

Official Minutes of the Public Hearing of Monday, May 15, 2023 for the purpose of receiving comments on the proposed introductory Local Law Adding Section 19-4.23 Entitled "Short-Term Rental Regulations"



THE CITY OF POUGHKEEPSIE
NEW YORK

PUBLIC HEARING

Monday, May 15, 2023 6:00 pm

Common Council Chambers

Welcome to the scheduled Public Hearing in the City of Poughkeepsie. The date is May 15, 2023 and the time is 6:08 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON a proposed Local Law regulating Short-Term Rentals.

Councilwoman-at-Large Brown called the meeting to order at 6:08 pm.

I. WELCOME

II. ROLL CALL: 5 present, 4 absent (Arrival after Roll Call: Councilmembers Johnson & Thompson)

III. PUBLIC PARTICIPATION: Five (5) minutes per person public comment.

1. Nancy Fedoreshenko– Fallkill Rd
2. Vincent Pedi – 127 South Ave
3. Constantine Kazolias – 47 Noxon St
4. Nicholas Kalogris – 14 Maryland Ave
5. Daniel Atonna – 116 College Ave
6. Katie Carpenter
7. Laurie Sandow* – S. Grand Ave.
8. June Nemon – 197 Union Ave
9. Nanette Koch – 127 S. Hamilton St.
10. Sylvia Buccelli – 18 Barclay St
11. Marta Knapp – 10 S. Clinton St.
12. Linda Haas Manley – 2633 South Rd.
13. Freddie Thompson – 3 Hook Rd
14. Caitlin Munchick – 16 Grand St.

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15. Edie Roberts – 59 Whittier Blvd
16. Alan Rodriguez
17. Melissa Hoffman – 21 Lexington Ave
18. Summer-Annie Johnson – 797 Sergeant Palmateer Way

***submitted written comments**

Additional written comments were sent in to be included in the official record by:

1. Fred Cantor, President, Dutchess County Association of REALTORS
2. Laura K. Chadwick, President & CEO, Travel Technology Association
3. Jill Vose, 3 Cora Lane, Poughkeepsie, NY
4. Teresa Cabrero Nehme
5. Mike Griggs, 18 Stonehedge Dr, Poughkeepsie, NY
6. Tim Alan

IV. ADJOURNMENT:

The Public Hearing ended at 7:01 pm.

Dated: May 18, 2023.

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on May 15, 2023.

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain

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.

Laurie Sandow comments, c/PK Common Council public hearing, Short-Term Rentals,
May 15, 2023:

Tonight's public hearing on Short Term Rentals is a good example of how this Council willfully creates delays, arranging for and lending itself to months of repetitive commentary by organizations that propose one after another piece of one-off, short-sighted legislation. That was the case years ago with Good Cause Eviction, and is now the case with the proposed Short Term Rental legislation.

It's worth making special note that the organizations "For The Many" (FTM) [an organization that previously operated under the name "Nobody Leaves Mid-Hudson", until being caught up by bad press about their treatment of interns], and "Community Voices Heard" (CVH). do NOT show up, speak out, and stay involved with and informed about issues in front of this Council unless they're pushing a piece of short-sighted legislation. And that FTM (For the Many), goes so far as to offer \$25 T-shirts to people in exchange for showing up to speak on their short-sighted legislation. Keep watch: it will be usual to see their members leave the room once they're done speaking, or once their singular agenda issue has been discussed or passed.

But, to be clear, that's not to say that the housing shortage, homelessness, short-term rentals, evictions, building code violations, unaffordable rents, and more are not urgently worthy of attention and solutions. That's just to say that FTM and CVH are not the ones doing it. For example: When it comes to housing issues, have For the Many and Community Voices Heard shown up to speak about the homeless shelter? No, they haven't. Did they show up to speak when the Innovation District was proposed? No, they didn't.

