



PUBLIC HEARING MEETING AGENDA

Monday, May 15, 2023 at 6:00pm
Common Council Chambers

City of Poughkeepsie Common Council Public Hearing;

Pursuant to the Charter and Codes of the City of Poughkeepsie, Administrative Code, Section 14.04, a Common Council Public Hearing will be held on Monday, May 15, 2023 6:00pm and will be held in the Common Council Chambers, for the purpose of receiving comments on the proposed introductory Local Law Adding Section 19-4.23 "Short-Term Rental Regulations".

- I.** Welcome
- II.** Roll Call
- III.** Public Participation:
- IV.** Adjournment:

LOCAL LAW No. X of 2023

HOMES ARE NOT HOTELS - POUGHKEEPSIE SHORT-TERM RENTAL REGULATIONS (LL 23-XX)

SPONSORED BY: MAJORITY LEADER MENIST, COUNCILMEMBER DEICHLER

CO-SPONSORS: COUNCIL MEMBERS _____

BE IT ENACTED, by the common council of the city of Poughkeepsie as follows:

§19-4.23. Short-term rental regulations.

1) PURPOSE: The Common Council of the City of Poughkeepsie finds that unregulated short-term rentals contribute to and exacerbate the housing crisis facing Poughkeepsie's residents. Tenants and homeowners are facing increased prices while available housing stock is severely limited, making it extremely difficult for residents to find an apartment to rent or a home to purchase. Non-owner-occupied short-term rentals, defined in this law as "vacation rentals" contribute to the severely limited housing stock. These vacation rentals can often be owned and operated by absentee investors, who's primary interests are in short-term profits rather than the safety and security of our community. In addition to impacting housing availability and affordability, these vacation rentals turn residential neighborhoods into unregulated hotels, harming public safety and the character of local communities. This law seeks to limit the number of vacation rentals in Poughkeepsie while allowing those who live here and who wish to use their residence for home-sharing to be able to do so through a comprehensive registration and enforcement process, ensuring neighborhoods are protected, homeowners can earn income, and the City can collect revenues. This law also seeks to put the burden of enforcement on the hosting platforms that profit from operating in our community by prohibiting them from facilitating transactions from unregistered listings and requiring them to collect appropriate occupancy taxes to remit to the City.

2) DEFINITIONS:

- A. The term "Bedroom", as used in this article, shall mean any habitable space in a dwelling unit other than a kitchen or living room that is intended for or capable of being used for sleeping, is separated from other rooms by a door, is accessible to a bathroom without crossing another bedroom, and contains at least one egress window.
- B. The term "Booking Transaction", as used in this article shall mean any reservation or payment service provided by a person who facilitates a home-sharing or vacation rental transaction between a prospective visitor and a host.
- C. The term "Dwelling Unit" as used in this Article shall mean one or more rooms designed, occupied, or intended exclusively for residency purposes with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household. A dwelling unit includes a

single-family residence, and each unit of an apartment, duplex, or multiple dwelling structure designed as a separate habitation for one or more persons, but does not include units located within city-approved hotels, motels, and bed and breakfasts, as defined in section 19 of the City of Poughkeepsie Code of Ordinances. An accessory dwelling unit constitutes a separate dwelling unit for the purposes of this Article. Recreational Vehicles, tents, yurts, mobile homes, or any other structure that does not meet the requirements outlined in this subsection (C) do not constitute a separate dwelling unit.

