

Context for the Short-Term Rental Local Law (STRLL):

Laws are inherently good. They are formed to establish order in an ever changing and developing society. Locally formed laws tend to be the most responsive and least restrictive, respecting the rights of private property, individual rights, and the providing protection of the public.

A prime duty of the municipality is to protect its citizens. A forward-looking municipality assesses threats and plans an action to address those threats.

Short-term rentals pose three main threats. From most severe to least, they are:

- 1) Flipping the nature or character of a community;
- 2) Accelerating the value of homes beyond the capacity of a local resident to afford buying one for their own use;
- 3) Causing more disturbance and nuisance than would be experienced in a neighborhood.

These are based on reports across the breadth of the sector (locally, regionally, nationally, internationally).

Any action by a municipality that addresses any or all those threats should consider, at least, the following items:

- 1) The social consequences
- 2) The financial consequences
- 3) The environmental consequence

Together, they guide preventative measures and mitigating actions and will produce a higher success rate in countering the negative effects and strengthening the positive effects of short-term rentals in a community.

The road to a Short-Term Rental Local Law for the Town of Chester has been long and thoughtful. We started in August of 2018. It has followed a common deliberative process: The process started with citizen concern, volunteer committee commitment, public input, town board recommendations, and legal counsel review. We weathered a variety of market and natural forces that have impacted the extent and nature of STRs in our community. The final STRLL draft – a product of many revisions - is now ready for a Public Hearing.

An overview the process has followed a standard practice where:

- We begin with the assumption that whatever is done may have unintended consequences. Identify where that may occur, monitor results, and note ripple effects.
- We are guided by a defined goal. The goal is comprehensive and centers around a quality of life statement that notes community values that are to be sustained and strengthened.
- We assess the risk and rewards of any action. We assess the impacts on community dynamics, the local economy, and environmental health – both from a municipal perspective and a community stakeholder perspective.
- We choose the actions that moves us towards our quality of our life goal with the most positive effects and least negative effects.

- We assess and utilize all tools available to implement the actions. These may include the use of technology, policy, natural resources, human resources, and financial resources.

The 2017 Economic Development Initiative workshops produced a list of qualities our community values. Put into a statement it looks like this:

“The Town of Chester community is safe and secure, is steeped in natural beauty and strong heritage, provides opportunities for livelihoods, values education, supports entrepreneurial spirit, is culturally rich, has clean air and water and productive forestlands, has supportive networks, and is mindful of the needs of others”.

That overarching goal, based on the input of a diverse gathering of town residents, is what we work towards. When a situation arises that threatens the broadly stated quality of life, it is time to assess the situation and make corrective actions, if warranted.

Three threats to a community’s quality of life posed by STRs were stated earlier. There are many ways to address their potential negative impact. The main tool for a municipality to address those threats is by implementing policy and legislation.

A municipality has several means to implement policy and legislation. Codes, ordinances, and local laws are three typical means. Each has their own merit, but one will be preferred for a given situation. For a variety of reasons, Local Law is the most used means in NYS to address short-term rental threats. The Town has chosen enacting a Local Law because of its relative ease to implement, enforce, and adapt, when needed, and, most importantly, it preserves our right of Home Rule.

The Town of Chester Zoning Local Law, which hold standards for all types of Land Use, does not include STRs as a listed use. This is because of the newness of the internet-based Short-term Rental industry. The Town could add STRs as a listed use in the Zoning Local Law, but the process is tedious and time consuming.

We are fortunate, as a Town, to have developed a suite of codes, ordinances, and local laws that provide for the public good and protect private property rights. With those in place, the Town has guided land uses with acceptable results, as seen in our economic vitality, community participation, efficiency of public works, and overall community attractiveness.

The Town of Chester has several ordinances and other local laws that address some aspects of the potential STR threats. There is a Property Maintenance Local Law and a Noise Ordinance, for example. Each has their applicability and limitations to efficiently address STR issues. To some degree, they can be used separately to address STR issues. It is questionable that they are broad enough to cover all the health, safety and welfare issues.

Renting for short periods is nothing new in our community, as evidenced by the history of housekeeping cottages, inns, bed and breakfasts, motels, hotels, and campgrounds that are here. Technology has given the sector a new twist, as evidenced by internet-based rental agencies. This opens the local economy to global access, off-site management, and inflated rent-based valuation of homes. This new twist raises issues of accountability and community impact. “Who is in charge of a property?” becomes

the question when a property has tenants that are not respectful of the neighboring properties or the community it is placed in. The proposed STR LL is geared towards improving Short-Term Rental Owner accountability and minimize negative impacts on the surrounding community while providing public protection.

PART 2

The Proposed Short-Term Rental Local Law was drafted by a committee of 8 persons from the community and has gone through a series of revisions. The latest version reflects a considerable amount of input from the community and the Town Board. It is composed of nine (9) Articles.

Article I gives the purpose and intent of the STR LL. It identifies a common goal serving three groups in the community. "The purpose and intent of this Local Law is to establish the means to secure the health, safety, and welfare of property owners, residents, and the public regarding the operation of Short-Term Rentals".

Article 2 are six (6) definitions regarding STRs, as they are used in the Local Law.

Article 3 describes the Short-Term Rental Permit. It is required in order to operate a Short-Term Rental in the Town of Chester. Permits are required the Town for a range of activities from building to the establishment of a new business. They are covered by the Zoning Local Law. Short-Term Rentals are not defined or listed as a use in the Zoning Local Law. This makes Short Term Rentals equal to all other activities and uses already covered by the Zoning Local Law.

Article 4 is the heart of the STR LL. It lists the procedure and requirements to obtain an STR Permit. Whereas all other Articles in the STR LL are formalities typical in any local law, Article 4 describes information and standards that need to be met. They are the items that do the minimum towards the intent and purpose described in Article 1.

The proposed STR LL does not prohibit the establishment of STR operations. The proposed STR LL does not impose restrictions on an STR operation beyond what is expected of single family dwellings and/or other properties with similar business activities, such as tourist accommodations.