

TOWN OF ITHACA

LOCAL LAW NO. ___ OF THE YEAR 2021

**A LOCAL LAW ADDING SHORT-TERM RENTAL PROVISIONS
TO CHAPTER 270, ZONING, OF THE TOWN OF ITHACA CODE**

Be it enacted by the Town Board of the Town of Ithaca as follows:

Section 1. Chapter 270 (Zoning), Article III (Terminology) of the Town of Ithaca Code, Section 270-5, titled “Definitions,” is amended by adding the following definitions:

SHORT-TERM RENTAL USE -- The rental by a tenant of a dwelling unit, or portion thereof, for a period of less than 30 consecutive days. “Period” includes consecutive terms of rental to the same tenant(s).

HOSTED SHORT-TERM RENTAL USE -- A short-term rental use where the owner lives and sleeps in the rented unit, or in another dwelling unit on the same or an adjacent tax parcel, throughout the short-term renter’s stay, and no more than two bedrooms are rented at any one time.

UNHOSTED SHORT-TERM RENTAL USE -- A short-term rental use where the owner does not live and sleep in the rented unit, or in another dwelling unit on the same or an adjacent tax parcel, throughout the short-term renter’s stay.

Section 2. Chapter 270 (Zoning), Article V (Conservation Zones) of the Town of Ithaca Code, Section 270-14, titled “Permitted accessory buildings or uses,” is amended by adding a subsection L reading as follows:

“L. Short-term rental uses, subject to the limitations on short-term rental uses set forth in § 270-219.7.”

Section 3. Chapter 270 (Zoning), Article VI (Agricultural Zones) of the Town of Ithaca Code, Section 270-29, titled “Permitted accessory buildings and uses,” is amended by adding a subsection M reading as follows:

“M. Short-term rental uses, subject to the limitations on short-term rental uses set forth in § 270-219.7.”

Section 4. Chapter 270 (Zoning), Article VII (Lakefront Residential Zones) of the Town of Ithaca Code, Section 270-43, titled “Permitted accessory buildings and uses,” is amended by adding a subsection M reading as follows:

“M. Short-term rental uses, subject to the limitations on short-term rental uses set forth in

§ 270-219.7. For purposes of this subsection M only, a short-term rental use in the Lakefront Residential Zone is considered an accessory use even if the dwelling unit is used for an unhosted short-term rental use during a majority of days in a calendar year.”

Section 5. Chapter 270 (Zoning), Article VIII (Low Density Residential Zones) of the Town of Ithaca Code, Section 270-56, titled “Permitted accessory buildings and uses,” is amended by adding a subsection N reading as follows:

“N. Short-term rental uses, subject to the limitations on short-term rental uses set forth in § 270-219.7.”

Section 6. Chapter 270 (Zoning), Article IX (Medium Density Residential Zones) of the Town of Ithaca Code, Section 270-68, titled “Permitted accessory buildings and uses,” is amended by adding a subsection M reading as follows:

“M. Short-term rental uses, subject to the limitations on short-term rental uses set forth in § 270-219.7.”

Section 7. Chapter 270 (Zoning), Article X (High Density Residential Zones) of the Town of Ithaca Code, Section 270-79, titled “Permitted accessory buildings and uses,” is amended by adding a subsection K reading as follows:

“K. Short-term rental uses, subject to the limitations on short-term rental uses set forth in § 270-219.7.”

Section 8. Chapter 270 (Zoning), Article XXVI (Special Regulations) of the Town of Ithaca Code, is amended by adding Section 270-219.7, titled “Short-term rental uses” and reading as follows:

“§ 270-219.7 Short-term rental uses.

A. Purpose and legislative intent.

(1) The purpose of this section is to establish appropriate regulations for short-term rental uses in the Town. While the Town recognizes that some property owners wish to rent to others on a short-term basis all or part of dwelling units they own, the Town also recognizes that it has an obligation to protect the public health, safety and welfare and minimize the adverse effects of such short-term rental uses.