- D. The term “Eligible Resident” as used in this article shall mean any natural person who:
(1) is either (i) a long-term resident of a dwelling unit or (ii) an owner of a dwelling unit and (2) uses that dwelling unit as his or her primary residence.
- E. The term “Home-Sharing” as used in this article shall mean renting for a period of 30 consecutive days or less, one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on-site, in the dwelling unit, throughout the visitors’ stay. A dwelling unit rented out for home-sharing is referred to as a “home-share.”
- F. The term “Host” as used in this article shall mean any natural person who is an eligible resident of a dwelling unit offered for use as a home-share.
- G. The term “Hosting Platform” as used in this article shall mean a person who participates in the home-sharing or vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.
- H. The term “Lives On Site” as used in this article shall mean maintains a physical presence in the dwelling unit, including, but not limited to, sleeping overnight, preparing and eating meals, and engaging in other activities in the dwelling unit, of the type typically maintained by a natural person in the dwelling unit in which he or she is an eligible resident.
- I. The term “Long-Term Resident” as used in this article shall mean any natural person who, as of the date a home-share application is submitted pursuant to Section 3 of this Article: (1) has occupied the dwelling unit that is the subject of the home-share application as his or her primary residence for at least the prior 12 months; and (2) has either (i) if the natural person is a tenant, subtenant, lessee, or sublessee, a written rental housing agreement for the dwelling unit for a period of 12 months or more after the date the home-share application is submitted or (ii) if the natural person is not a tenant, subtenant, lessee, or sublessee, written documentation establishing that the natural person will reside at the dwelling unit for a period of 12 months or more after the date the home-share application is submitted.
- J. The term “Owner” as used in this article shall mean any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

- K. The term "Person" as used in this article shall mean any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization of any kind.
- L. The term "Primary Residence" as used in this article shall mean The usual place of return for housing of an eligible resident as documented by the requirements listed in Section 3 (A) of this Article. A person can only have one primary residence.
- M. The term "Vacation Rental" as used in this article shall mean renting for a period of 30 consecutive days or less any dwelling unit, in whole or in part, for exclusive transient use. Exclusive transient use shall mean that no eligible resident of the dwelling unit lives on-site, in the dwelling unit, throughout any visitor's stay. Rentals of units located within City-approved hotels, motels, and bed and breakfasts shall not be considered vacation rentals.
- N. The term "Visitor" as used in this article shall mean a natural person who rents a home-share or vacation rental.
- O. The term "Vacation Rental Proprietor" as used in this article shall mean a natural person who is an eligible owner or lessee of a dwelling unit offered for use as a vacation rental.

3) HOME SHARING AUTHORIZATION:

- A. Notwithstanding any provision of this Code to the contrary, home-sharing shall be authorized in the City, provided that the host complies with each of the following requirements:
 - (1) Obtains and maintains at all times a City home-sharing permit issued pursuant to Section 4 of this Article;
 - (2) Operates the home-sharing activity in compliance with all permit conditions for home-sharing as set forth in Section 4 of this Article and any regulations promulgated pursuant to this Article;
 - (3) Posts a printed copy of the permit inside the home-share rental;
 - (4) Posts the host rules conspicuously inside the home-share rental;
 - (5) Collects and remits Hotel Occupancy Tax, in coordination with any hosting platform if utilized, to the City and complies with all City and County Hotel Occupancy Tax requirements as set forth in Article III of the Dutchess County Administrative Code and Article XIV of the City of Poughkeepsie Administrative Code.
 - (6) Takes responsibility for and actively prevents any nuisance activities that may take place as a result of home-sharing activities;
 - (7) Ensures that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors;
 - (8) Does not book or rent to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not;
 - (9) Limits the occupancy of the home-share to up to 10 visitors per listing;

