an independent state certified code enforcement official, attesting that the property at issue is in compliance with the Village Code and Uniform Code, and meets the requirements of all applicable county, state and federal laws, codes, rules and regulations. Nothing in this article, except in the case of an emergency pursuant to §103-17 and in accord with federal law, shall be deemed to authorize the Village to conduct an inspection of any property without the consent of the owner, 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.
- (C) In lieu of an inspection of an applicable dwelling unit by the Building Inspector, an applicant may provide a written certification from a licensed architect or engineer dated no more than 30 days prior to the filing of an application for a rental permit for such dwelling unit which certifies that the applicable dwelling unit and related property fully complies with the provisions of the Uniform Code,

Chapter 150 of this Code and any other provisions of this Code that apply to the use of such property for residential purposes or as a rental property.

- (D) No rental permit shall be issued unless and until the inspection contemplated by clause (A) above has been completed or the certificate contemplated by clause (B) or (C) has been received by the Building Inspector and the Building Inspector has confirmed to its reasonable satisfaction that the applicable dwelling unit and related property fully comply with the provisions of the Uniform Code, Chapter 150 of this Code and any other provisions of this Code that apply to the use of such property for residential purposes or as a rental property.

103-13 **REVOCAION OF PERMIT**

- (A) The Building Inspector may revoke a rental permit, under the following circumstances and in accordance with the procedure herein, if at any time there exists and remains open any violation of any provision of this chapter or any other provision of the Village Code or the Uniform Code in respect of such dwelling unit for a period of more than 14 consecutive calendar days after written notice has been provided to the owner or owner representative of such dwelling unit by mail, certified mail or hand delivery. Violations for which a rental permit may be revoked include, among other things:
 - (i) a material misstatement by an applicant in an application for a rental permit;
 - (ii) a failure by any person to comply with any provisions of this chapter applicable to such person in respect of the applicable rental unit, including those requirements set forth in Section 103-15;
 - (iii) any condition exists on the premises of any property on which a rental unit is located that constitutes a public nuisance; or
 - (iv) the removal, disabling or disrepair of any safety device required to be maintained on any rental property pursuant to the terms of this chapter.
- (B) An appeal from any revocation of a rental permit pursuant to this Section 103-13 may be made in writing by the owner of the applicable dwelling unit to the Board of Trustees within 30 days from the date of such revocation. The Village Board of Trustees shall hold a public hearing on such appeal within 30 days after receipt of a written notice of such appeal and, after such hearing, shall make in

writing a decision either sustaining such permit revocation or reinstating such rental permit within 30 days after the close of such public hearing.

- (C) If a rental permit is revoked, no application for a new rental permit will be accepted for filing until the applicant has remedied the conditions that formed the basis of the revocation to the satisfaction of the Village Building Department, if applicable. Once remedied, the applicant will have to apply for a new permit and pay the fee as in the case of an original application.

103-14 **PRESUMPTIONS.**

- (A) The presence or existence of any of the following factors shall create a rebuttable presumption that a dwelling unit constitutes a rental property:
 - (i) such dwelling unit is used or occupied by one or more persons that are not owner occupants and no owner occupant 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 owner occupants pay rent to the owner of such dwelling unit;
 - (iii) utilities, cable television, phone or other services for such dwelling unit and its related property are in place or requested to be installed or used at such dwelling unit with billing in the name of a person other than an owner occupant of such dwelling unit;
 - (iv) a sworn statement or testimony by a person having knowledge of the facts that it is common knowledge in the community that a person other than an owner occupant resides in the applicable dwelling unit;
 - (v) 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;
 - (vi) there exists a written or oral lease or rental arrangement, payment or other agreement for occupancy of portions of such dwelling unit among the owner of such dwelling unit and any other person, other than an owner occupant;

- (vii) one or more residents of such dwelling unit do not have unimpeded and/or lawful access to all parts of all buildings and structures located on the property on which such dwelling unit is located;
 - (viii) voter registration, motor vehicle registration, a driver's license or any other document filed with a public or private entity states that the owner of the applicable dwelling unit resides at an address other than the applicable dwelling unit; or
 - (ix) 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 more than three (3) 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) there is more than one doorbell or entrance on the same side of a dwelling unit;
 - (iv) 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;
 - (v) with respect to any building or structure that contains a dwelling unit, there are internal partitions or internal doors which serve to bar access between separate portions of such building or structure and other

portions of such building or structure which are used for residential purposes, including, but not limited to bedrooms;

- (vi) an occupant or person in possession of such dwelling unit does not have unimpeded and/or lawful access to all parts of the applicable dwelling unit;
 - (vii) there are bedrooms in the applicable dwelling unit that are separately locked and require different keys or codes for entry;
 - (viii) 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;
 - (ix) more than four (4) motor vehicles are registered to the applicable dwelling unit;
 - (x) 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
 - (xi) there are two or more kitchens located in buildings located on the property on which such dwelling unit is located.
- (C) The listing of all or a portion of a property or dwelling unit for lease on a website or application 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 and/or as a transient rental.
- (D) It shall be presumed that a bedroom is over-occupied if the number of mattresses in a bedroom exceeds the maximum number of occupants permitted for the bedroom pursuant to Section 103-15.

