



Proposed Town of Ithaca Legislation Summary Sheet

1) Establishment of a Residential Rental Operating Permit Program

What is a rental operating permit program?

- A rental operating permit program is used by many communities to insure that rental housing meets basic health and safety standards. It requires the registration of rental properties and periodic inspections (often between 2-5 years).
- Communities, especially those with large transient populations, often establish these programs in response to increasing issues with substandard or non-code-compliant rental housing. For example, the permit program would address units that are inadequate in size, overcrowded, or in deteriorated condition.

Why does the Town need a rental permit program?

- About 50% of the housing units in the Town are rental units.
- Increasingly, concerns have been expressed by the public, and frequently from renters themselves (or the parents of renters), regarding overcrowding, poor conditions, and safety concerns associated with rental housing.
- A permit program would ensure that all rental units meet basic health, safety and occupancy standards by requiring regular inspections of rental homes.

How would a Rental Registry program work in the Town of Ithaca?

- All single family houses that are rented will be required to obtain a rental operating permit.
- All rented accessory dwelling units (ADU) will be required to obtain an operating permit. Non-rented ADU's will not require an operating permit.
- Landlords/property owners would be required to apply to the Town of Ithaca for a permit for their rental property and to schedule an inspection. Once a property passes inspection it would receive an operating permit which will allow the landlord/property owner to rent the property for 5 years, unless revoked. Current and prospective tenants will be able to verify the existence of a valid operating permit by contacting the town.
- Before the expiration of the 5-year permit, property owners/landlords would apply for a new permit, at which time the property would be subject to inspection.
- Inspections will focus on public health, safety, and welfare elements. A list and description of these elements can be found on the town website at www.town.ithaca.ny.us/documents/new-legislation
- The fee for an operating permit will be set by the Town Board by resolution. The Board is contemplating a \$150 fee per dwelling for a 5-year permit. This fee includes the initial inspection.

Do other communities have a Permit/Rental Registry program?

- The City of Ithaca has had such a program for many years. Other communities with similar systems include Binghamton, Cortland, Canandaigua, and Syracuse. The City of Auburn is currently considering a program.



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2) Accessory Dwelling Units - Owner occupancy requirements and modification of sizing and placement requirements.

What is an accessory dwelling unit (ADU)?

- Sometimes referred to as an accessory apartment or “granny flat,” ADUs are smaller, secondary dwelling units, located on a single-family lot that function independently of the primary house and have a separate kitchen, living area, and entrance.

What are the current regulations pertaining to ADUs?

- An ADU is allowed as an attached unit to a primary house in all residential zones in the town.
- With special approval from the Zoning Board of Appeals, an ADU can also be constructed as part of an accessory structure, such as a garage or barn.
- An ADU cannot be larger than 50% of the floor area of the primary house, except where the ADU is constructed entirely within a basement, in which case it may exceed 50%.

What is the issue and why is legislation needed?

- Accessory apartments were originally envisioned as a way for a homeowner to care for a relative, such as an aging parent, or as a means to supplement income from renting the ADU to offset a mortgage, taxes, or other costs of home ownership. Today, given Ithaca’s lucrative student housing market, some developer/property owners are taking advantage of the town’s ADU provisions and building structures with two dwelling units as student rentals in traditional single-family neighborhoods.
- The current ADU size threshold has had the unintended consequence of promoting the development of some atypically large structures with primary-unit-sized ADUs. It has also resulted in the development of structures with equally-sized primary and ADU dwellings (by constructing the ADU in the basement), in zones where conventional duplexes are not currently allowed.

What are the proposed regulations pertaining to ADUs?

- In all residential zones other than High Density (HD), the owner of a new ADU will be required to reside in either the primary or ADU unit. This applies only to new ADUs constructed as part of a new home or a new ADU constructed within an existing home or accessory structure. The Town Board will be considering separate regulations for the HD Zone in the near future.
- Existing homes and properties already having an ADU will be unaffected and the owner occupancy requirements will not apply, even if the property is sold, or ownership is transferred.
* Important note: The ADU must be legally recognized through town or county records or verified by the Town Code Enforcement Officer, based on information provided to the town, by January 1, 2019.
- New ADUs will be limited to 70% of the size of the primary house up to a maximum of 800 square feet.
- New ADUs will be allowed as detached/free-standing structures, or as attached units to a primary dwelling, or in an accessory structure (i.e. garage).
- New detached ADUs will be restricted to certain locations on the property (given setback requirements) and have a height limitation of 20 feet.