

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village  
(Select one.)

of Rockville Centre

Local Law No. 4 of the year 2021

(Insert Title)

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

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village  
(Select one.)

of Rockville Centre as follows:

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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2021 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on April 5, 2021, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted ~~(Elective Chief Executive Officer\*)~~ on \_\_\_\_\_ 20\_\_ ☐ ☐, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. ~~(Elective Chief Executive Officer\*)~~

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local ~~(Elective Chief Executive Officer\*)~~ law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.

  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: April 5, 2021