(2) By enacting this section, the Town intends to:

(a) Protect the health, safety and welfare of the community and of persons occupying short-term rentals;

(b) Prevent to the greatest extent practicable public safety risks and other impacts,

including, but not limited to, increased noise, trash, traffic, and parking impacts associated with short-term rental uses;

- (c) Protect neighborhood character and minimize the impact of short-term rental uses on neighbors and residential properties;
- (d) Protect property values of the community;
- (e) Protect housing affordability within the community for long-term residents, whether owners or renters;
- (f) Assist homeowners to stay in their homes by allowing some short-term rental use of their homes to generate income to defray their cost of homeownership;
- (g) Enable property owners to provide lodging for visitors to the Town during periods of peak visitor and tourist demand, such as university and college graduation weekends and holiday weekends; and
- (h) Promote the efficient use of housing stock.

B. Applicability. This section applies to all short-term rental uses except:

- (1) Rentals of dwelling units that are owned by cooperative corporations and subject to proprietary leases under the Cooperative Corporations Law.
- (2) House sitting arrangements where a house sitter occupies an owner's principal residence while the owner is away, the house sitter provides security, maintenance and/or pet care, and the house sitter pays no money or other financial consideration to the owner in exchange for the occupancy. For the purposes of this § 270-219.7, the ownership and minimum residency requirements in subsection D below must be met for a dwelling unit to be considered an owner's principal residence.

C. Except as prohibited by the New York Multiple Dwelling Law, a short-term rental use is permitted, subject to this section's provisions, in a principal dwelling unit or an accessory dwelling unit in all zoning districts that allow a short-term rental use as a permitted accessory use.

D. (1) Except in the Lakefront Residential Zone, short-term rental uses may occur only in a dwelling unit that is the principal residence of at least one of the property owners, in another dwelling unit on the same tax parcel as the principal residence, or in a dwelling unit on no more than one adjacent tax parcel that is owned by the same owner(s). No other owner(s), collectively or individually, shall own a larger percentage of the tax parcel(s) than the owner-occupant(s), who must reside in the principal residence for a minimum of 185 days per year.

- (2) An owner may obtain up to two operating permits at any one time from the Town for dwelling units used for short-term rental uses, with no more than one of the two permits being for an unhosted short-term rental use.

E. Provisions applicable to hosted and unhosted short-term rental uses.

The following requirements apply to both hosted and unhosted short-term rental uses:

(1) Operating permit required.

- (a) Each dwelling unit used or offered for a short term rental use shall require a valid operating permit issued pursuant to Town of Ithaca Code Chapter 125 (Building Construction and Fire Prevention), §125-8. Each operating permit shall specify whether it is for a hosted or an unhosted short-term rental use, only one such use being allowed per unit. Before the expiration or renewal of an existing operating permit, it shall be the responsibility of the owner of such unit to schedule an inspection with the Town of Ithaca Code Enforcement Department in order to obtain a new or renewed permit.
- (b) Owners of dwelling units used or offered for short-term rental uses as of January 1, 2022, must apply by April 1, 2022 for operating permits. Owners of dwelling units that are not used or offered for short-term rental uses as of January 1, 2022, but that are subsequently used or offered for short-term rental uses, must apply for operating permits prior to such use or offer for a short-term rental use. After an operating permit is obtained, it must be maintained throughout the period that such unit is used or offered for a short-term rental use.
- (c) The Code Enforcement Department shall issue an operating permit upon verification by inspection that the items listed in Subsection (1) through (13) below meet the requirements of the applicable New York State Uniform Fire Prevention and Building Code and the items listed in Subsection (14) and (15) below meet the requirements of the Town of Ithaca Code:
 - (1) 911 address number properly posted (with each unit posted);
 - (2) Exterior structure in good repair;
 - (3) Entrances, access areas, parking spaces and similar areas in good repair;
 - (4) Receptacles for proper storage of garbage;
 - (5) Compliant pools and decks (if present);
 - (6) Working smoke and carbon monoxide detectors;
 - (7) Interior structure in good repair;
 - (8) Fire separation (where required);
 - (9) Electrical, plumbing and heating in good repair;
 - (10) Appliances in good repair (if supplied by landlord);
 - (11) Proper light and ventilation;

- (12) Proper room sizes;
- (13) Proper egress doors or windows;
- (14) Compliant off-street parking, per § 270-227 and this section;
- (15) Exterior property areas do not violate Town of Ithaca Code Chapter 205 (Property Maintenance).