- (10)Limits visitors to no more than one vehicle per bedroom rented as part of the home-share. A visitor's vehicle may be parked on-site, to the extent available, or in legal street parking;
 - (11) Maintains liability insurance to cover home-sharing with minimum limits of not less than \$1,000,000 or conducts each home-sharing transaction through a hosting platform that provides equal or greater coverage;
 - (12)Complies with Section 5 of this article governing advertisements of home-shares;
 - (13)Complies with all applicable laws, including the noise limitations set forth in Chapter 13 ½ of the City of Poughkeepsie Code of Ordinances, and all health, safety, building, fire protection, and rent control laws;
 - (14)Complies with all state and local criminal laws. Violation of existing state or local criminal laws constitutes a violation of this Article for the purposes of permit renewal pursuant to Section 4 of this Article; and
 - (15)Complies with all regulations promulgated pursuant to this Article.
- B. All hosts and their respective properties, authorized by the City for home-sharing purposes pursuant to this Article, shall be listed on a registry created by the Finance Department and updated periodically by the Finance Department. The City shall publish portions of the registry online as described in Section 10 of this Article, and a copy shall be sent electronically to any person upon request.
- C. A building owner, including any applicable homeowners association or board of directors in the case of buildings governed in that manner, may notify the Commissioner of Finance or the City Chamberlain that short-term rentals are not permitted to operate in that building. The City shall maintain a list, known as the prohibited buildings list, identifying the address(es) of all such buildings. The Finance Department shall:
- (1) Verify that each application for home-share does not appear on the prohibited buildings list published pursuant to this subsection;
 - (2) Post the prohibited building list on the City webpage as described in Section 10 of this Article;
 - (3) Establish a process by rule for verifying any notification received from a building owner(s) request to include such building on the prohibited buildings list; and
 - (4) Establish a process, by rule, to enable building owners to remove buildings from the prohibited buildings list.
- D. If any provision of this Article conflicts with any provision of Chapter 19 of the City of Poughkeepsie Code of Ordinances the terms of this Article shall prevail with respect to interpretation and enforcement of this Article.

4) HOME-SHARING PERMIT CONDITIONS

- A. **Application Requirements.** Before any permit under this article is issued, an application shall be submitted to the City Chamberlain and Department of Finance and signed by the host under penalty of perjury. All applications shall be made upon forms provided by the City. The City Finance Department, at their discretion, may require additional

documentation associated with the application as may be necessary to enforce the requirements of this local law. In addition to any other requirements, applicants shall provide the following documentation showing the official City of Poughkeepsie address of the short-term rental:

- (1) A valid New York driver's license or a valid New York state identification card;
- (2) At least two (2) of the following documents indicating that the short-term rental is the applicant's primary residence:
 - (a) Proof of valid motor vehicle registration;
 - (b) Proof of voter registration;
 - (c) Federal or state tax returns or other financial documentation;
 - (d) A utility bill;
- (3) Proof of possession of the short-term rental, either by valid warranty deed, valid lease, or other verification of the tenant's right to possession of the premises. If the applicant does not own the dwelling unit, the applicant must also provide written documentation from the property owner allowing the applicant to conduct a short-term rental on the proposed licensed premises;
- (4) The name and contact information for any other eligible residents of the proposed home-share who will be serving as hosts, together with proof that each identified host is an eligible resident of the proposed home-share;
- (5) A plot plan of identifying on-site parking spaces;
- (6) A floor plan identifying bedrooms, living spaces, emergency evacuation routes and locations of smoke detectors, carbon monoxide detectors and fire extinguishers;
- (7) The maximum number of visitors per night, which shall not exceed the maximum permitted in accordance with Section 3 (A) of this Article;
- (8) Proof of insurance;
- (9) If the host has received violations of any law or regulation, including disciplinary action, the application for renewal shall include a copy of the notice or disciplinary action;
- (10) A list of platforms that will be used to solicit bookings and correlating URL links, if any; and
- (11) Any other information required by regulations promulgated pursuant to this Article.
- (12) Initial home-sharing permit applications require an inspection of the rental by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector prior to granting of the initial permit;
- (13) Renewal home-sharing permit applications require an inspection of the rental by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector prior to granting the renewal permit if the rental has not been inspected by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector in the previous 5 years.

