

- How will this STR law be enforced? In the absence of zoning, towns can use their police powers in a reasonable manner to legitimately protect the health, safety, and welfare of the community. *Town Bd. v. 1320 Entertainment, Inc.*, 236 AD2d 387, 388 (2d Dept 1997). The Town can decide how to reasonably enforce. For example, the Town can issue a letter notifying the owner of the ordinance violation, require a fee, and establish a minimum number of annual violations as grounds for permit termination. If violations continue, the Town can impose fines, and file with the Court for an injunction (court order for violator to stop doing what they are doing). However, the enforcement provisions should be included in the proposed regulation (discussed below). See Section 8 of the attached sample law from the Town of Gardiner for an example of enforcement provisions.
- Is it legal to separate STR's from long term rentals? If yes, how do they protect the people since the town has no zoning? Yes. Under Town Law s. 130(20) a town has the power to pass ordinances regulating “hotels, inns, boarding houses, rooming houses, lodging houses, associations, clubs or any building or part of a building used in the business of renting rooms, individual or several . . . containing a total number of beds, cots or similar equipment providing sleeping accommodations for more than five persons; specifying the type of construction, the manner of their running and operation and prescribing regulations assuring proper sanitation, cleanliness, and fire protection.” Once again, the regulations can be enforced via police powers.
- What is enforceable within the standards that we created? Any regulations that are enacted to protect the health, safety and welfare of the community can be enforced via police powers. I would argue that all of the standards are being created for such reasons.
- Can the town put a limit on the number of STR's? Currently there is 111. Yes. Once again, this falls under the Town's police powers. EXAMPLE: The Village of Rhinebeck requires annually renewable permits, but only issues a maximum of 15 within the Village decided by public lottery. Rhinebeck also limits the placement of STRs, and will not allow a permit for any lot located within two lots from where a current permit has been issued from a public lottery draw. See Rhinebeck Code s. 120-17 (enacted by Local Law 4-2019). The Town can decide whether or not to impose a limit, and if it does, has discretion to decide what that limit should be.
- Is there a time frame for a short term rental? 30 days or 60 days? Tenancies for less than 30 days are considered short-term rentals. *Matter of Wallace v. Town of Grand Is.*, 184 AD3d 1088 (4th Dept 2020).