- (d) A Code Enforcement Officer shall seek a search warrant from a court of competent jurisdiction whenever the owner, managing agent or occupant fails to allow inspections of any premises believed to be subject to this section and where there is a reasonable cause to believe that there is a violation of this section, Town of Ithaca Code Chapter 205 (Property Maintenance), or the New York State Uniform Fire Prevention and Building Code.
- (e) Failure of an owner of any unit that is required to have an operating permit to apply for an operating permit in a timely manner, to obtain an operating permit after inspection, or to maintain a valid operating permit after it is granted throughout the period that such unit is used or offered for short-term rental use, shall be deemed a violation of this section.
- (f) Over-occupancy. Verified over-occupancy shall constitute a violation of the operating permit.

(2) Additional hosted and unhosted short-term rental use requirements.

- (a) The following provisions in this subsection (a) apply in all zones where short-term rental uses are allowed, except in the Lakefront Residential Zone. The owner of any unit used for a short-term rental use shall provide enough driveway parking spaces on the parcel containing such unit so that all vehicles belonging to the short-term renters are parked on-site. Such vehicles may not park on the street.
- (b) The following provisions in this subsection (b) apply in all zones where short-term rental uses are allowed, except in the Lakefront Residential Zone. No unit except a primary residence with a hosted short-term rental shall be subject to more than one short-term rental agreement at any one time. If the owner offers more than one unit on a parcel and/or adjacent parcel, only one unit may be rented as a short-term rental use at any one time.
- (c) No unit used for a short-term rental use shall be rented for the accommodation of more individuals than two times the number of legal bedrooms in such unit.
- (d) All units used for short-term rental uses shall have prominently posted in all bedrooms in such unit a copy of the valid operating permit for such unit and a notice in a form approved by the Code Enforcement Department containing safety and legal compliance information including, but not limited to, the following: location of the nearest exit in case of a fire; limitations contained in the Town's

laws regarding short-term rental uses and noise; and cell phone numbers of the owner and any manager, if there is one.

(e) Collection of rental information and actions to address complaints.

[1] Every time an owner rents a unit for an unhosted short-term rental use, prior to the beginning of the rental stay, the owner shall notify the Code Enforcement Department of the dates of the rental agreement by electronic methods established by such Department.

[2] Local contact person. Owners shall provide the Code Enforcement Department, all short-term renters and all occupants of adjacent properties with the name and contact information of a local individual who shall be available twenty-four (24) hours per day, seven (7) days per week, during the term of the unhosted stay. Once this notification is given to the Code Enforcement Department and adjacent property occupants, it does not need to be given to them again until the name and/or contact information changes. The owner or designated local contact person shall:

- (i) Respond on-site within sixty (60) minutes to complaints regarding a condition or operation of the short-term rental use or the conduct of the renters; and
- (ii) Take remedial action to resolve any and all complaints.

F. Limitations on number of days allowed for short-term rental use.

(1) Hosted short-term rental uses. There is no limit on the number of days per year that a dwelling unit may be used for a hosted short-term rental use.

(2) Unhosted short-term rental uses.

(a) Unless allowed a greater number of days below, no unit shall be used for an unhosted short-term rental use for more than 29 days in any calendar year in the Conservation, Agricultural, Low Density Residential, Medium Density Residential and High Density Residential Zones. This limitation of 29 days shall not apply to any written rental agreement that existed as of April 1, 2022, provided that the rental concludes by June 30, 2022. For the purposes of this § 270-219.7, each of the following shall count as one day:

[1] a rental of 24 hours

[2] a rental of less than 24 hours that includes an overnight stay

[3] a rental of less than 24 hours that does not include an overnight stay

(b) An owner of a unit that satisfies at least one of the following criteria may rent such unit for unhosted short-term rental uses for up to 90 days in the aggregate in any calendar year:

[1] A unit that is (a) located in a Conservation, Agricultural, Low Density Residential or Medium Density Residential Zone on a parcel that is larger than three acres, and (b) located more than forty feet from the side property lines.