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

103-15 **RULES AND REGULATIONS.**

The owner of any dwelling unit located in the Village and any property that is the subject of a rental in the Village shall comply with the following:

- (A) No property shall be the subject of a rental unless it is approved for residential occupancy and the applicable dwelling unit is the subject of a valid certificate of occupancy.
- (B) All rentals must have a valid and effective rental permit in effect.
- (C) No accessory building or structure, temporary structure, tent, trailer or recreational vehicle shall be used as a rental unit.
- (D) The owner of any rental property shall designate up to two (2) natural persons located no more than a sixty (60) minute drive from the property on which any rental 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 property and to immediately respond to any issues arising from at the rental property. A owner occupant 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.
- (E) The owner of any rental property shall collect and pay all applicable local, state and federal taxes, including any applicable sales or lodging taxes required to be paid pursuant to Chapter 523, Article II of the Suffolk County Code and any other taxes payable in accordance with N.Y. Real Property Law Article 12-D.
- (F) No more than two (2) bedrooms shall be permitted in the basement of any building that contains one or more rental properties and only where such basement may be inhabited lawfully in accordance with the Uniform Code.
- (G) The leasing, subleasing, occupancy or use by a tenant of less than the entire dwelling unit that is the subject of a rental shall be prohibited.
- (H) The owner(s) and tenant(s) of any rental property shall ensure that all applicable parking regulations provided in the Code are satisfied.
- (I) A rental shall only be occupied or otherwise utilized in accordance with the certificate of occupancy issued in respect of the applicable dwelling unit and property.

- (J) The owner(s) and tenant(s) shall ensure that all property maintenance regulations provided for in the 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 the applicable rental property, as applicable.
- (K) Dumpsters are prohibited on property containing a rental for anything other than incidental short-term use. The owner of any dwelling unit or property with a rental shall ensure that garbage is not less outside for a period greater than 24 hours at curbside and that all garbage on the property is removed on a weekly basis. All garbage containers on any property with a rental 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.
- (L) The type of rental permit and rental permit registration number issued in respect of any rental permit shall be displayed on all advertisements with any listing agency.
- (M) No rental for a period of less than twelve (12) consecutive months is permitted in any part of the Village that is zoned CR Retail Commercial, CG General Commercial, WC Waterfront Commercial or Park.
- (N) All transient rentals shall be offered to only one party of renters at a time and may not be rented as separate bedrooms, beds or spaces to separate parties.
- (O) The maximum occupancy of any bedroom in any transient rental shall not be more than two (2) adults and a child under twelve (12) years of age. The maximum occupancy of any other rental shall not exceed any limits applicable under New York or federal law.
- (P) The maximum occupancy of any dwelling unit to be used as a transient 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)).
- (Q) The owner of any property that is being used as a transient rental shall maintain a log with the number of guests and the beginning and ending dates of each transient rental. Such record shall be submitted to the Building Inspector by September 30th of each calendar year. Failure to submit the same may result in

a subsequent rental application being considered incomplete and ineligible for a transient rental permit

- (R) The owner of any property that is being used as a transient rental shall ensure that there is prominently displayed at all times the contact names and phone numbers of the designated representatives for the property along with a list of the numbers for emergency services in the Village and the Town and information relating to garbage, recycling, winter parking and noise.
- (S) The owner of any transient rental shall not post any signs or advertisements identifying the property as a rental on the property.
- (T) The owner of any 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.
- (U) 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.
- (V) The owner shall maintain liability insurance in respect of the property on which any rental unit is located during all times that such property is subject to a rental permit on terms substantially the same as those contained in the liability insurance policy provided with the application for such insurance permit. The insurance policies applicable to any dwelling unit that is the subject of a transient rental permit shall satisfy the requirements applicable to a “short-term residential rental unit” under N.Y. Real Property Law Article 12-D.
- (W) The dwelling unit shall contain a conspicuously posted evacuation diagram identifying all means of egress from the dwelling unit and the building in which it is located.
- (X) The dwelling unit shall contain a conspicuously posted list of emergency phone numbers for police, fire, and poison control.
- (Y) The dwelling unit shall have a working fire-extinguisher.

- (Z) The dwelling is insured by an insurer licensed to write insurance in New York or procured by duly licensed excess line broker pursuant to New York State Insurance Law 2118 covering at least the value of the dwelling, plus a minimum of \$300,000 for third party claims of property damage or bodily injury that arise out of the operation of a rental unit.

A failure to comply with any of the foregoing shall be a violation of this chapter and shall be grounds for revocation of any rental permit in accordance with Section 103-13 as well as the penalties contemplated by Section 103-16.

103-16 PENALTIES FOR OFFENSES.

In addition to revoking any rental permit in accordance with Section 103-13, the following penalties apply in respect of a violation of the provisions of this chapter:

- (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.
- (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.
- (D) Each day that a violation of this chapter exists shall constitute a separate violation of this chapter.
- (E) 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.
- (F) 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.

103-17 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 the rental 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

103-18. 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 2. 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 3. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

CHAPTER 150-11.2 SHORT-TERM RENTALS PROBHITIED.

150-112. Residential Rentals of Property.

The rental (as defined in Chapter 103), including any short-term rental (as defined in Chapter 103) of any property for residential purposes is prohibited except to the extent expressly permitted pursuant to Chapter 103. Any rental of property within the Village of Greenport for residential use shall be the subject of a valid rental permit issued under and pursuant to Chapter 103.