

**LOCAL LAW TO BE ENACTED BY
THE BOSTON TOWN BOARD
TOWN OF BOSTON, NEW YORK**

2024 LOCAL LAW NO. 1

A LOCAL LAW of the Town of Boston amending the Town Code of the Town of Boston to add Chapter 94 “Short-Term Rentals”.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

A LOCAL LAW to amend the Boston Town Code to add Chapter 94, “Short-Term Rentals”, to require owners of Short-Term Rentals to obtain a Short-Term Rental Permit”

Section 1. Title

This local law shall be known as and may be cited as Local Law No. 1-2024 to amend the Boston Town Code to add Chapter 94 “Short-Term Rentals” requiring owners to obtain a Short-Term Rental permit from the Town of Boston in order to continue or commence operation of a Short-Term Rental.

Section 2. Authorization

The adoption of this Local Law is in accordance with Section 264 of New York Town Law and Chapter 10 of the New York Municipal Home Rule Law.

Section 3. Legislative Intent and Purpose

The Town of Boston recognizes that it would be beneficial for the Town to control and regulate the use of Short-Term Rentals within the Town of Boston. The provisions of this section are intended to preserve and protect the health, character, safety and general welfare of the residential neighborhoods and rural areas where Short-Term Rentals are operated and to mitigate the adverse effects of Short-Term Rentals.

Section 4. Amendment

The Boston Town Code shall be amended to add Chapter 94 “Short-Term Rentals” as follows:

94.1 Definitions

As used in this chapter, the following term shall have the meaning indicated:

Short-Term Rental - Any portion of real property having the required frontage on a public street per Section 123-122 and rented for compensation in exchange for lodging for a period of not more than 31 consecutive days. For the purpose of this Chapter, the term “Short-Term Rental” shall not include boarding/lodging houses, hotels, motels or ongoing month to month tenancies.

94.2 Presumption of Dwelling Unit as Short-Term Rental Property

- A. The presence of the following shall create a presumption that all or part of the property is being used as a Short-Term Rental.
 - (1) All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of less than 31 days and/or
 - (2) All or a part of the property is offered for lease for a period of 31 days or less through any form of advertising.
 - (3) Any indication of frequent change of residents and/or type and number of vehicles observed from month to month.
- B. The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the premises is not operated as a Short-Term Rental.

94.3 Required Permit

- A. Owners shall not use their property as a Short-Term Rental without obtaining a revocable Short-Term Rental permit.
- B. A Short-Term Rental permit shall be valid for two (2) years and must be renewed 30 days prior to expiration of the current permit if the premises is to continue to operate as a Short-Term Rental.
- C. A Short-Term Rental permit is not transferable to a new owner. The new owner of the premises subject to a Short-Term Rental must file a new permit application.
- D. Notwithstanding the foregoing, those properties with Short-Term Rental commitments existing on the date this section takes effect shall be permitted to honor such existing commitments and continue to make commitments for Short-Term Rentals but must apply for a permit within 90 days of the Local Law’s effective date for all future Short-Term Rental commitments. In the event such application is denied, all future commitments for rentals after the date the application is denied shall be cancelled.

94.4 Short-Term Rental Permit Application Requirements

A. Applications for a Short-Term Rental permit may be obtained at the Town of Boston Town Clerk's office. The Short-Term Rental permit shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee to be determined from time to time by resolution of the Town Board. The application shall include the following:

- (1) The signatures of all owners and their designated agents.
- (2) A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this chapter.
- (3) An acknowledgement of present and ongoing compliance with the Short-Term Rental standards as defined in this chapter including, but not limited to, the demonstration of adequate off-road parking spaces for the proposed Short-Term Rental.
- (4) A list of each property owner and the name of any manager or management agency managing the property including name, address, telephone number and email address of each.
- (5) The name, address, phone number and email address of the most local contact person who shall be responsible and authorized to act on the owner's behalf to promptly remedy any violation of the standards outlined in this section. The contact person may be an owner or an agent designated by the owner to serve as a contact person and shall respond to any communication from the Town Code Enforcement Officer within 24 hours.
- (6) An accurate suitable floor plan for each level of the dwelling that can be occupied measuring at least 8.5" X 11" drawn to scale and certified by the applicant. The floor plan does not need to be prepared by a professional, but must include the following:
 - a. The location of buildings and required parking (at least 350 sq. ft. per parking space is required)
 - b. The location of house utilities and all rooms including bedrooms, windows, exits and any heating/cooling units on each level of the dwelling that can be occupied.
 - c. If an attic is to be occupied, the entire dwelling must be sprinkled.

