

## RVC 2021C

A local law to amend the Code of the Village of Rockville Centre, in relation to prohibiting certain transient dwelling uses.

Section one. Purpose and Legislative Intent. The Board of Trustees of the Village of Rockville Centre hereby finds and determines that there has been, or is likely to be, a significant increase in short term rentals of residences in the Village. The Board of Trustees further finds that such transient rentals threaten the residential character and quality of life of the Village, and in particular adversely affect the character and quality of life, and the affordability of property, in neighborhoods surrounding properties where such rentals are taking place. In many instances, such rentals do not provide the life safety and fire safety measures typically provided in rental housing, thus endangering the safety of occupants, renters and neighbors. Such uses are likely to put a strain on municipal services. Therefore, in order to protect the health, safety and welfare of the community, the Board of Trustees finds and concludes that such transient use of dwelling units should be regulated as provided in this local law.

Section two. Section 340-2 of the Code of Village of Rockville Centre is hereby amended, by adding thereto in alphabetical order a new definition to read as follows:

“TRANSIENT DWELLING UNIT. An entire dwelling unit, or a room or group of rooms within a dwelling unit, made available to rent, lease or otherwise assigned for an occupancy of less than 30 consecutive days to one or more persons who are not the owner, or a family member of an owner, of such dwelling unit. The term “Transient Dwelling Unit” shall not include (i) any lawfully permitted dormitories, (ii) any lawfully permitted hotel or motel rooms, bed-and-breakfast inns or lodging houses, or business establishment operating exclusively for and catering to transient clientele (that is, persons who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business), (iii) any lawfully operating medical, health care, nursing home, assisted living or other similar facility, (iv) any residential rental which is in compliance with Chapter 264 of this Code, or (v) any lodging or boarding house which is lawful pursuant to Chapter 225 of this Code .

- (a) There shall be a presumption that a property or dwelling unit is a “Transient Dwelling Unit” if the property or dwelling unit is advertised or offered in any medium, including Airbnb, Home Away, VRBO or similar short term rental website, as being available for occupancy for a period of less than thirty (30) days.
- (b) The foregoing presumption may be rebutted by documentary or other evidence presented and satisfactory to the Superintendent of Buildings that the property or dwelling unit is not a “Transient Dwelling Unit”. In all such cases, the burden of proof to establish that a property or dwelling unit is not a “Transient Dwelling Unit” shall be upon the owner or occupant of the property. Any person

aggrieved by a determination of the Superintendent of Buildings in this regard may appeal such determination to the Board of Appeals.

- (c) For the purposes of defining a “transient dwelling unit”, the term “owner” shall mean and include any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the real property where a dwelling unit is located. The term "owner" also shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership.

Section three. Section 340-118 of the Code of the Village of Rockville Centre is hereby amended, by adding thereto a new paragraph, to be paragraph 23, to read as follows:

“(23) Transient Dwelling Unit.”

Section four. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section five . If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section six. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.