But now that two Councilmember shills—Evan Menist and Megan Deichler—seem to have garnered enough votes to move short-term rental legislation up for a vote, suddenly a public hearing's been scheduled. Need I note that neither Menist nor Deichler has held a recent ward meeting? And that the same two councilmembers illegally hide comments on their social media? And, that Deichler, while featuring FTM events on her own FB page, is otherwise unresponsive to constituent issues, inquiries, complaints and correspondence?

Also, before Deichler and Menist protest the label of shill, one dictionary definition explains: *A shill, also called a plant or a stooge, is a person who publicly helps or gives credibility to a person or organization without disclosing that they have a close relationship with said person or organization. Shills can carry out their operations in the areas of media, journalism,*

marketing, politics, sports, confidence games, cryptocurrency, or other business areas. A shill may also act to discredit opponents or critics of the person or organization in which they have a vested interest.

The origins of this City's housing crisis do not lie in short-term rentals. It traces back to such things as the creation of the Innovation District, which did not obligate affordable housing; as well as tax credits and other advantages given to market-rate developments and developers and refusal of the Planning Department to transparently disclose the parties behind LLCs, property transfers and purchases.

In February 2019, I said the following on the record:

“While tonight's Innovation District Ordinance pretends to represent “best practices” [and, unlike the 2017-2018 Pace Land Use draft framework,] it creates a District that does not include any guarantees of affordable commercial space, of affordable housing, of continuing open space, community space, or parkland. In fact, it codifies the exact opposite.”

In 2021, speaking about Good Cause Eviction, I said this on the record:

“There is so much that this so-called Good Cause Eviction law does not and will not do. It does not stabilize rents, many of which have already risen to unsustainable levels for rent-burdened city residents. It does nothing to address rampant violations of tenant protections, violations that go largely unrecorded and unpunished in this City; it does nothing about out-of-town or out-of-state landlords who do not maintain their properties; it does not establish anything resembling resources like a free Court Help Desk for tenants and landlords alike. It does not deter living condition violations and neglected maintenance in existing senior and subsidized housing. In brief, it does not automatically deter rent increase abuses without litigation....”

I also said, “I am currently speaking in opposition to Salem and Menist's “Good Cause Eviction” resolution. Why? Not because I lack concern for tenants—quite the opposite. But because the existing proposal will NOT protect tenants, does not begin to stabilize or cure the city's housing and rental situation, sets the baseline for future increases at already inflated levels, and is principally a drawn-out election season stunt. The primary accomplishment of this law will be to increase, NOT decrease, litigation between landlord and tenant, at the expense, and to the detriment, of both parties. Court outcomes are predictable considering that the cost of goods, services, water, sanitation and property taxes have all seen recent drastic increases....”

Now, many years later, as if they invented the wheel, this Council is falling all over itself in self-congratulation at providing legal support at court one day a week, but only for those with court cases the same day. Otherwise they throw back to the pitiful and clueless washing-their-hands, not-my-problem advice that Salem, Deichler and other councilmembers offered to tenants when the eviction moratorium expired:

“I urge Poughkeepsie renters to know their rights, stay in their homes, and engage with judicial proceedings as they play out. Only a court order can remove you from your home – not your landlord. Contact Legal Services of the Hudson Valley if you feel you are being evicted without good cause. Do not self-evict.”

The translation: Don't come to us for help, go somewhere else. We leave you to your own devices and to fend for yourself.

May 12, 2023

Hon. Natasha Brown
Chairwoman, City of Poughkeepsie Common Council
62 Civic Center Plaza
3rd Floor
Poughkeepsie, NY 12601

Dear Chairwoman Brown:

On behalf of the members of the Dutchess County Association of REALTORS®, I am writing to express concern over the proposed short-term rental law currently being considered by the Common Council. We believe as an association that short-term rentals should be regulated to protect the health and safety of the guests. We also share in the council's assessment that there is a housing shortage in not only the City of Poughkeepsie, but in the country. However, the current proposal places an unfair burden on hosts and includes onerous requirements on property owners. We hope the council will consider changes to the proposal that will ensure fairness for all involved.