- B. **Certification.** In submitting their application, the applicant shall self-certify under penalty of perjury under the laws of the State of New York that:
- (1) They live on-site and will be present in the home-share throughout each visitor's stay;
 - (2) The information provided in the application is correct and the documentation submitted with the application is authentic; and
 - (3) They will comply with all provisions of this Article and all regulations promulgated pursuant to this Article or be subject to the revocation of their home-sharing permit.
- C. **Application Fee.** The initial application fee for a home-sharing permit shall be \$250 and each renewal application for a home-sharing permit shall be accompanied by an application fee of \$50.
- D. **Duty to Amend Application.** If there are any material changes to the information submitted on a home-sharing permit application, the host shall submit an amended application on a form to be provided by the City and signed by the host under penalty of perjury within 30 days of any such changes. For the purposes of this Section, any change to the information required to be included in a home-sharing permit application by subsection (A.) of this section shall constitute a material change. Failure to submit an amended home-sharing permit application may result in revocation of the home-sharing permit.
- E. **Term of Permit.** Notwithstanding any provision of this Code to the contrary, any home-sharing permit shall be effective for one year and require renewal annually.
- F. **Renewal of Permit.** A host may renew his or her home-sharing permit by submitting a completed permit renewal application on a form to be provided by the City and signed by the host under penalty of perjury. The permit renewal application shall include all of the information required by subsection (A.) of this Section.
- G. **No Transfer or Assignment.** A home-sharing permit may not be assigned or transferred to any other person.
- H. **Revocation of permit.** The City may revoke a host's home-sharing permit for:
- (1) Failure to comply with all provisions of this Article and all regulations promulgated pursuant to this Article, or
 - (2) The dwelling unit was added to the prohibited building list after the permit had been approved.

5) ADVERTISEMENTS FOR HOME SHARING

- A. The host shall include the following information in any advertisement for home-sharing:
- (1) The home-sharing permit registration number issued by the City;
 - (2) That the host lives on-site and will be present in the home-share throughout the visitor's stay;
 - (3) The permitted occupancy of the home-share as specified in the home-sharing permit application;

- (4) The permitted number of visitor vehicles, in accordance with Section 3 (A) (10) of this Article;
 - (5) That the home-share cannot be booked or rented to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not; and
 - (6) Any other information required by regulations promulgated pursuant to this Article.
- B. A host is limited to posting no more than two listings for the home-share on each hosting platform or other media outlet. If a host posts a listing for the home-share on multiple hosting platforms or other media outlets, only two listings may be booked for any given date.
- C. No host shall post an advertisement for a listing exceeding the number of visitors allowed as defined in Section 3 (A) (9).
- D. The use of an unauthorized permit number in home-sharing advertisements is prohibited.
- E. No advertisements regarding the availability of a dwelling unit for home sharing shall be posted in or on any exterior area of the dwelling unit, any exterior area of any other dwelling unit on the same lot, or the lot on which the dwelling unit is located.

6) VACATION RENTAL AUTHORIZATION:

- A. Notwithstanding any provision of this Code to the contrary, vacation rentals shall be authorized in the City, provided that the vacation rental proprietor complies with each of the following requirements:
 - (1) Obtains and maintains at all times a City vacation rental permit issued pursuant to Section 7 of this Article;
 - (2) Operates the vacation rental activity in compliance with all permit conditions for vacation rentals as set forth in Section 7 of this Article and any regulations promulgated pursuant to this Article;
 - (3) Posts a printed copy of the permit inside the vacation rental;
 - (4) Posts the vacation rental proprietor rules conspicuously inside the vacation rental;
 - (5) Collects and remits Hotel Occupancy Tax, in coordination with any hosting platform if utilized, to the City and complies with all City and County Hotel Occupancy Tax requirements as set forth in Article III of the Dutchess County Administrative Code and Article XIV of the City of Poughkeepsie Administrative Code.
 - (6) Takes responsibility for and actively prevents any nuisance activities that may take place as a result of vacation rental activities;
 - (7) Ensures that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors;
 - (8) Does not book or rent to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not;

