

STATE OF NEW YORK
DEPARTMENT OF STATE
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KATHY HOCHUL
GOVERNOR
ROSSANA ROSADO
SECRETARY OF STATE

October 7, 2021

Village clerk
Village of Pomona Clerk
100 Ladentown Road
Pomona NY 10970

RE: Village of Pomona, Local Law 2 2021, filed on October 1, 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

VILLAGE OF POMONA
LOCAL LAW NO. 2 OF THE YEAR 2021

A LOCAL LAW AMENDING CHAPTER 130, ZONING, AND CHAPTER 104, HOTELS, INNS AND BOARDINGHOUSES, TO REGULATE SHORT TERM RENTALS OF RESIDENTIAL DWELLINGS

Be it enacted by the Village Board of Trustees of the Village of Pomona by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law, as follows:

Section 1: Legislative findings and intent. The Village Board of the Village of Pomona hereby finds and declares:

(1) Legislative findings.

(a) There is a critical and compelling need to regulate short-term rental use of residential dwellings located in the Village of Pomona. Most dwellings in the Village are not subject to the New York State Uniform Fire Prevention and Building Code (Uniform Code) provisions for protecting transient occupants. Therefore, the Village Board finds and determines that the public health, safety and welfare of current and future Village residents will be adversely affected by the unregulated short-term rental of all or a portion of residential dwellings.

(b) The Board further finds and determines that conditions arising from the short-term rental of dwelling units may endanger transient renters, pose hazards to life, limb and property of residents of the Village, exacerbate blight, contribute to noise and other nuisance conditions related to crowding, contribute to excessive vehicle traffic and parking problems and overburden municipal services. The Board finds that current zoning law provisions are inadequate to halt the proliferations of such conditions and that public health, safety, welfare and good order and governance of the Village will be enhanced by the enactment of the regulations set forth in this section, which regulations are remedial in nature and effect.

(2) Intent. These regulations intend to protect the health and safety of Village residents and visitors as follows:

(a) Prevent unregulated tourist or transient rental uses within all permitted and preexisting nonconforming dwelling units in the Village; and

(b) Protect and preserve the Village's residential nature and unique, tranquil neighborhood character as sustained by the Village's zoning, subdivision, property maintenance and related local laws; and

(c) Protect and ensure the safety of its current and future residents as well as those

traveling to or visiting in the Village; and

- (d) Prevent to the greatest extent practicable public safety risks, including but not limited to, noise, trash, traffic, and parking impacts associated with unregulated short-term rental of residential dwellings.

Section 2: Amend Chapter 130, Zoning, §130-4 Definitions to add the following new definitions, to be inserted in alphabetical order within such section:

OFFER TO RENT

To personally or through an agent, referral service, representative or other entity or person, communicate or advertise, verbally, in writing, or through electronic means or otherwise, the availability for rental or similar use of any dwelling or rooming unit, or to knowingly allow, commission, authorize, or permit such communication or advertisement.

SHORT-TERM RENTAL

A dwelling unit and/or any accessory outdoor areas, yards or structures that are rented, in whole or in part, to any person or entity for a period of 29 consecutive nights or less. "Rental" means an agreement, written or oral, granting use or possession of a residence, in whole or part, to a person in exchange for monetary compensation or other valuable consideration. "Short-term rental" shall also mean the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a dwelling unit and/or accessory outdoor areas or yards or accessory structures for 29 consecutive nights or less. The term "short-term rental" shall not include month-to-month tenancies in dwelling units.

Section 3. Amend Chapter 130, Zoning, §130-4 Definitions as follows:

DELETE: “ROOMER” definition in its entirety.

DELETE: “ROOMING UNIT” definition in its entirety.

Section 4: Amend Chapter 130 Zoning, §130-16, General lot, yard and use regulations, by adding the following additional new subsection V:

- V. Short-term rentals prohibited. It shall be unlawful for any person to offer to rent or to operate any dwelling unit or portion thereof, or to rent or operate any accessory structures or outdoor areas related to the dwelling unit or portions thereof, as a short-term rental as defined by this Chapter.

Section 5: Amend Chapter 130 Zoning, §130-24, Penalties for offenses, as set forth below, adding a new subsection B, and renumbering the subsequent subsection:

§ 130-24 Penalties for offenses.

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- A. Any person, partnership, corporation, limited liability company, limited liability partnership or other entity who shall violate any provision of this chapter, the New York State Fire Prevention and Building Code, or any rules or regulations pertaining thereto or who shall build or alter any building or structure or use any land in violation of any permit or plan issued pursuant to this chapter or who shall assist therein shall be liable to a fine not to exceed \$5,000 and/or imprisonment not to exceed 15 days, or by both such fine and imprisonment. Each day's continued violation shall constitute a separate and additional violation.
- B. Any person, partnership, corporation, limited liability company, limited liability partnership or other entity who shall violate subsection V of §130-16 of this chapter regarding the prohibition of short-term rentals, shall be liable to a fine of at least \$1,000 and not to exceed \$3,500 for the first offense, and shall be liable for a fine of at least \$3,500 and not to exceed \$7,500 for a second offense committed within three years of the first offense and shall be liable for a fine of at least \$7,500 and not to exceed \$10,000 for a third offense committed within 3 years of the commission of the second offense. Each short-term rental period offered or rented shall be considered a separate offense.
- C. In addition to the foregoing, the Village shall have such other remedies for any violation or threatened violation as are now or may hereinafter be provided by law or in equity.

Section 6: This local law shall take effect immediately upon filing with the Secretary of State.