**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven will hold a public hearing on the 24th day of August 2022, at 5:00 P.M., at Village Hall, 335 Ferry Road, North Haven. The meeting will also be available on Zoom. The link to participate via Zoom will be posted on our website. The link will be on the calendar posting for this meeting. If you have any questions, please call the office at 631-725-1378

**LOCAL LAW NO. OF 2022**

**A LOCAL LAW AMENDING VILLAGE CODE CHAPTER 163 – ARTICLE XI – RENTALS**

**SECTIONS 163-77, 163-85**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to amend the define the length of an allowable rental.

SECTION 2. AMENDMENT OF VILLAGE CODE § 163-77, 163-81 AND 163-89.

Article XI. RENTALS

Section 163-77 is amended to read as follows:

**§ 163-77 Definitions.**

The following terms shall have the meanings indicated:

DWELLING UNIT

As defined in § 163-5.

ENFORCEMENT AUTHORITY

The village agency or official charged with issuing rental permits and enforcing the provisions of this chapter. Said agency or official shall be designated by resolution of the Village Board but must be one of the following: the Chief Building Inspector or his designee, or the Code Enforcement Officer.

FAMILY

One of the following:

1. One, two or three persons occupying a dwelling unit; or
2. Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

[(1)](https://ecode360.com/8697301#8697301) Evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal custody shall create a rebuttable presumption that such persons do not constitute the functional equivalent of a traditional family.

(2) The foregoing presumption may be rebutted by submitting evidence to the Chief Building Inspector that all of the following are present:

[(a)](https://ecode360.com/8697303#8697303) The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;

[(b)](https://ecode360.com/8697304#8697304) The occupants share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which various occupants act as separate roomers is not deemed to be occupied by the functional equivalent of a traditional family;

[(c)](https://ecode360.com/8697305#8697305) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;

[(d)](https://ecode360.com/8697306#8697306)The group is permanent and stable. Evidence for such permanency and stability may include:

[[1]](https://ecode360.com/8697307#8697307) The presence of minor dependent children regularly residing in the household who are enrolled in local schools;

[[2]](https://ecode360.com/8697308#8697308) Members of the household have the same address for purposes of voter registration, driver's license, motor vehicle registration and filing of taxes;

[[3]](https://ecode360.com/8697309#8697309) Members of the household are employed in the area;

[[4]](https://ecode360.com/8697310#8697310)The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;

[[5]](https://ecode360.com/8697311#8697311) There is common ownership of furniture and appliances among the members of the household; and

[[6]](https://ecode360.com/8697312#8697312)The group is not transient or temporary in nature.

[(e)](https://ecode360.com/8697313#8697313)Any other factor reasonably related to whether the group is the functional equivalent of a family.

 [(3)](https://ecode360.com/8697314#8697314)An appeal from the Chief Building Inspector's determination may be taken to the Village Board, by written request, within 30 days of such determination. The Village Board shall hold a public hearing on such appeal within 60 days after receipt of written notice of such appeal and, after such hearing, shall make written findings and a decision either sustaining or reversing such determination within 30 days after close of such public hearing.

[IMMEDIATE FAMILY](https://ecode360.com/8697315#8697315)

The owner's spouse, children, parents, siblings, grandparents or grandchildren.

[MANAGING AGENT](https://ecode360.com/8697316#8697316)

Any individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity responsible for the maintenance or operation of any rental property as defined within this chapter.

 [OWNER](https://ecode360.com/8697317#8697317)

Any person, individual, association, entity or corporation whose name is listed as grantee on the last deed of record for the property, as recorded with the Suffolk County Clerk.

[PERSON](https://ecode360.com/8697318#8697318)

Includes any individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity.

[PUBLISH](https://ecode360.com/8697319#8697319)

Promulgation of an available rental property to the general public or to selected segments of the general public, in a newspaper, magazine, flyer, handbill, mailed circular, bulletin board, sign or electronic media.

[REGIONALLY SIGNIFICANT EVENT](https://ecode360.com/32837461#32837461)

A major one-time or recurring event of limited duration that is expected to draw significant numbers of visitors to the Village of North Haven to attend, support or participate in such event.

[RENEWAL RENTAL PERMIT](https://ecode360.com/8697320#8697320)

A permit which is to be issued to the owner of the rental property where such dwelling unit has been the subject of a rental permit continuously prior to the date of the application for the permit.