[2] A unit that is located in a Conservation, Agricultural, Low Density Residential or Medium Density Residential Zone on a parcel that is not adjacent to any parcels that contain a dwelling.

(c) No unit shall be used for an unhosted short-term rental use for more than 245 days in any calendar year in the Lakefront Residential Zone. This limitation of 245 days shall not apply to any written rental agreement that existed as of April 1, 2022, provided that the rental concludes by June 30, 2022. For the purposes of this § 270-219.7, each of the following shall count as one day:

[1] a rental of 24 hours

[2] a rental of less than 24 hours that includes an overnight stay

[3] a rental of less than 24 hours that does not include an overnight stay

G. Termination of certain legal nonconforming uses after amortization.

The Zoning Board of Appeals may permit a short-term rental use subject to termination or a limitation on days under this § 270-219.7 to continue after the termination or limitation takes effect, provided that the owner applies to the Zoning Board of Appeals by July 1, 2022 for such permission, and further provided that the Zoning Board of Appeals finds that:

- (1) The owner demonstrates that the short-term rental use is a legal nonconforming use; and
- (2) The owner demonstrates through competent dollars-and-cents proof that prior to January 1, 2022, they made substantial financial expenditures unique to the short-term rental use; and
- (3) The owner provides documentation of their total receipts from short-term rentals and expected revenue through the date of termination or limitation; and
- (4) The owner demonstrates that they have not recovered substantially all of the financial expenditures related to the short-term rental use; and

- (5) The owner demonstrates that they cannot obtain a reasonable return on their investment unique to the short-term rental use if the property is used for any other purpose permitted within the zoning district, and that the lack of a reasonable return is due solely to the termination or limitation on short-term rental days and not other market forces; and
- (6) The Zoning Board of Appeals grants the minimum extension period necessary to mitigate the demonstrated loss of a reasonable return.

H. Order to remedy; operating permit suspension and revocation.

- (1) Whenever the Code Enforcement Officer finds that there has been a violation of this section, the Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity in violation of this section.
- (2) An order to remedy shall be in writing; identify the property or premises; specify the condition or activity that violates this section; shall specify the provisions of this section which are violated by the specified condition or activity; shall include a statement that the violations must be corrected within 30 days after the date of the order to remedy; may direct the person served with the order to begin to remedy the violation(s) immediately or within some other stated period of time that can be less than 30 days after the date of the order; direct that compliance be achieved within the specified period of time; and shall state that an action or proceeding to compel compliance and/or seek penalties, fines and/or imprisonment may be instituted if compliance is not achieved within the specified period of time.
- (3) The order to remedy, or a copy thereof, may be served within five (5) days after the date of the order to remedy by personal service, by mailing by registered or certified mail sent to the address set forth in the application for any permit submitted to the Town or to the property address, or by posting a copy thereof on the premises that are the subject of the order to remedy and mailing a copy, enclosed in a prepaid wrapper, addressed to the last known address of the owner as set forth in the Town of Ithaca records, or if none, in the most recent tax roll available to the Town of Ithaca.
- (4) In case the owner, operator, or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violation within the time specified in the order to remedy, a request to take appropriate legal action may be made to the Attorney for the Town of Ithaca, and/or the Code Enforcement Officer may initiate the process to suspend or revoke an operating permit, if the suspension/revocation process has not already been instituted.
- (5) Suspension and revocation of operating permit.
 - (a) An operating permit may be suspended or revoked pursuant to Town of Ithaca Code Chapter 125 (Building Construction and Fire Prevention), §125-8. In addition to the reasons for suspension and revocation in that section, an operating

permit may be suspended or revoked if the owner of a dwelling unit used or offered for short-term rental use fails to apply for an operating permit in a timely manner, to obtain an operating permit after inspection, to maintain a valid operating permit after it is granted throughout the period that such unit is used or offered for a short-term rental use, or to otherwise comply with this section.

