

Local Law Filing

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(select one)

of Floral Park

Local Law No. 2 of the year 2022

A local law adding Section 99-21.2 to the Code of the Incorporated Village of Floral Park regarding Transient Rentals.

**Be it enacted by the Board of Trustees of the
(Name of Legislative Body)**

County City Town Village
(Select One:)

of Floral Park **as follows:**

Section 1. Legislative Intent

This Local Law adds Section 99-21.2 to the Code which provided “transient” rentals (i.e. rental of real property for less than 28 days) with the Village.

Section 2. Section 99-21.2 As Adopted:

§99-21.2(1)

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:

- A. Properties used exclusively for nonresidential commercial purposes in any zoning district; or
- B. 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.

§99-21.2(2)

Presumption of Use

There shall be a presumption of dwelling unit as transient rental property shall exist if the following is found to exist:

- 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 Airbnb, Home Away, VRBO and the like for a period of less than 28 nights.
 - (2) The dwelling if offered for lease in any medium for a period of less than 28 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.

§99-21.2(3)

Transient Rentals Prohibited

No dwelling unit, whether single-family, multidwelling 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.

§99-21.4)

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:

- A. By a fine of not less than \$1,000.00 and not exceeding \$5,000.00 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.
- B. For any second conviction, committed within a period of 10 years of the first conviction, such violation will be subject to a fine of not less than \$2,500.00 nor more than \$10,000.00 or by imprisonment for a period not to exceed 15 days, or both.
- C. For any third conviction, committed within a period of 10 years of the first conviction, such violation will be subject to a fine of not less than \$2,500.00 nor more than \$10,000.00 or by imprisonment for a period not to exceed 15 days, or both.
- D. For any 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 \$10,000.00 and a maximum fine of \$30,000.00 and/or a maximum period of incarceration of one year.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2022 of the (County)(City)(Town)(Village) of Floral Park was duly passed by the Board of Trustees on May 17, 2022 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2022, and was (approved)(not approved)~~

~~(Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted _____ (Elective Chief Executive Officer*) on _____ 2022, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2022, and was (approved) (not approved)

~~(Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 2022. (Elective Chief Executive Officer*)~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 2022, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2022, and was (approved)(not approved) (Name of Legislative Body)~~

~~(repassed after disapproval) by the _____ on _____ 2022. (Elective Chief Executive Officer*)~~

~~Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2022, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

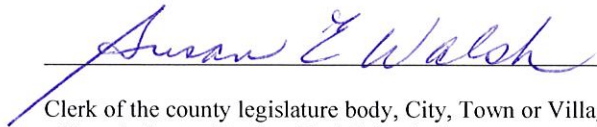
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2022, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the County of _____ State of New York, having been submitted to the electors as the General Election of November _____ 2022, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Clerk of the county legislature body, City, Town or Village Clerk or officer designated by local legislative body

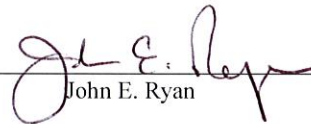
Date: _____ May 17 _____, 2022

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature John E. Ryan

Village Attorney

Title
County
City
Town of _____ Floral Park
Village

Date: _____ May 17 _____, 2022