

**TOWN OF ORANGETOWN  
NOTICE OF ADOPTION**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Orangetown, after a Public Hearing held on the 26th day of September, 2023, adopted Local Law No. 11, 2023. This Local Law amends the Town Code, Chapter 43, Article XV, Landlord Registry Act / Short Term Rentals.

Local Law No. 11, 2023, as adopted and approved, has been filed in the Office of the Town Clerk of the Town of Orangetown, Town Hall, 26 W. Orangeburg Rd., Orangeburg, NY, where it may be examined by any interested party and is available for review online at [www.orangetown.com](http://www.orangetown.com).

By order of the Town Board of the Town of Orangetown.

Dated: September 26, 2023  
Orangetown, NY

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney

**LOCAL LAW NO. 11 OF 2023 OF THE  
TOWN OF ORANGETOWN, TO AMEND ARTICLE XV (LANDLORD REGISTRY  
ACT), OF CHAPTER 43 (ZONING), OF THE CODE OF  
THE TOWN OF ORANGETOWN, RELATED TO SHORT TERM USE OF  
PROPERTY FOR RENTAL OR OTHER RENTAL-LIKE PURPOSES**

Be it enacted by the Town Board of the Town of Orangetown as follows:

**Section 1 – Legislative Findings, Objectives and Purpose.**

The Town of Orangetown (“Town” or “Orangetown”) recognizes that there are rising concerns, and documented instances, that certain residential properties located in residential Zoning Districts within the unincorporated sections of the Town are being inappropriately used as short-term, income potential generating, commercial-like rental related use and/or other non-residential business purposes, to the detriment of the health, safety and welfare of neighboring property owners and the public at large, and also, at times, in violation of the existing regulations of Chapter 43 (Zoning) of the Orangetown Code (“Zoning Code”). Some of these rental related uses have included large parties, and similar gatherings, that have posed public safety concerns, contributed to excessive vehicle traffic and parking problems, as well as created an excessive amount of noise, disturbance and other disorder not compatible with the purposes of a residentially zoned neighborhood.

The Town also finds that short-term rental use of residential property, as defined herein, promotes or encourages the deterioration of residential housing stock of the Town, and this Local Law will prevent, or otherwise discourage, the use of residential property for financial benefit by those who do not use their property for only residential purposes as the residential Zoning Districts in the Town were intended to provide for at all times. The Town further finds that the imposition of substantial monetary, and other penalties, against those who do not use residential property, for the residential purpose that the Zoning Code was designed to promote and protect, is necessary to remove any financial, or other benefit, by those who do not use residential property exclusively for residential purposes. The Town furthermore finds that this Local Law will serve to halt the use of residential property for non-residential purposes, as has taken place already in the Town, and the proliferation of such conduct, which must be stopped to protect the health, safety and welfare of all those Town residents who are adversely impacted by such non-residential use of residential property.

In order to provide the Town with necessary additional information, with an aim toward ensuring compliance with the legal and permissible uses of residential properties within the Town, and to protect the health, safety and welfare of property owners in residential Zoning Districts, the Town is adopting this Local Law to prohibit the short-term rental, or similar use, of a residence for a period of time that is fewer than 30 consecutive days in duration in any residential Zoning District.

**Section 2 – §43-15, of Article XV (Landlord Registry Act), of Chapter 43 (Zoning), , of the Code of the Town of Orangetown (“Orangetown Code”), shall be amended and, as amended, shall read as follows:**

## Local Law 11, 2023 – Continued

### § 15.1 Title.

The title of this Local Law shall be “Article XV: Landlord Registry Act, and **Short Term Use of Property for Rental or Rental Like Purposes.**”

### § 15.2 Purpose and scope.

A. The purpose of this Article is to establish a registry of all purported rental properties, as defined herein, in order to allow its police, building and code enforcement officials, to identify and contact, as necessary, persons responsible for the **ownership**, care, maintenance, **occupancy**, and management, **leasing, renting or letting out, or other control, of such properties, and to prohibit certain short-term rentals of all properties in residential Zoning Districts, to protect and preserve the Town’s goal of establishing residential Zoning Districts to protect the residential nature and tranquil neighborhood character in each and every such residential Zoning District, and** to better ensure the effective and efficient enforcement of Local, State And Federal safety regulations in furtherance of the health, safety and welfare of all of the residents of the Town.