[RENT](https://ecode360.com/8697321#8697321)

A return, in money, property or other valuable consideration (including payout in kind or services or other thing of value), for the use and occupancy or the right to the use and occupancy of a rental property, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

[RENTAL PERMIT](https://ecode360.com/8697322#8697322)

A permit issued by the enforcement authority issued to the owner to allow the use or occupancy of a rental property.

[RENTAL PROPERTY](https://ecode360.com/8697323#8697323)

A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or the owner's immediate family, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation. For purposes of this chapter, the term "rental property" shall mean all non-owner-occupied single-family residences, two-family residences, accessory apartments and townhouses, and shall exclude:

[A.](https://ecode360.com/8697325#8697325)Properties used exclusively for nonresidential commercial purposes in any zoning district; or

[B.](https://ecode360.com/8697326#8697326)Any legally operating commercial hotel/motel business or bed-and-breakfast establishment operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

 SEASONAL USE DWELLING UNIT

The dwelling unit is registered/identified as a seasonal use dwelling unit with the Village; the occupancy of the tenant is only for seasonal use not to exceed one hundred and twenty days or a shorter period provided in the lease; and such tenant has a primary residence to return to, the address which is expressly provided for in the lease.

TENANT

An individual who leases, uses or occupies a rental property.

[~~TRANSIENT~~](https://ecode360.com/8697328#8697328)

~~A rental period of 14 days or less.~~

**§ 163-85 Regulations**.

[A.](https://ecode360.com/8697377#8697377)A rental property shall only be leased, occupied or used by a family as defined by this section.

[B.](https://ecode360.com/8697378%22%20%5Cl%20%228697378%22%20%5Co%20%22270-9B)No rental property shall be occupied by more than the number of persons permitted to occupy the dwelling unit under Section 404 of the Property Maintenance Code of the New York State Uniform Fire Prevention and Building Code.

[C.](https://ecode360.com/8697378#8697378)No rental property shall be rented more than once in a two-week period and no lease will be for less than 3 days.

[~~D.~~](https://ecode360.com/8697379#8697379)~~A~~ ~~transient rental is prohibited,~~ ~~except when, after a determination has been~~ ~~made by the Village Board that local transient housing capacity is likely to be inadequate during a regionally significant event, the Village Board may, by resolution, temporarily suspend the transient rental prohibition for specific dates.~~

[~~E~~.D.](https://ecode360.com/8697380#8697380)No bedrooms shall be permitted in the basement of a rental property.

[~~F~~.E.](https://ecode360.com/8697381#8697381)The selling of shares to tenants where they obtain rights for use and/or occupancy in a dwelling for less than a month shall be prohibited.

[~~G~~.F.](https://ecode360.com/8697382#8697382)The leasing, occupancy or use by a tenant of less than the entire rental property is prohibited.

[~~H~~.G.](https://ecode360.com/8697383#8697383)The owner(s) and tenant(s) shall ensure that all applicable parking regulations provided for in the Code of the Village of North Haven are satisfied. Notwithstanding anything to the contrary, no more than four cars shall be parked at any rental property between the hours of 1:00 a.m. and 6:00 a.m. during the term of a rental period.

[~~I~~.H.](https://ecode360.com/8697384#8697384)A rental property shall only be occupied or otherwise utilized in accordance with the certificate of occupancy issued for the dwelling unit.

~~[J](https://ecode360.com/8697385%22%20%5Cl%20%228697385%22%20%5Co%20%22270-9I)~~[.](https://ecode360.com/8697385%22%20%5Cl%20%228697385%22%20%5Co%20%22270-9I)I.The owner(s) and tenant(s) shall ensure that all property maintenance regulations provided for in § 55–22of the Code of the Village of North Haven are satisfied.

[~~K~~.J.](https://ecode360.com/8697386#8697386)Dumpsters shall be prohibited in the required front yard and right-of-way. The enforcement authority is authorized to promulgate additional site-specific conditions associated with dumpsters, screening facilities, and off-street parking requirements for rental properties regulated under this chapter. Any such conditions shall be in writing and attached to the rental permit.

[~~L~~.](https://ecode360.com/8697385#8697385)K.All gatherings, assemblies, or special events on a rental property shall comply with the regulations provided for in Chapter 47, Assemblies, Mass, of the Code of the Village of North Haven.

EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: August 11, 2022

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN.

BY: Eileen M Tuohy, Clerk-Treasurer