The restriction to only allow short-term rentals where the host is physically on the premises during the guests stay restricts a property owner's right to do what he or she wants with their property. Courts have routinely found this type of restriction unconstitutional, including most recently with a decision by the U.S. Fifth Circuit Court of Appeals in August of 2022¹. We also believe that the \$1,000 permit fee and subsequent \$500 a year renewal fee is exorbitant and could be disqualifying for many residents. Perhaps the City could consider lowering the fee or extending the permit for two years instead of one, which would help property owners defray the cost.

We additional concerns over the lack of an appeals process when a permit is revoked. Currently, the bill does not give short-term rental operators the ability to contest a revocation of a permit, and it does not give them a chance to remedy an issue that may come up. This lack of due process is concerning and could lead to costly litigation in the future. Almost every short-term rental law that is passed at the local level includes some form of an appeals process or opportunity to remedy an issue before a permit is revoked.

Finally, we find the permit application process to arbitrary and could lead to many residents being denied the opportunity host their homes. The .5% number of permits seems to be

¹ <https://www.wvno.org/news/2023-01-17/whats-next-for-short-term-rentals-in-new-orleans-heres-what-could-happen-ahead-of-march-deadline>

a way to severely limit residents' opportunity to offer their homes as a short-term rental. The 30-day window to apply for a permit is concerning as well. Will that window open during the same time every year, or will it change? Will the City make every effort to advertise that to the public? This could lead to residents losing their current permit and preventing others from getting one.

We hope that the Council will continue working on this proposal to find a middle ground where both residents of the City feel protected but where the rights of property owners are respected. The current iteration of this proposal unfairly targets operators of short-term rentals and seeks to punish them for a housing problem that they did not create.

Sincerely,

Fred Cantor

Fred Cantor
2023 President, Dutchess County Association of REALTORS®

CC: Mayor Marc Nelson
City Chamberlain Jasmin Davis



Via Electronic Mail

May 12, 2023

City of Poughkeepsie Common Council
62 Civic Center Plaza
3rd Floor
Poughkeepsie, NY 12601

Re: Comments on Proposed Poughkeepsie Ordinance

Dear Chairwoman Natasha Brown and Members of the Poughkeepsie Common Council:

On behalf of the Travel Technology Association (Travel Tech) and our members, I submit the following comments concerning the City of Poughkeepsie's proposed short-term rental ordinance. Travel Tech advocates for public policy that promotes market transparency and competition to encourage innovation and preserve consumer choice. Our members include innovators in travel technology, including online travel agencies, metasearch engines, short-term rental platforms, global distribution systems, and travel management companies.

We are writing today to state our opposition to proposed Local Law Adding Section 19-4.23 "Short Term Rental Regulations". Various provisions of this ordinance violate the federal Communications Decency Act, 47 U.S.C. § 230 ("CDA") because they impose liability on short-term rental platforms for publishing third-party content. Local laws aimed at holding platforms responsible for the acts of others are preempted by Section 230.

Additionally, the data sharing requirements of the ordinance violate the Fourth Amendment, because the provisions compel disclosure of business records and personally identifiable information. The Fourth Amendment and state corollaries protect individual and business information, and limit disclosure to governmental entities. When platforms partner with local governments, it is imperative they adhere to privacy and constitutional safeguards in compliance with applicable federal and state laws.

In light of these issues, we urge you to remove these requirements and continue to consult with our members and other stakeholders on developing reasonable regulations for the industry. Thank you for your careful consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Laura Chadwick". The script is fluid and cursive, with the first name "Laura" and last name "Chadwick" clearly distinguishable.

Laura K. Chadwick
President & CEO
Travel Technology Association

Donna DeLuca

From: J V <jillvose@gmail.com>
Sent: Saturday, May 13, 2023 7:13 PM
To: Donna DeLuca
Subject: Home share/vacation rental

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I strongly disagree with the proposal to govern whom I can and cannot allow use my home and for what purpose. This is a direct violation of my freedom of enterprise and an attempt to take more earned income from an already heavily taxed district. This is another reason New York is becoming un-investable. This proposal does nothing but support hotel chains and hotel owners that are not selling out because they are monopolizing and price fixing and our government does nothing about that.