- (b) To initiate the process to suspend or revoke an operating permit, the Code Enforcement Officer shall issue a notice of intent to suspend or revoke the operating permit. The notice of intent to suspend or revoke shall describe the violation and require the operating permit holder to immediately correct the violation or cause the violation to be corrected.
- (c) The notice of intent shall be provided to the operating permit holder by personal service, by registered or certified mail to the address submitted with the permit application, or by posting on the premises at issue.
- (d) If the operating permit holder fails to immediately correct the violation or cause the violation to be corrected, the Code Enforcement Officer shall suspend or revoke the permit.
- (e) An operating permit holder shall be entitled to request a hearing on suspension or revocation before the Town Board, upon application made to the Town Clerk demonstrating that the operating permit holder was not in violation. Such hearing shall be requested, in writing, with the request addressed to and received by the Town Clerk within five business days of the permit holder's receipt of the notice of intent or of posting, whichever occurs earlier. Any suspension or revocation remains in effect unless modified by the Town Board. Within 30 days of the permit holder's written request, the Town Board shall hold a hearing to determine whether to reverse the suspension or revocation. The Town Board shall issue its written decision within 15 days after the hearing.
- (f) The owner of a dwelling unit for which a short-term rental operating permit has been revoked for the first time may not reapply for a new operating permit until one year after such revocation.
- (g) The owner of a dwelling unit for which a short-term rental operating permit has been revoked at least once before may not reapply for a new operating permit until five years after such revocation."

Section 9. Statement of Supersession. It is the intent of the Town Board, pursuant to authority under New York State Municipal Home Rule Law § 10(1)(ii)(d)(3), § 10(1)(ii)(a)(14), and § 22 to supersede inconsistent provisions of the New York State Town Law. In particular, it is the intent of the Town Board, pursuant to authority under sections 10 and 22 of the Municipal Home Rule Law, to supersede inconsistent provisions of New York State Town Law relating to uniformity. Without limitation, this local law hereby supersedes the New York State Town Law

§ 262, to the extent that the provisions of said section are inconsistent with any provision in this local law.

Section 10. In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

Section 11. This local law shall take effect on January 1, 2022.

TOWN OF ITHACA

LOCAL LAW NO. ___ OF THE YEAR 2021

A LOCAL LAW TO ADD REQUIREMENTS FOR OPERATING PERMITS FOR SHORT-TERM RENTAL USES TO THE TOWN OF ITHACA CODE, CHAPTER 125, TITLED “BUILDING CONSTRUCTION AND FIRE PREVENTION”

Be it enacted by the Town Board of the Town of Ithaca as follows:

Section 1. Chapter 125 (Building Construction and Fire Prevention) of the Town of Ithaca Code, §125-8 titled “Operating permits” is amended as follows:

A. By adding a new subsection A(14) reading as follows:

“(14) All short-term rental uses that are required to have operating permits per Town of Ithaca Code Chapter 270 (Zoning), §270-219.7.E. Notwithstanding any provision to the contrary in this §125-8, the use or offer of such units for short-term rental use prior to an owner obtaining required operating permits shall be governed by the applicable provisions of §270-219.7.E.”

B. By adding “and all short-term rental uses that are required to have operating permits per Town of Ithaca Code § 270-219.7.E” to the end of subsection E(1) so that it reads as follows:

“(1) Valid for a period of one year, in the case of any operating permit issued for an area of public assembly of 100 persons or more, health-care facilities where more than 10 people normally sleep nightly (including hospitals, nursing homes, infirmaries, and sanitariums), all child and adult day-care centers and facilities, as defined in Chapter 270, Zoning, of the Code of the Town of Ithaca, all dormitory buildings, regardless of the number of sleeping accommodations, and all short-term rental uses that are required to have operating permits per Town of Ithaca Code § 270-219.7.E;”

Section 2. Chapter 125 (Building Construction and Fire Prevention) of the Town of Ithaca Code, §125-9 titled “Fire safety and property maintenance inspections,” Subsection B is amended as follows:

A. By adding a new Subsection B(2) reading as follows:

“(2) The Code Enforcement Officer shall conduct fire safety and property maintenance inspections of all short-term rental uses that are required to have operating permits at least once every year.”

