

Village of Southampton

DRAFT 5: 4/9

Proposed Local Law #6 of the Year 2022

A Local Law adding Chapter _____ of the Village Code of the Incorporated Village of Southampton entitled “Seasonal Rentals” as follows:

Be it enacted by the Board of Trustees of the Incorporated Village of Southampton, New York as follows:

Section 1. Adding Chapter _____ as follows:

Seasonal Rentals

_____ **Intent.**

The Board of Trustees is aware of the potential impact of the New York State Housing Stability and Tenant Protection Act (HSTPH) of 2019 upon seasonal use rental units within the Village. Notably, it has been the common practice for landlords to require a single payment for the entire term of seasonal use rentals. However, if the HSTPH applied this practice could not occur. By a second law, Chapter 428 of the Laws of 2021, the State Legislature has clarified that certain seasonal use rentals are excluded from the provisions regulating deposits and advances for residential units under the HSTPH. In particular, the HSTPH will not apply to seasonal rental units that are included in a registry so long as the tenant has a primary residence to return to and the address of the primary residence is included in the lease. This local law creates such a registry of seasonal use rental units within the Village. Seasonal use rental units are not required to be entered in the registry. However, unless entered in the registry such units will be subject to the HSTPH.

§ _____ **Definitions.**

In addition to the other definitions set forth in this chapter, the following definitions shall apply to this article:

SEASONAL USE RENTAL

An agreement, in writing, whereby a dwelling is leased, used or occupied by a family for a period of 120 days or less in any calendar year. Any dwelling unit rented for more than 120 days in any calendar year does not qualify as a seasonal rental.

SEASONAL RENTAL REGISTRATION The registration of a rental unit as a seasonal use rental with the Building Department.

TENANT

An individual who leases, uses or occupies a seasonal use rental. Any tenant, for the purposes of this local law, must have a primary residence to return to.

§ _____ **Registration required; application procedure.**

- A. A dwelling occupied as a seasonal use rental will be subject to the requirements of the HSTPH unless the dwelling has been entered in the registry.
- B. Where a dwelling is to be used as a seasonal use rental, the unit may be registered with the Building Department as a seasonal use rental unit before the term of the seasonal use rental is to begin. A copy of the lease related to the seasonal use rental shall be filed with the Village, along with an application

- C. The application shall be signed by each owner of the rental property and shall contain the following:
- (1) The name and legal address and, if different, mailing address of the owner or owners.
 - (2) The location of the seasonal use rental, including the Suffolk County Tax Map parcel number.
 - (3) The number of tenants requested.
 - (4) Any lease shall include: a statement that the tenant(s) has a primary address to return to which address shall be included in the lease; language that the unit is registered as a seasonal use rental unit within the Village of Southampton; and that the occupancy of the tenant is only for seasonal use and shall not exceed 120 days or shorter as provided in the lease.
 - (5) A copy of a contract with a carter providing for weekly pickup, at a minimum, of refuse or proof by letter from the carter indicating that full payment for the entire term of the rental has been made or, in the alternative, an affidavit from the owner acknowledging responsibility for refuse removal in a timely and efficient manner.
 - (6) The name and legal address and, if different, mailing address of the tenant.
 - (7) The period of the proposed occupancy.
 - (8) A copy of the most recent deed and property tax bill, confirming the ownership of record of the rental property.
 - (9) An affidavit, signed by the owner and tenant named in the application, confirming that they have received copies of all Village laws and ordinances affecting seasonal use rentals, noise, vehicle parking restrictions on residential lots and refuse disposal and that they agree to abide by the same.
- D. Upon receipt of the items identified in subparagraph C (1) – (7) above the unit shall be registered by the Building Department as a seasonal use rental.
- E. In no event shall any seasonal rental exceed a period of 120 days within any year.
- F. The applicant shall pay a registration fee in the amount as shall be set by resolution of the Board of Trustees as the Board deems appropriate.

§ ____ **Regulations.**

- A. No seasonal use rental shall have overnight occupants exceeding two persons per bedroom.
- B. No seasonal use rental shall be leased, occupied or used by any tenant who is not listed as such on the seasonal rental application pursuant to § ____ of this article. Where there is to be a change in the individual tenants who will be leasing, occupying or using the dwelling, the rental registration shall be amended to indicate the name of the new tenant before the new tenant may occupy the dwelling.
- C. The selling of shares to tenants where they obtain the rights of use and occupancy in a dwelling for less than the term of the rental shall be prohibited. The rent or compensation paid for a seasonal use rental shall not be shared by more than the permitted number of tenants.

- D. The leasing, use or occupancy by a tenant of less than the entire dwelling is prohibited.
- E. All applicable parking regulations provided for in §_____ of this chapter and Chapter _____, Vehicles and Traffic, shall be complied with.

§ _____ **Revocation of registration.**

- A. The seasonal use dwelling unit registration of any dwelling unit for which a lease as required above has not been filed or which does not meet the conditions required for such a lease shall be revoked.

§ _____ **Enforcement.**

- A. In addition to the above, a seasonal use rental dwelling unit shall comply with all other provisions of this Code and all other applicable laws, rules, and regulations, each if which may be enforced accordingly.

Section 2. Exercise of supersession authority. The Village hereby exercises the power of supersession granted to it pursuant to Municipal Home Rule Law 10(1)(ii)(e)(3) with respect to the within local law and hereby supersedes Village Law section 7-706(2) to the extent it requires notice for publication other than has been, or will be, provided as to the within local law.

Section 3. Effective Date. This law shall take effect upon filing with the Secretary of State.

<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>	
_____	_____	Mayor Warren	_____	_____	Trustee McLoughlin
_____	_____	Trustee Arresta	_____	_____	Trustee Stevenson
_____	_____	Trustee Brown			

Dated: _____, 2022

Cathy M. Sweeney – Village Clerk