Hotels call around each day set rates based on what the other hotel is selling. When a huge company like Marriott has multiple managed hotel brands in the same market, they adopt the same selling strategy plus or minus amenities. It's a regulation that is totally unnecessary and is harmful to the guy who bought a house and can't afford to keep it or pay the taxes. It's really a step in the wrong direction.

Jill Vose

3 Cora Ln, Poughkeepsie, NY 12603

From: Teresa Cabrero
To: Donna DeLuca
Subject: Short term rentals Dutchess County
Date: Monday, May 15, 2023 9:44:06 AM

Dear members of the office of the city of Poughkeepsie,

My family has been severely impacted in the last 3 years. My husband was diagnosed with cancer in 2020 and endured a very costly battle against the disease. Despite our best efforts, he unfortunately passed away last summer leaving behind two sons, now 11 and 13 years old.

Now as head and sole provider of our household, I am facing many challenges. Tragedy stroke our door and I have been struggling to make ends meet. Having the extra income of renting our property has been a huge help, one that allows us to keep afloat. As a single working mother, it is my priority to keep my sons safe and sound, please make sure we can keep counting with this extra income that makes a difference in our family.

I am writing because I can't attend tonight's meeting. But please hear our story so you can account for the help families like mine receive from the short term rentals.

Thank you very much,

Teresa Cabrero Nehme
:: 917.304.5244

Donna DeLuca

From: Michael Griggs <michael.t.griggs@gmail.com>
Sent: Monday, May 15, 2023 3:07 PM
To: Donna DeLuca
Subject: Public Hearing on Short-term Rentals

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a resident of 18 Stonehedge Drive, Poughkeepsie NY 12603

I want to voice my concern over the new regulations for short term rentals, which I strongly believe will be detrimental to the tourism opportunities and ultimately revenue.

As both a resident and short term rental owner, this is more than just about me. I actually do not make a profit on my rental, rather bringing good people to find family friendly ways to visit loved ones to Vassar/Marist, or just explore more of what Poughkeepsie has to offer - all while being cheaper than the lowest rated local hotels.

I ask that you do not vote in favor of regulating short term rentals to the degree in which its proposed.

Thank you very much,
Mike Griggs

Sent from my iPhone.

From: timbarnum1@gmail.com
To: [Donna DeLuca](#)
Subject: RE: The city of Poughkeepsie Short Term Rentals conAmbassadors for Poughkeepsiesideratins
Date: Monday, May 15, 2023 5:23:42 PM

Common Council Meeting 5/15/2023 Short Term Rentals

Dear commissioners:

I want to make you aware that guests book on Airbnb from all over the country and the world. It adds a huge amount of visibility for Poughkeepsie.

You may not understand that Airbnb hosts become essentially ambassadors for the city of Poughkeepsie.

Guests are provided with list of restaurants, stores, and lists and pamphlets on activities and events, even Bardavon schedules.

Families with children considering or starting or graduating from the local colleges can have a significantly more pleasant experience at an important time in their lives than being a Marriot or Holiday inn.

A search today on Airbnb found 2 offers of rooms 2 offers of an entire house and 17 apartment. A total of 21 options

You must understand that owners who live in homes with apartments most often do not want the hassle of a full time tenant.

The sort term rental helps pay for taxes and heat and it allows them to have their homes to themselves most of the time, **Many would never consider renting their home apartments full time. You might reconsider how may housing stock apartments will really come on the market with this.**

Will this really solve an issue that is much larger than Airbnb units

Finally Airbnb hosts currently automatically pay Dutchess county hotel tax and would do the same for any City of Poughkeepsie Resort Tax.

Thank you
Tim Alan