- (9) Limits the occupancy of the vacation rental to up to 10 visitors per listing;
 - (10) Limits visitors to no more than one vehicle per bedroom rented as part of the home-share. A visitor's vehicle may be parked on-site, to the extent available, or in legal street parking;
 - (11) Maintains liability insurance to cover vacation rentals with minimum limits of not less than \$1,000,000 or conducts each vacation rental transaction through a hosting platform that provides equal or greater coverage;
 - (12) Complies with Section 8 of this article governing advertisements of vacation rentals;
 - (13) Complies with all applicable laws, including the noise limitations set forth in Chapter 13 ½ of the City of Poughkeepsie Code of Ordinances, and all health, safety, building, fire protection, and rent control laws;
 - (14) Complies with all state and local criminal laws. Violation of existing state or local criminal laws constitutes a violation of this Article for the purposes of permit renewal pursuant to Section 7 of this Article; and
 - (15) Complies with all regulations promulgated pursuant to this Article.
- B. All vacation rental proprietors and their respective properties, authorized by the City for vacation rental purposes pursuant to this Article, shall be listed on a registry created by the Finance Department and updated periodically by the Finance Department. The City shall publish portions of the registry online as described in Section 13 of this Article, and a copy shall be sent electronically to any person upon request.
- C. A building owner, including any applicable homeowners association or board of directors in the case of buildings governed in that manner, may notify the Commissioner of Finance or the City Chamberlain that short-term rentals are not permitted to operate in that building. The City shall maintain a list, known as the prohibited buildings list, identifying the address(es) of all such buildings. The Finance Department shall:
- (1) Verify that each application for a vacation rental does not appear on the prohibited buildings list published pursuant to this subsection;
 - (2) Post the prohibited building list on the City webpage as described in Section 10 of this Article;
 - (3) Establish a process by rule for verifying any notification received from a building owner(s) request to include such building on the prohibited buildings list; and
 - (4) Establish a process, by rule, to enable building owners to remove buildings from the prohibited buildings list.
- D. If any provision of this Article conflicts with any provision of Chapter 19 of the City of Poughkeepsie Code of Ordinances the terms of this Article shall prevail with respect to interpretation and enforcement of this Article.

7) VACATION RENTAL PERMIT CONDITIONS

- A. **Application Requirements.** Before any permit under this article is issued, an application shall be submitted to the City Chamberlain and Department of Finance and signed by

the vacation rental proprietor under penalty of perjury. All applications shall be made upon forms provided by the City. The City Finance Department, at their discretion, may require additional documentation associated with the application as may be necessary to enforce the requirements of this local law. In addition to any other requirements, applicants shall provide the following documentation showing the official City of Poughkeepsie address of the short-term rental:

- (1) Proof of possession of the short-term rental, either by valid warranty deed, valid lease, or other verification of the tenant's right to possession of the premises. If the applicant does not own the dwelling unit, the applicant must also provide written documentation from the property owner allowing the applicant to conduct a short-term rental on the proposed licensed premises;
- (2) A plot plan of identifying on-site parking spaces;
- (3) A floor plan identifying bedrooms, living spaces, emergency evacuation routes and locations of smoke detectors, carbon monoxide detectors and fire extinguishers;
- (4) The maximum number of visitors per night, which shall not exceed the maximum permitted in accordance with Section 6 (A) of this Article;
- (5) Proof of insurance;
- (6) If the vacation rental proprietor has received violations of any law or regulation, including disciplinary action, the application for renewal shall include a copy of the notice or disciplinary action;
- (7) A list of platforms that will be used to solicit bookings and correlating URL links, if any; and
- (8) Any other information required by regulations promulgated pursuant to this Article.
- (9) Initial vacation rental permit applications require an inspection of the rental by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector prior to granting of the initial permit;
- (10) Renewal vacation rental permit applications require an inspection of the rental by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector prior to granting the renewal permit if the rental has not been inspected by the City of Poughkeepsie Building Department and the City of Poughkeepsie Fire Inspector in the previous 2 years.

B. **Certification.** In submitting their application, the applicant shall self-certify under penalty of perjury under the laws of the State of New York that:

- (1) The information provided in the application is correct and the documentation submitted with the application is authentic; and
- (2) They will comply with all provisions of this Article and all regulations promulgated pursuant to this Article or be subject to the revocation of their vacation rental permit.