- (7) A statement that none of the owners of the subject property has had a Short-Term Rental permit revoked within the previous year for any rental properties owned individually or together with others.
- (8) County Health Department approval of the property's septic system, if appropriate.
- (9) Certification that the property's well has been tested or inspected by the New York State Health Department.

94.5 Short-Term Rental Standards

A. Property Requirements

- (1) Property must comply with and meet all current New York State Building Codes.
- (2) There shall be one (1) working smoke detector in each sleeping room and one (1) additional smoke detector on each floor. Smoke detectors shall be interconnected. Carbon monoxide detectors shall be installed as required by the New York State Fire Prevention and Building Code.
- (3) Evacuation procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.
- (4) There shall be an ABC fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the permit holder to ensure each contains a full charge. A record of the date inspected initialed by the permit holder shall be maintained and made available to the Code Enforcement Officer upon request.
- (5) The house number shall be located at the road and on the dwelling so that it is clearly visible from both the road and the driveway.
- (6) Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
- (7) Electrical systems shall be in good operating condition, labeled, unobstructed and visible for the Code Enforcement Officer during the permitting process. Any defects found shall be corrected prior to permit issuance.
- (8) All fireplaces shall comply with all applicable laws and regulations.

(9) The property must have a minimum of one (1) off-street parking space for every bedroom shown on the floor plan included with the application. No parking on the street is permitted.

(10) Maximum occupancy for each Short-Term Rental unit shall not exceed two (2) people per bedroom shown on the floor plan included with the application. The Maximum occupancy of the Short-Term Rental unit shall not exceed eight (8) people including permanent residents and renters.

(11) If the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system but in no event shall overnight occupancy for a Short-Term Rental unit exceed eight (8) people total.

B. Insurance Standards

All applicants and permit holders must provide Evidence of Property insurance and a Certificate of Liability insurance indicating that the premises is rated as a Short-Term Rental and maintain such insurance throughout the term of the Short-Term Rental permit.

C. Rental Contract. All applicants and permit holders must have a rental contract that includes the following:

(1) Maximum property occupancy

(2) Maximum on-site parking provided

(3) Good Neighbor Statement stating:

a. The Short-Term Rental is in a residential area in the Town of Boston and renters should be considerate of the residents in neighboring homes.

b. Quiet hours are between 11:00 PM and 8:00 AM.

c. All guests will be subject to New York Penal Law Section 240.20 or any successor statute regarding disorderly conduct.

d. Littering is illegal.

94.6 Procedure Upon Filing Application

A. Short-Term Rental permit applications shall be filed with the Town of Boston Code Enforcement Officer with all supporting documentation and the nonrefundable permit fee. Only completed applications will be accepted. The Code Enforcement Officer may decline to accept an application for consideration

for any of the following reasons:

- (1) The application or documentation required by this Section was not included or the full permit fee was not paid.
 - (2) A previously issued Short-Term Rental permit was revoked within the past year and defects and/or violations have not been corrected and inspected by the Code Enforcement Officer.
- B. Upon receipt of a completed Short-Term Rental permit application, property owners within 100 feet of all property lines of the subject parcel will be notified of the application by the Town of Boston and given the opportunity to comment.
- C. Upon the Code Enforcement Officer's acceptance of the completed permit application, all documents and information required by this Section and the permit fee, the Code Enforcement Officer shall have 30 days to conduct a property inspection to certify that all Short-Term Rental requirements have been met.
- D. Upon approval of the Short-Term Rental application by the Code Enforcement Officer, a Short-Term Rental permit will be issued. Short-Term Rental permits issued pursuant to this Section shall state the following:
- (1) The name, address, phone number and email address of each person or entity that has an ownership interest in the Short-Term Rental property.
 - (2) The name, address, phone number and email address of the primary contact person who shall be available during the entire time the Short-Term Rental is being rented.
 - (3) The maximum occupancy and vehicle limits for the Short-Term Rental property.
 - (4) Identification of the number and location of available parking spaces.
 - (5) Any conditions imposed by the Board of Zoning Appeals and/or the Code Enforcement Official.

