

The Board of Trustees of the Village of Tuckahoe hereby finds and declares there is a critical and compelling need to regulate short-term rental use of residential dwellings located in the Village of Tuckahoe within residentially zoned districts. This article is enacted to protect the health and safety of Village residents and visitors in order to:

**A.**

Prevent unregulated tourist or transient-oriented uses within all permitted and preexisting nonconforming single-family, two-family and multifamily dwellings in residential districts and primarily residential neighborhoods; and

**B.**

Protect housing affordability within the community for long-term residents, whether owners or renters; and

**C.**

Protect and preserve the Village's balanced commercial and residential neighborhoods as created through the Village's zoning, subdivision, property maintenance, and related local laws; and

**D.**

Protect and ensure the safety of current and future residents as well as those traveling to or visiting in the Village; and

**E.**

Prevent to the greatest extent practicable public safety risks, including, but not limited to, increased noise, trash, traffic, and parking impacts associated with the short-term rental of residential dwellings in residentially zoned districts.

**Definitions.**

Unless otherwise expressly stated, the following terms shall have, for the purpose of this article, the following meanings:

**APARTMENT**

That part of a multiple dwelling consisting of one or more rooms containing at least one bathroom and arranged to be occupied by an individual or individuals, which room or rooms are separated and set apart from all other rooms within a multiple dwelling.

**LIVING ACCOMMODATION**

A dwelling or premises or portion thereof with a bed or beds and bathroom facilities for the use of the person or persons occupying the dwelling, premises, or portions thereof.

**MONETARY COMPENSATION**

Payment by cash, check, money order, credit card, Bitcoin, barter, promise to pay at a future date, or other valuable consideration.

**MULTIPLE DWELLING**

A dwelling which is either rented, leased, let or hired out, to be occupied or that is occupied as the permanent residence or home. "Multiple dwelling" shall include apartment dwellings.

**OCCUPANT**

The premises owner of record filed in the Westchester County Clerk's office or other permanent resident(s) of the premises occupying living accommodations.

**OFFER TO RENT**

To personally or through an agent, referral service, representative or other entity or person communicate or advertise, verbally, in writing, or through electronic means or otherwise, including the internet, the availability for rental, license, or similar use of any living accommodations, or to knowingly allow, commission, authorize, or permit such communication or advertisement.

**PERMANENT**

A period of 30 nights or more.

**PERMANENT PLACE OF ABODE**

A dwelling place of a permanent nature maintained by the taxpayer, whether or not owned by such taxpayer.

**PREMISES**

Immovable property owned or leased by the premises owner or lawful lessee, as applicable.

**PREMISES OWNER**

A person having lawful ownership title or interest in the premises.

**SHORT-TERM RENTAL**

A dwelling unit, including but limited to a house, apartment, living accommodation, or multiple dwelling, that is rented, in whole or in part, to any person or entity for a period of less than 29 consecutive nights. "Rental" means an agreement or license, written or oral, granting use or possession of a residence, in whole or part, to a person in exchange for monetary compensation. "Short-term rental" shall also mean the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a residential dwelling unit.

**TRANSIENT**

A period of 29 nights or less.

## **Short-term rentals restricted.**

### **A.**

Subject to the limitations set forth in Subsection **C** below, it shall be unlawful for any premises owner, occupant or other person in any residentially zoned district within the Village to rent or license, or offer to rent or license, any living accommodations for monetary compensation or other valuable consideration for a period of less than 30 consecutive nights.

### **B.**

The prohibition on short-term rentals shall not apply to permanently occupied residential dwellings or one's permanent place of abode if operation of a short-term rental is secondary and incidental to the use of the property as a primary residence.

### **C.**

If hosting remotely or staying on premises with short-term rental guests, permanent residents (including both renters and property owners) must be able to demonstrate with written documentation in a form acceptable to the Village Code Enforcement Officer or other Building Department Official, such as voter registration or utility bills, that such individual(s) occupy the property in question.

### **D.**

Long-term renters who host short-term rental guests must have written authorization to do so from their landlord. Landlords may host if they have a designated individual to receive guests and the property is that individual's permanent residence, demonstratable as described above.

### **E.**

The prohibition on short-term rentals shall apply to all single-family, two-family, and multiple-family residential dwellings within all residential zones of the Village.

### **F.**

The prohibition shall not apply in commercially zoned districts within the Village which are lawfully licensed or permitted for such use pursuant to the Village Code and meet all applicable state, county and local laws, rules and/or regulations.

### **G.**

The prohibition on short-term rentals shall not preclude the creation of a mortgage, lien, easement or other similar interest that encumbers a residential property as a whole to secure a loan or for any other legitimate purpose.

**H.**

Any provision of a lease or rental agreement purporting to waive any provision of this section is unlawful.

**I.**

At no time shall transient guests be permitted to rent, license or otherwise occupy any tent, trailer, camper, lean-to, recreational vehicle, accessory structure, or other similar vehicle or structure within the Village.

**J.**

Where long-term rental is provided for part of any calendar year, or short-term rental is provided for part of any calendar year, the property owner shall remain current with the annual registration requirements set forth in Village Code Section 13(a) for the property as both an authorized short-term rental property and a regular rental property.

**K.**

Short-term rentals, whether such property is located in a commercially or residentially zoned district, require annual inspections.

**L.**

Nothing in this section shall be construed as invalidating or impairing the operation of or the right of a landlord to restrict occupancy in order to comply with federal, state or local laws, regulations, ordinances, or codes.

**M.**

All short-term rentals shall have posted on or within one-foot of the inside of the front or main door of the residence a card listing emergency information. Such information shall include, but not be limited to: egress routes, the name and phone number for the property owner; a name and number for the property owner's designated agent in their absence; instructions on dialing 911 and the phone numbers for the local police, fire department, Village Building Department, and ambulance agencies.

**Penalties for offenses; enforcement.**

**A.**

A person or entity (including a principal of any entity) who rents property from a premises owner or lawful lessee who violates any provision of this article shall be deemed to be an accessory to the offense provided herein.

**B.**

Any person who shall violate any provision of this article shall first receive a written warning of said violation and notice to immediately discontinue said violation from the Village Building Inspector or Code Enforcement Official.

**C.**

Each notice of violation of this article issued thereafter shall subject the violator to the penalties set forth in Section 1-7 of this Code.

.

**D.**

In addition to the fines established by resolution of the Village Board of Trustees, it shall be the right of the Village to seek injunctive relief in any civil court having jurisdiction over the owner and property in question to enjoin any violation or violations of this article. All costs associated with such legal proceedings shall be borne by the premises owner in the event that injunctive relief is granted to the Village.

**Severability.**

The provisions of this article are declared severable, and if any section or subsection of this article is held to be invalid, such invalidity shall not affect the other provisions of this article that can be given effect without the invalidated provision.

**Repealer.**

All ordinances, local laws and parts thereof inconsistent with this article are hereby repealed.

**When effective.**

This article shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.