- C. **Application Fee.** The initial application fee for a vacation rental permit shall be \$1,000 and each renewal application for a vacation rental permit shall be accompanied by an application fee of \$500.
- D. **Duty to Amend Application.** If there are any material changes to the information submitted on a vacation rental permit application, the host shall submit an amended application on a form to be provided by the City and signed by the vacation rental proprietor under penalty of perjury within 30 days of any such changes. For the purposes of this Section, any change to the information required to be included in a vacation rental permit application by subsection (A.) of this section shall constitute a material change. Failure to submit an amended vacation rental permit application may result in revocation of the vacation rental permit.
- E. **Application Acceptance Window.** The Finance Department of the City of Poughkeepsie shall designate a 30-day window each year to accept applications for vacation rental permits. Applications for vacation rental permits shall only be accepted by the City of Poughkeepsie Finance Department within the Application Acceptance Window each year. No vacation rental permit shall be granted for an application that was received outside of the application acceptance window. The City of Poughkeepsie Chamberlain shall cause notice of the application acceptance window to be published at minimum once in the official newspaper at least 15 days prior to the opening of the application acceptance window each year.
- F. **Number of Vacation Rental Permits Issued.** There shall be a cap on the total number of vacation rental permits issued each year. The cap shall be equal to one-half of one percent (0.5%) of the total number of dwelling units within the City of Poughkeepsie as determined by the most recent United States Decennial Census or United States Census Bureau's American Community Survey, whichever is more recent.
- G. **Vacation Rental Permit Lottery.** If the City of Poughkeepsie receives more vacation rental applications during the annual vacation rental application window than the total number of vacation rental permits to be issued under this section, the Department of Finance of the City of Poughkeepsie shall conduct a lottery system of all valid applications to determine which applicants receive a vacation rental permit.
- H. **Term of Permit.** Notwithstanding any provision of this Code to the contrary, any vacation rental permit shall be effective for one year and require renewal annually.
- I. **Renewal of Permit.** A vacation rental proprietor may renew his or her vacation rental permit by submitting a completed permit renewal application during the vacation rental application acceptance window on a form to be provided by the City and signed by the vacation rental proprietor under penalty of perjury. The permit renewal application shall include all of the information required by subsection (A.) of this Section. Submission of a renewal application does not guarantee the issuance of a renewed permit. All renewal applications are subject to the cap on the number of vacation rental permits issued each year and the vacation rental permit lottery.
- J. **No Transfer or Assignment.** A vacation rental permit may not be assigned or transferred to any other person.

K. **Revocation of permit.** The City may revoke a vacation rental proprietor's vacation rental permit for:

- (1) Failure to comply with all provisions of this Article and all regulations promulgated pursuant to this Article, or
- (2) The dwelling unit was added to the prohibited building list after the permit had been approved.

8) ADVERTISEMENTS FOR VACATION RENTALS

- A. The vacation rental proprietor shall include the following information in any advertisement for the vacation rental:
- (1) The vacation rental permit registration number issued by the City;
 - (2) The permitted occupancy of the vacation rental as specified in the vacation rental permit application;
 - (3) The permitted number of visitor vehicles, in accordance with Section 6 (A) (10) of this Article;
 - (4) That the vacation rental cannot be booked or rented to more than two groups of visitors for any given date, whether the visitors within the groups are related to one another or not; and
 - (5) Any other information required by regulations promulgated pursuant to this Article.
- B. A vacation rental proprietor is limited to posting no more than two listings for the vacation rental on each hosting platform or other media outlet. If a host posts a listing for the vacation rental on multiple hosting platforms or other media outlets, only two listings may be booked for any given date.
- C. No vacation rental proprietor shall post an advertisement for a listing exceeding the number of visitors allowed as defined in Section 6 (A) (9).
- D. The use of an unauthorized permit number in vacation rental advertisements is prohibited.
- E. No advertisements regarding the availability of a dwelling unit as a vacation rental shall be posted in or on any exterior area of the dwelling unit, any exterior area of any other dwelling unit on the same lot, or the lot on which the dwelling unit is located.