B. The provisions of this article shall apply to all real property located in the Town of Orangetown **that is zoned for residential purposes.**

### § 15.3 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings ascribed to them:

#### **ASSEMBLY**

**Any indoor or outdoor, or combination of both, gathering or get together, or invitation or notification regarding the same, of four or more people for a common purpose, which includes, but is not limited to, a party, scheduled or non-scheduled event, celebration, festivity, concert, performance, or similar group activity.**

#### **BUILDING**

Any structure within the Town, wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

#### **DWELLING UNIT**

**One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged in a Town Zoning District for the exclusive residential use by one family.**

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### OWNER

Any individual or individuals, **natural person (“person”), sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, limited partnership, organization, association,** or any other type of business entity, **or combination thereof,** and regardless of whether for-profit or not-for-profit, in whose name the title to real property within the Town is vested.

### **SHORT-TERM RESIDENTIAL RENTAL**

**A dwelling unit, as defined herein, including, but not limited to, a house, condominium, townhome, townhouse, cooperative unit, apartment, or any other residential building or land, that is rented or leased, or otherwise allowed to be occupied, in whole or in part, to any person or persons, or business entity such as a partnership, corporation, limited liability company, limited liability partnership, limited partnership, organization, association (“business entity”), for a period of time that is less than thirty consecutive days. “Rental”, for these purposes, means an understanding, agreement or contract, written or oral, granting, allowing or permitting the use, occupancy or possession, of a residentially zoned building, land or property, in whole or part, by a person or business entity in exchange for monetary payment, remuneration, compensation, barter arrangement, or other consideration (“compensation”). The term “short-term rental” does not include hotel or motel rooms, or month-to-month tenancies in dwelling units authorized in a Town Zoning District for that purpose, but includes rentals, licenses, leases, letting or hiring out, or other such uses, as defined herein, for purposes of assembly.**

### RENTAL PROPERTY

Includes all buildings, as defined herein, **and/or land** containing one or more spaces rented, leased, licensed, let, hired, or permitted to be occupied **or used,** whether for compensation or ~~otherwise~~ **not,** by persons or entities other than the record owner thereof, **for a period of time that is thirty consecutive days or longer and that is not a short-term residential use of real property for rental, or rental-like purposes, as defined herein.** This definition includes any building containing commercial rental space, residential rental space, or a combination of commercial and residential rental space, but does not include owner-occupied residential buildings **or hotels and motels for purposes of this Article.**

### **TENANT**

**Any person or business entity who has leased, rented or licensed the use or occupancy of any dwelling unit from the owner, or from any other person or business entity with a right to allow or permit the same, regardless of the type of tenancy under which they use or occupy the rental unit.**

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### § 15.4 Registration of ownership rental property.

A. Registration. Every owner of rental property, as defined herein, shall be required to register such property, within a period of thirty days from the effective date of this Article, with the Town Clerk on such forms as shall be prescribed by the Town Clerk. A new registration form shall be filed whenever there is a change of ownership (and, in the case of a business entity, as well as whenever there is a change in the controlling interest in the business entity) of a rental property, and it shall be the responsibility of the new owner to file such form within thirty days of taking title to the property.

(1) Following the initial registration, a biennial filing shall be made in and between January 1 and February 1, certifying that there has been no change in the status or ownership of the rental property or reflecting the nature of any change.

B. Registry fee. Every owner of rental property required to register with the Town Clerk shall pay a biennial registration fee as follows:

- (1) For a building having one to four units: \$20 per rental space or unit;
- (2) For a building having five to 20 units: \$20 for units one through four, and \$10 per unit for units five through 20;
- (3) For a building having more than 20 units: the above stated fees for units one through 20, and \$5 for each unit over 20.
- (4) Such fee shall be paid to the Town of Orangetown, and shall represent the cost of maintaining the registry and conducting periodic inspections and other activities, as may be required in furtherance of the purposes of this article.

