May 21, 2018

To: Craig Randall, Lake Placid Village Mayor

Roby Politi, North Elba Town Supervisor

From: Dean Dietrich, Community Development Commission

**Re: Transient Rental Ordinance Progress Report**

The Rental Group, an ad-hoc committee created by the Community Development Commission, presented a proposed ordinance for a system of transient rental registration to the Town and Village Boards in October of 2017. At that point the proposal was passed along to the Village, Town and Review Board Attorneys for review. In the spring of 2018 the Village and Town authorized the Community Development Commission to hold a Public Informational meeting on the proposal.

As a result a Public Forum, organized by the Rental Group, was held on April 19, 2018 at the Lake Placid Conference Center. Approximately 65 people attended and about 25 people submitted comments either at the gathering or on the Development Commission Website (futurelakeplacid.com). The Rental Permit Group met on May 9 to review the comments. This memo is a summary of the Rental Group’s reaction to those comments.

**General Support:**

Every comment received at the forum or in writing that was in support of registering transient rentals. If anything, comments reflected this proposed legislation did not go far enough.

**Maximum Occupancy**:

Over-occupancy continues to be a major concern as the source of both safety and nuisance issues associated with transient rentals. Much of the discussion regarding occupancy limits centered on those properties which currently choose to place many beds in one room and advertise the ability to accommodate large numbers of visitors.

The Rental Group continues to support the current proposal to limit the number of occupants to two per bedroom with two additional occupants per dwelling. We feel this would address the issues created by this practice. If properties wished to continue to provide accommodations for a large number of visitors they could do so by changing their use from a single family dwelling to a boarding or rooming house. This conditional use is currently allowed in all zoning districts with the exception of North Lake Residential. The review process would impose performance standards for parking, lighting and vegetation and the change of use would carry stricter safety and health regulations with regular inspections.

This approach would not impact the vast majority of rentals. Most rental units currently advertise occupancies within the proposed limitation.

One of the other suggestions made in the public forum revolved around the definition of occupant. The concern was the current proposal is not clear enough to allow enforcement. The Rental Group agrees with that assessment and suggests adding a definition of occupant to be anyone on the premises between 9 PM and 7 AM.

This change would make it easier to enforce the occupancy limitations by providing a clear definition. The timing is aligned with existing noise ordinances.

**Parking**

Many of the public comments included complaints about the large numbers of parked cars associated with transient rentals.

The Rental Group continues to support the idea that cars blocking rights of way are already in violation of a local ordinance so no additional legislation is needed to address that behavior. The philosophy is that we should enforce existing ordinances before assessing the need for a new one.

The Rental Group also continues to support the belief that creating a parking requirement based upon occupancy limits would lead to the paving of many landscaped areas which is not in the best interests of the community. We do not want to incentivize paving to the maximum amount of impermeable area currently allowed.

The suggestion of the Rental Group is to give the new ordinance time to see if the imposition of the new occupancy limits alleviates some of the parking problem. The requirement in the existing proposal to communicate information regarding local parking ordinances to renters should also contain an admonition to refrain from parking on landscaped areas.

**Communication Requirements:**

The proposed ordinance contains a provision whereby the property owner is required to communicate information regarding parking locations, noise ordinances, trash pick-up, and emergency contact information to the renters. This provision was generally well received by the public. There were, however, some suggestions for improvements.

One of those suggestions is to include a question in the affidavit regarding the last time a septic system was pumped. The purpose of this question is simply to remind the property owner about the need to perform this maintenance. The information could also be of value to determine if a system of inspection may be necessary in the future. This is of most concern in the lakeshore areas.

Another public comment suggested that renters should be made aware of the local leash law and dog waste ordinances.

The Rental Group supports both of these suggestions.

**Enforcement:**

A few people at the informational meeting suggested property owners should not be held accountable for the behavior of their renters. In general, however, most comments were supportive of that approach.

The Rental Group continues to support the current proposal that calls for property owners to be civilly liable for violations of the ordinance. The renters would continue to be individually responsible for criminal violations of any ordinance or law.

**Accessory Dwellings:**

In 2011 the Land Use Code was amended to allow Accessory Dwellings. Since this change was implemented in the hope of creating work-force housing accessory dwellings were prohibited from being used as transient rentals. While it would be legally possible for someone to live in an accessory dwelling and rent the main house, this is has not been the case. Most of comments received indicate that accessory dwellings associated with single-family residences are now being used as rentals.

The Rental Group wishes to allow people to rent their accessory dwellings while at the same time preserving the intention of the 2011 Code to increase the number of dwellings for longer-term residency. In order to do that we suggest adding a provision to the applicability section of the proposed ordinance that pertains to single-family residences with an accessory dwelling. In those situations the property owner would only be allowed to register one of the structures as a transient rental. This would also require section 4.2.4 (D1a) of the current Land Use Code be repealed (see below)

*From 2011 Land Use Code section 4.2.4*

D. Accessory Dwelling Units

1. One accessory dwelling unit shall be permitted if located within, detached or attached to a single-family dwelling. Accessory dwelling units must meet the following standards:

a. The unit is not for transient rental.

**Fee Structure:**

The ordinance as proposed allows the Town and Village Boards to establish registration fees. This is designed to allow future changes in the fee structure without going through the process of amending the ordinance.

Our sense is most people in the public forum supported the idea of a no fee permit for property owners who rented on a limited basis for special events. We also sense most people felt there should be an additional tier of fees for absentee landlords who used their property as income generators rather than residential units.

The Rental Group is supportive of that philosophy. The clearest way to move in that direction would be to tie the registration fee to the number of bedrooms as recorded in the Essex County Real Tax and Property Office. This number is relatively stagnant and easy to determine, whereas income and occupancy numbers may fluctuate widely from year to year.

The Rental Group also continues support the notion that the rental registration program should be economically self-sustaining. This means the registration fee should be high enough to cover costs of administration, software, and personnel.

Submitted by the Rental Group:

Dean Dietrich, Chair

Bob Maswick

Brit Isham

Michael Orticelle

Georgia Jones

Emily Politi

Val Rogers