9) PROHIBITIONS

- A. No person shall undertake, maintain, authorize, aid, facilitate or advertise any vacation rental or any home-sharing that does not comply with this Article. For the purposes of this section only, person does not include a hosting platform.
- B. No person shall undertake, maintain, authorize, aid, facilitate or advertise any home-share or vacation rental if the building owner, including any applicable homeowners association or board of directors in the case buildings governed in that manner, notifies the Commissioner of Finance or the City Chamberlain that home-share rentals are not permitted to operate in the building, as described in Section 3 (C) and Section 6 (C) of this Article.

- C. Rental of the property or any portion of the property by the hour or for a period of less than 1 night is prohibited.
- D. No host may be the host for more than one home share.
- E. No vacation rental proprietor may be the vacation rental proprietor for more than one vacation rental.

10) HOSTING PLATFORM RESPONSIBILITIES

- A. Hosting platforms shall be responsible for collecting all applicable Hotel Occupancy Tax and remitting the same to the City of Poughkeepsie and/or Dutchess County. The hosting platform shall be considered an agent of the host or vacation rental proprietor for purposes of Hotel Tax collections and remittance responsibilities as set forth in Article III of the Dutchess County Administrative Code and Article XIV of the City of Poughkeepsie Administrative Code.
- B. Subject to applicable laws, hosting platforms shall disclose to the Finance Department on a monthly basis the following information for each booking transaction within the City for which the hosting platform charged, collected, or received a fee, directly or indirectly, in an auditable, non-anonymized and non-aggregate format:
 - (1) The names and addresses of the persons responsible for the listing;
 - (2) The permit registration number of the listing;
 - (3) The address of each such listing;
 - (4) The length of stay for each such listing;
 - (5) The price paid for each individual stay;
 - (6) The URL of the short term rental listing;
 - (7) The hosting platform shall maintain such records for a minimum of five years.
- C. A hosting platform shall obtain, from each host and/or vacation rental proprietor using such hosting platform to offer, manage or administer a short-term rental, lawful consent to provide the information described in Section B to the Department of Finance. Obtaining lawful consent may include, but is not limited to, advising or providing notice to a user of the hosting platform that new or continuing use of such hosting platform as a host and/or vacation rental proprietor constitutes consent to such disclosure. It shall not be a defense to a violation of subdivision that the hosting platform did not obtain consent.
- D. Information reported pursuant to Section 10 (B) shall be available for public review only to the extent required by federal, state, and local law. The Commissioner of Finance shall establish rules governing retention and disposal of information obtained pursuant to this chapter.
- E. Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the City's registry created under Section 3 (B) or Section 6 (B) of this Article, at the time the hosting platform receives a fee for the booking transaction. The provisions of this subsection (E) are entirely strict liability in nature.

- F. Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to an unregistered vacation rental or unregistered home-share, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.
- G. Safe Harbor. A hosting platform operating exclusively on the Internet, which operates in compliance with subsections (A), through (G) above, shall be presumed to be in compliance with this Article, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this Article.
- H. Any hosting platform that violates the provisions of Section 9 of this Article shall be subject to penalties laid in Section 11 of this Article.
- I. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by a competent jurisdiction to be in violation of, or preempted by, any such law(s).

11) REGULATIONS: The Commissioner of Finance may promulgate regulations, which may include, but are not limited to, permit conditions, reporting requirements, inspection frequencies, enforcement procedures, additional advertising restrictions, disclosure requirements, administrative subpoena procedures or additional insurance requirements, to implement the provisions of this Article. No person shall fail to comply with any such regulation.

12) FEES: The Common Council may establish and amend by resolution all fees and charges as may be necessary to effectuate the purpose of this Article, including, but not limited to, the application fees required by Section 4 and Section 7 of this Article.