### § 15.5 Registry form and filing.

A. The registry form shall require the following information:

- (1) The property address and section, block and lot number as appears on the Tax Map of the Town of Orangetown, and the number of residential dwelling units and/or commercial units, as the case may be, permitted to be occupied on each property.
- (2) The owner's name(s), mailing address(s), street address(s), and all functioning telephone numbers, including, but not limited to, a functioning cell phone number and a functioning email address (and a functioning facsimile/fax number, if and as available). Post Office Box numbers may be included, but the physical location address, at which the owner may be contacted, shall be required and submitted to the Town at all times. All such information shall be together referred to herein as "contact information."
- (3) Where the property is owned by a corporation, the contact information of the person designated by the corporation as responsible for the management, maintenance, care or

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supervision of the property, and to receive service of process in addition to the Secretary of State, and of each shareholder thereof.

(4) Where the property is owned by a limited liability company (“LLC”), limited liability partnership (“LLP”), limited partnership (“LP”) or partnership, the contact information of each manager or managing member or partner, and of each member or partner.

(a) Where an LLC, LLP, LP or partnership is owned or operated, in whole or in part, by a different LLC, LLP, LP or partnership, then the contact information of all the manager or managing members or partners, as the case may be, of the LLC, LLP, LP or partnership that owns the registering LLC, LLP, LP or partnership.

(5) Where day-to-day responsibility for the management, supervision, care or maintenance of the property rests with a person other than the officer, shareholder, manager or managing member or partner set forth on the registration, the contact information of the person so responsible shall be submitted to the Town.

B. The form shall be signed by all of the owners before a notary public, and shall bear the following statement directly above such signatures: "I certify that all information contained in this statement, including the number of lawful rental spaces or units represented, is true and correct to the best of my knowledge and belief. I understand that the willful making of a false statement of material fact herein will subject me to the provisions of law relevant to the making of false instruments and shall constitute a violation of this Article.

C. It shall be the obligation of each owner to timely notify the Town Clerk whenever the information provided on the biennial registry form has become outdated or for any reason is no longer accurate. It shall be the responsibility of each owner to recertify the aforementioned information every two years.

### **§15.6 Short-Term Residential Rentals, and Other Rental-Like Purposes.**

**A. Short-Term Residential Rentals, and Other Rental-Like Purposes, prohibited. No owner, lessee, licensee, tenant or occupant, or other person or business entity, having any right to, or interest in, or claiming any right or interest in, any real property within the jurisdiction of the unincorporated area of the Town of Orangetown and located in an R-80, R-40, R-22, R-15, RG, MFR or PAC Zoning District, shall license, rent, lease, hire-out, let, or otherwise allow or permit, for compensation or not., the use or occupancy of such property, or any part thereof, whether such use or occupancy is daily, hourly, overnight or weekly, for a period of time that is less than thirty consecutive days.**

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**B. Short-Term Rental of Outdoor Pools and Spaces. No owner, lessee, licensee, tenant, or occupant, or other person or business entity, having any claimed and/or actual right to, or interest in, any real property within the jurisdiction of the unincorporated area of the Town of Orangetown and located in an R-80, R-40, R-22, R-15, RG, MFR or PAC Zoning District, shall license, rent, lease, hire-out, let, or otherwise allow or permit, for compensation, the use or occupancy of any outdoor spaces, including, but not limited to, swimming pools, spas, playgrounds and yards, for purposes of assembly.**

**C. Exception. Occupancy or use, pursuant to a post real estate closing (conveyance) possession agreement, by the seller of any dwelling unit, shall not be a violation of short-term rentals, provided that title has passed to the purchaser and the deed for the dwelling unit to the new owner has been filed in the Rockland County Clerk's Office on the same day, or within five days, of closing of title to the property.**

§ 15.7 Penalties for offenses; **Enforcement.**

A. No rental property, **or short-term rental or rental-like purposes**, as defined herein, shall be used or occupied except in strict compliance with the provisions herein, and the failure to comply shall constitute a violation of a certificate of occupancy or other legal status permitting the use and occupancy of the building.