94.7 Conformity and Display of Permit

- A. Short-Term Rental permits are subject to continued compliance with the requirement of these regulations.
- (1) If the Code Enforcement Officer has probable cause to believe that the homeowner is not in compliance with the provisions of this Law, he may conduct an inspection of the Short-Term Rental property for purposes of ensuring compliance with this Section. If the property owner refuses to

permit the Code Enforcement Officer to inspect the property, the permit will be revoked. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to revoke the permit.

- (2) The Short-Term Rental permit, maximum occupancy limit, maximum parking, contact form and standards shall be prominently displayed inside and near the front entrance of the Short-Term Rental.
- (3) The Short-Term Rental permit holder shall ensure that current and accurate information is provided to the Code Enforcement Officer and that he or she notifies the Code Enforcement Officer immediately of any change in the information displayed on the permit. If, based upon such changes, the Code Enforcement Officer issues an amended Short-Term Rental permit, the owner must immediately post the amended permit inside and near the front entrance of the Short-Term Rental.
- (4) The Short-Term Rental permit holder must conspicuously display the Short-Term Rental permit number in all advertisements for the applicable Short-Term Rental.

94.8 Compliance and Penalties

- A. Violations of this Section or of any Short-Term Rental permit issued pursuant to this Section shall be subject to enforcement and penalties prescribed in this Section.
- B. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this Section or of any Short-Term Rental permit issued pursuant to this Section, the Code Enforcement Officer shall properly record such complaint and immediately investigate the report thereon. If the Code Enforcement Officer determines there is a violation of this Law, the owners and/or agent(s) shall be notified in writing of said violations and the Code Enforcement Officer may take any or all of the following actions:
 - (1) Attach conditions to the existing Short-Term Rental permit.
 - (2) Suspend the Short-Term Rental permit. The Notice of Suspension shall be provided to the property owner and a copy filed with the Town Clerk.
 - (3) Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of notice from the Code Enforcement Officer or the owner risks revocation of the permit.

- (4) Issue a court appearance ticket for violation of a Town law.
- (5) Revoke the Short-Term Rental permit. In this event, the building shall be posted as such. Should a permit be revoked, all owners of the Short-Term Rental are prohibited from obtaining a Short-Term Rental permit on the property for one (1) year after the date of revocation. The Code Enforcement Officer shall send the Notice of Revocation to the property owners and shall file a copy with the Town Clerk.

94.9 Application for Renewal of Permit. Renewal permits will be granted for an additional two-year term if the following conditions are met:

- A. Applications for renewal shall be made 30 days prior to expiration of the current permit and require payment of a renewal fee.
- B. At the time of application for renewal, the owner must present the previous permit for Short-Term Rental.
- C. The property must have undergone an inspection performed by the Code Enforcement Officer.
- D. Any violations must be remedied prior to renewal of a Short-Term Rental permit.
- E. If a Short-Term Rental permit holder fails to apply for renewal of the permit by the time it expires, a new Short-Term Rental permit must be obtained.

94.10 Grounds for Suspension or Revocation of Permit

- A. The Code Enforcement Officer may immediately suspend a Short-Term Rental permit based on any of the following grounds:
 - (1) Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
 - (2) Applicant failed to meet or comply with any of the requirements of this Chapter.
 - (3) Owner is in violation of any provisions of the Code of the Town of Boston.
 - (4) Owner has violated any provision of the Penal Code of the State of New York that occurred at or was related to the occupancy of the Short-Term Rental.
 - (5) Any conduct on the premises that disturbs the health, safety, peace or

comfort of the neighborhood or that otherwise creates a public nuisance.

94.11 Appeals and Hearings

The property owner is entitled to appeal the Code Enforcement Officer's determination to the Town Board when his or her application for a Short-Term Rental permit or a Short-Term Rental permit renewal is denied or a Short-Term Rental permit is revoked. A Notice of Appeal shall be filed with the Town Clerk and the Town Board within 60 days of the Code Enforcement Officer's filing of the denial or revocation with the Town Clerk. A public hearing shall be held by the Town Board not more than 45 days after the filing of the Notice of Appeal.

Section 5. Validity and Severability

Should any word, section, clause, paragraph, sentence, part of provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 6. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Boston that are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section 7. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.