B. By renumbering Subsections B(2) and B(3) to Subsections B(3) and B(4), respectively.

C. By adding “Inspections of all short-term rental uses that are required to have operating permits per Town of Ithaca Code § 270-219.7.E shall be conducted pursuant to the applicable procedures in § 270-219.7.E.” to the end of newly renumbered Subsection B(3), so that it reads as follows:

“(3) Such inspections may be made at any reasonable time. Upon completion of the inspection, if the Code Enforcement Officer is satisfied that the buildings so inspected are in compliance with the Uniform Code, the Energy Code, Chapter 270, Zoning, and other laws of the Town of Ithaca relating to the safety of buildings, the Code Enforcement Officer shall issue an operating permit, where one is required by § 125-8, upon payment of the applicable fees for the inspection and the permit. Inspections for all residential rental dwelling units and accessory dwelling units that are required to have operating permits per Town of Ithaca Code Chapter 207, Article I (Operating Permits for Certain Residential Rental Units), or Town of Ithaca Code Chapter 270 (Zoning), § 270-219.6B(2), shall be conducted pursuant to the applicable procedures in Chapter 207, Article I, or § 270-219.6B(2). Inspections of all short-term rental uses that are required to have operating permits per Town of Ithaca Code § 270-219.7.E shall be conducted pursuant to the applicable procedures in § 270-219.7.E.”

Section 3. In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

Section 4. This local law shall take effect immediately upon filing with the New York State Secretary of State.

TOWN OF ITHACA

LOCAL LAW NO. ___ OF THE YEAR 2021

**A LOCAL LAW AMENDING TOWN OF ITHACA CODE CHAPTER 207,
“RENTAL PROPERTY,” REVISING AND ADDING REFERENCES
TO RENTALS OF LESS THAN 30 DAYS**

Be it enacted by the Town Board of the Town of Ithaca as follows:

Section 1. Chapter 207 (Rental Property) of the Town of Ithaca Code, Article 1 (Operating Permits for Certain Residential Rental Units), Section 207-1, titled “Applicability”, is amended by deleting Subsection A and replacing it with a new Subsection A reading as follows:

“A. A residential dwelling unit that is rented by a tenant for a period of less than 30 consecutive days, unless the residential dwelling unit is also at times rented by a tenant for a period of at least 30 consecutive days. ‘Period’ includes consecutive terms of rental to the same tenant(s).”

Section 2. Chapter 207 (Rental Property) of the Town of Ithaca Code, Article 1 (Operating Permits for Certain Residential Rental Units), Section 207-2, titled “Operating permit required; inspections; violations”, is amended by adding the following sentence to the end of Subsection A:

“A residential dwelling unit that is at times rented by a tenant for a period of at least 30 consecutive days and at times rented by a tenant for a period of less than 30 consecutive days shall require valid operating permits pursuant to both this chapter and to Section 270-219.7, which governs short-term rental uses.”

Section 3. In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

Section 4. This local law shall take effect immediately upon its filing with the New York Secretary of State.

TOWN OF ITHACA

LOCAL LAW NO. ___ OF THE YEAR 2021

**A LOCAL LAW AMENDING THE DEFINITION OF BED-AND-BREAKFAST IN
CHAPTER 270, ZONING, OF THE TOWN OF ITHACA CODE**

Be it enacted by the Town Board of the Town of Ithaca as follows:

Section 1. Chapter 270 (Zoning), Article III (Terminology) of the Town of Ithaca Code, Section 270-5, titled “Definitions,” is amended by deleting the definition for “bed-and-breakfast” and replacing it with the following definition:

BED-AND-BREAKFAST -- An owner-occupied residence providing at least three but not more than five rooms for temporary transient lodgers with sleeping accommodations and a meal in the forenoon of the day. For the purposes of this definition, to qualify as an owner-occupied residence, the residence must be the principal residence of at least one of the property owners, the owner-occupant(s) must reside in the principal residence for a minimum of 185 days per year, and no other owner(s), collectively or individually, may own a larger percentage of the tax parcel than the owner-occupant(s).

Section 2. In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

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