B. Any person or business entity who shall violate any provision of this Article **including but not limited to, each and every person and/or business entity, that is identified as being present at any residential property located in the Town that is covered by this Article, at the time of any violation, and/or participating in any such assembly prohibited by this Article**, shall be punishable as provided in § 41A-1 of the Orangetown Code.

**C. Civil remedies. In the event an owner fails, neglects or refuses, whether intentional or unintentional, to correct, cure and remedy, as well as abate, a violation under this Article within 24 hours of any Notice of a Violation by the Town, either posted on the subject property or otherwise provided to the owner thereof, the Town may commence, or cause to be filed, a criminal summons, as well as additionally file, or cause to be filed, a civil action requesting injunctive and/or other relief, and seek monetary damages to compensate the Town for the costs it has, and will incur, because of the violation and any efforts to stop the violation from continuing, including reasonable attorney's fees expended, or otherwise incurred, by the Town.**

**D. Other remedies. The remedies provided for in this Section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Town to address any violation of the Orangetown Code or other public nuisance, as well as including, but not limited to, by any Town resident under New York State Town Law Section 268. In the event any Town resident brings such an action under NYS Town Law §268, or otherwise, said Town resident shall be entitled to recover reasonable attorney's fees, costs and disbursements, as well as any damages any said Town resident has sustained**

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by the person or business entity that caused, or contributed to, any violation herein of this Article, or other Orangetown Code provision, or State law, rule or regulation; however, such Town resident's entitlement to recover reasonable attorney's fees, costs and disbursements, and damages, etc., shall not be recoverable from, or awarded in favor of the Town resident, against the Town of Orangetown.

E. This Article may be enforced by the Orangetown (i) Office of Building, Zoning and Planning Administration and Enforcement, (ii) Bureau of Fire Prevention (iii) Police Department, and/or (iv) any other law enforcement agency having lawful jurisdiction to do so.

§15.8 Presumptive Evidence of a Violation.

A. The presence, or existence, of any of the following is presumptive evidence that a building is being used in violation of this Article:

- (1) Person(s) occupying, using or present at the residence or property state that he/she/they have leased, rented, licensed or hired, or otherwise are allowed or have consent or permission to be present at the residence or property, from the owner, representative of the owner, or other person or business entity associated with the property, and/or paid, or offered to pay, any compensation, or otherwise provided any benefit, to the owner or representative of the owner, directly or indirectly, or any other person or business entity to be a guest, invitee or licensee, or otherwise allowed to use, occupy or be present at said residence or property for a time period of less than thirty consecutive days.
- (2) The residence has been published in printed or online/internet sources as being available for short-term rental.

B. If any of the following documents, related to a property owner, sets forth any address, other than that of a residential property located in the Town, it is presumptive evidence that an owner of a property does not reside at said property in the Town:

- (1) Voter registration.
- (2) Motor vehicle registration.
- (3) Driver's License.
- (4) Any other document signed, or otherwise acknowledged, by the owner.

C. The issuance, and/or wearing and/or possession, of any wristbands, tickets, receipts, or other such documents, related to, and/or evidencing, any assembly prohibited by this Article.



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**D. The deposit of garbage and/or debris on any public road, or other properties nearby any property where a violation of this Article occurs, as well as parking of vehicles on public roads associated with any assembly prohibited by this Article, shall be evidence of a violation of this Article.**

**E. The generation of any noise coming from any property that is in violation of this Article at, or above, the noise levels proscribed by the Orangetown Code shall be evidence of a violation of this Article.**

**The foregoing may be rebutted by evidence admissible in any Court in New York State that is presented to the Town of Orangetown.**

**§15-9 Severability.**

**If any provision, clause, sentence, paragraph, section or part of this Article XV shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.**

**§15-10. When Effective.**

**This article shall take effect upon publishing and posting, and upon filing a copy with the New York State Secretary of State, as may be required by law.**