

A LOCAL LAW TO AMEND § 128, OF THE CODE OF THE VILLAGE FREEPORT, ENTITLED "HOUSING STANDARDS," BY ADDING § 128, ARTICLE XI "TRANSIENT RENTAL PROPERTIES"

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEPORT:

Section 1. Chapter 128, Article XI, §128-67 through §128-71, which reads as follows, is hereby adopted:

Article XI Transient Rental Properties

§128-67 Legislative Intent and Purpose

The Board of Trustees of the Village of Freeport finds that the effects of transient rentals in the Village of Freeport, a suburban community, pose a threat to the health, safety, and well-being of the residents of the Village of Freeport.

§128-68 Definitions

For the purpose of this section, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in common usage.

TRANSIENT RENTAL PROPERTY

A rental dwelling unit occupied by persons other than the owner or a family member of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period of less than 28 nights. For the purposes of this article, the term "transient rental property" shall mean all non-owner-occupied dwelling units rented for a period of less than 28 nights and shall not include:

- (1) Properties used exclusively for nonresidential commercial purposes in any zoning district; or
- (2) Any legally operating hotel/motel business operating exclusively and catering to transient clientele; that is, customers who customarily reside at these establishments for short durations for the purpose of vacating, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

§128-69 Prohibited Acts

- A. No dwelling unit, whether single-family, multi-dwelling or mixed residential use, shall be used or occupied as a transient rental property. No rental permit shall be issued for the use of any property within the Village as transient rental property.
- B. Every individual day/night of rental is considered a separate offense for the purposes of this chapter.

§128-70 Presumption of Use

- A. The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:
1. The dwelling unit or any room therein is offered for lease on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and the like, for a period of less than 30 nights.
 2. The dwelling is offered for lease in any medium for a period of less than 30 nights.
- B. The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Official that the dwelling unit is not a transient rental property.

§128-71 Penalties for Offenses

Any person, association, firm or corporation who or which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:

- (1) upon conviction of a first offense, by a fine of not less than \$1,000 and not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both;
- (2) upon conviction of a second offense, committed within a period of 10 years of the first conviction, such violation will be subject to a fine of not less than \$2,500 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both;
- (3) upon conviction of a third offense, committed within a period of 10 years of the first conviction, such violation will be subject to a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both;
- (4) upon conviction of a fourth or subsequent offense, after having been convicted three or more times within a period of 10 years, such violation shall be prosecuted as an unclassified misdemeanor, with a minimum fine of \$10,000 and a maximum fine of \$30,000 or a maximum period of incarceration of one year, or both.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State's Office.