13) ONLINE WEBPAGE: The City shall establish and maintain an online webpage to centralize information and resources for home-sharing and vacation rentals which shall include:

- A. An application system for hosts to submit home-sharing permit applications as described in Section 4 of this Article and renew their permits.
- B. An application system for vacation rental proprietors to submit vacation rental permit applications as described in Section 7 of this Article.
- C. Portions of the registry authorized by the City for home-sharing purposes as established by Section 3 of this Article which shall include the following for each home-sharing listing in the City:
 - (1) Permit registration number;
 - (2) Address and unit number;
 - (3) Status of the permit, including active or revoked; and
 - (4) Expiration date of permit.
- D. Portions of the registry authorized by the City for vacation rental purposes as established by Section 6 of this Article which shall include the following for each vacation rental listing in the City:
 - (1) Permit registration number;

- (2) Address and unit number;
- (3) Status of the permit, including active or revoked; and
- (4) Expiration date of permit.
- E. A list of, which shall be known as the prohibited buildings list, identifying the address(es) of all buildings whose owner(s), including any applicable homeowners association or board of directors, have notified the Commissioner of Finance or the City Chamberlain, pursuant to this Article, that no short-term rental is permitted to operate anywhere in such building.
- F. Accessible information on existing regulations on short-term rentals, including this Article.
- G. A complaint form to lodge complaints on illegal short-term rentals or nuisance complaints.

14) ENFORCEMENT:

- A. The City shall designate the Building Department to enforce the provisions of this Article, including, but not limited to, reviewing permit applications and maintaining the registry created under Section 3 (B) and Section 6 (B) of this Article, monitoring listings on hosting platforms, and assessing fines.
- B. Any host or vacation rental proprietor violating any provision of this Article, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Article, or a hosting platform that violates its obligations under Section 10 of this Article, shall be guilty of an infraction, which shall be punishable by a fine of \$750 per day of the violation, or a misdemeanor, which shall be punishable by a fine of \$1,000 per day of the violation.
- C. The penalties described in the above Subsection (B) shall be fully integrated into the existing structure of penalties outlined in Section 6 of the City of Poughkeepsie Code of Ordinances.
- D. Any person convicted of violating any provision of this Article in a criminal case or found to be in violation of this Article in a civil or administrative case brought by a law enforcement agency shall be ordered to reimburse the City and other participating law enforcement agencies their full investigative costs, pay all back Occupancy Taxes, and remit all illegally obtained rental revenue to the City so that it may be returned to the home-sharing or vacation rental visitors or used to compensate victims of illegal short-term rental activities.
- E. Any host or vacation rental proprietor who violates any provision of this Article, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Article, or a hosting platform that violates its obligations under Section 10 of this Article, shall be subject to administrative fines of \$750 per day and additional administrative penalties pursuant to the City Code of Ordinances.
- F. Any interested person may seek an injunction or other relief to prevent or remedy violations of this Article. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.

- G. The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding home-sharing and vacation rental listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay, to determine whether the home-sharing and vacation rental listings comply with this Article. Any subpoena issued pursuant to this section shall not require the production of information sooner than 30 days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that 30-day period.
- H. The Finance Department and City Chamberlain shall make information related to violations of this Article publicly available subject to applicable laws.
- I. The remedies provided in this Article are not exclusive, and nothing in this Article shall preclude the use or application of any other remedies, penalties, or procedures established by law.

15) MODIFICATION OF EXISTING CODE: Any provision of the City of Poughkeepsie Code or appendices thereto inconsistent with the provisions of this Article, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Article.

16) SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have passed this Article and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

17) EFFECTIVE DATE: The Mayor shall sign and the City Chamberlain shall attest to the passage of this Article. The City Chamberlain shall cause the same to be published once in the official newspaper within 30 days after its adoption. This Article shall become effective 120 days from its adoption, and shall apply to all short-term rentals, including those operating prior to the effective date of this Article.