

Short-Term Residential Rentals of Private Dwellings

Purpose and Legislative Intent §

1. The purpose of this Section is to establish appropriate regulations for Short-Term Rental uses in the City of Saratoga Springs (“City”). While the City recognizes that some property owners wish to rent to others on a short-term basis all or part of dwelling units they own, the City has a duty to encourage stable residential neighborhoods for the health and well-being of all City residents, businesses, and guests. In an effort to curb the current housing crisis, the City permits short-term rentals under conditions that foster neighborhood cohesion and that attempt to keep property values affordable for owner-occupancy and residents of the City.
2. By enacting this Section, the City intends to:
 - a. Protect the health, safety and welfare of the community and of persons occupying Short-Term Rentals;
 - b. Prevent to the greatest extent practicable public safety risks and other impacts, including, but not limited to, increased noise, trash, traffic, and parking impacts associated with Short-Term Rental uses;
 - c. Maintain a safe environment for community members per city and state code;
 - d. Protect neighborhood character and minimize the impact of Short-Term Rental uses on neighbors and residential properties;
 - e. Protect property values of the community;
 - f. Protect housing affordability within the community for long-term residents, whether owners or tenants;
 - g. Assist homeowners to stay in their homes by allowing some Short-Term Rental use of their homes to generate income to defray their cost of homeownership;
 - h. Enable property owners to provide lodging for visitors to the City during periods of peak visitor and tourist demand, such as university and college graduation weekends and holiday weekends; and
 - i. Promote the efficient use of housing stock.

Definitions §

1. All provisions shall apply to Hosted Short-Term Rentals and Unhosted Short-Term Rentals, unless specified otherwise. For the purposes of this article, the following terms shall have the following meanings:
 - a. "Booking service" means a person or entity who, directly or indirectly:
 - i. provides one or more online, computer or application-based platforms that individually or collectively can be used to:
 1. list or advertise offers for Short-Term Rentals, and
 2. either accept such offers, or reserve or pay for such rentals; and
 3. charges, collects or receives a fee for the use of such a platform or for provision of any service in connection with a Short-Term Rental. A Booking Service shall not be construed to include a platform that solely lists or advertises offers for Short-Term Rentals.
 - b. “Hosted Short-Term Rental” means the Owner will be staying on the Short-Term Rental premises for the entire duration it is being rented, or will be, at maximum, 25 minutes from the Short-Term Rental premises during the duration it is being rented.
 - c. “Owner” means any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the real property. The term

"Owner" shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership.

- d. "Owner-Occupied" is defined to include a dwelling that is used as the primary residence of the homeowner, and the location where the taxes are filed. Primary residence is defined as occupancy for more than 183 days per calendar year.
- e. "Property Contact" means any person who is authorized to act on the Owner's behalf, that is available to promptly remedy any violation of this Section 11 or Short-Term Rental permit. The contact person may be the Owner, a property management company hired by the Owner, or an agent designated by the Owner to serve as a Property Contact. The Property Contact must be located within a forty-five (45) minute distance by car and must be available 24 hours per day, 7 days a week.
- f. "Short-Term Rental" is defined for the purposes of this article to mean an entire dwelling unit, or a room, group of rooms, other living or sleeping spaces, or any other space within a dwelling, made available for rent by guests for less than thirty (30) consecutive days, where the unit is offered for tourist or transient use, including any residential building or apartment, single-family dwelling, two-family dwelling, condominium, townhouse, guest house, cottage, cabin, accessory dwelling unit or accessory dwelling.
- g. "Short-Term Rental Host" means a person or entity in valid legal possession of a Short-Term Rental unit who rents such unit to guests.
- h. "Short-Term Rental Portal" means the City website that accepts Permit Applications. Website can be found at [\[INSERT URL\]](#).
- i. "Tenant" means any person holding a written lease to occupy, use and possess the whole or part of any building or real property, either alone or with others who stay in a property offered:
 - i. For lease or rent on a Short-Term Rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites; or
 - ii. The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.
- j. "Unhosted Short-Term Rental" means the Owner will not be present on the Short-Term Rental premises for the entire duration it is being rented, or will not be, at a maximum, twenty-five (25) minutes from the Short-Term Rental premises during the duration it is being rented.
- k. "Code Enforcement Officer" means a duly appointed officer who ensures each Short-Term Rental is up to code and can write violations pertaining to the same.
- l. "City Clerk/Assistant City Clerk": the individuals that issue and revoke permits within the Accounts Office as defined by the City.

Regulation for Short-Term Residential Rental Property §

1. Only "Owner Occupied" property may be used for short term rentals
2. Each Short-Term Rental must comply with the occupancy limit set forth by the certificate of occupancy and the 2020 New York State Property Maintenance Code.
3. All Short-Term Rentals must be registered with the City.
4. All Short-Term Rentals must have a valid inspection and permit record from the City Fire Department and City Accounts Office.
5. The following terms and conditions shall apply to all Short-Term Rentals:

- a. At no point may any illegal conduct or activity take place at or on the Short-Term Residential Rental property by the property Owner, any Short-Term Rental Tenant, guest or invitee.
 - b. Tenants and their guests or invitees shall not block or otherwise impede the ingress or egress of any exits of the Short-Term Rental.
 - c. Tenants and their guests or invitees shall abide by all laws and regulations of the State, City, County, and Municipality.
 - d. Trash, refuse and recycling, and the bins or containers shall not be left stored within the public view, except that covered bins or containers may be left curbside for the purpose of scheduled collection. No container shall be left on or near the curb or the edge of the street for collection for more than 24 hours.
 - e. The Short-Term Rental Tenants and their guests or invitees shall not engage in any conduct which violates the City's Noise Ordinance, or which would otherwise constitute disorderly conduct or creation of a public nuisance.
 - f. Short-Term Rental Owners carry the obligation to plow snow off their Short-Term Rental sidewalks and/or driveways, if applicable.
 - g. Short-Term Rental Owners are obligated to comply with any Homeowners Association (hereinafter "HOA") rules or other local ordinances pertaining to the maintenance and keeping of the Short-Term Rental.
6. This Section applies to all Short-Term Rental uses except:
- a. House sitting arrangements where a house sitter occupies a principal residence while the Owner is away, the house sitter provides security, maintenance and/or child or pet care, and the house sitter pays no money or other financial consideration to the Owner in exchange for the occupancy.

Short-Term Rental Permits §

1. Applicability
 - a. A Short-Term Rental permit (hereinafter "Permit") under this Chapter shall be required when any dwelling unit is used as a Short-Term Residential Rental Unit. A license application for any property presently used as a Short-Term Residential Rental Unit shall be filed within sixty (60) days of the effective date of this Chapter.
 - b. All Short-Term Rentals Owners are required to obtain a revocable Short-Term Rental permit (hereinafter "Permit") prior to and whenever a dwelling unit is to be used for Short-Term Rental purposes.
 - c. It shall be a violation of this Chapter to offer or engage in the leasing of Short-Term Rentals unless the Short-Term Rental property has been issued a valid Permit as provided in this Section within sixty (60) days of the effective date of this chapter.
 - d. Valid Permits issued to Short-Term Rental Owners are renewable on a two (2) year cycle subject to inspection. Permits are revocable at any time.
 - e. Owners eligible to receive Permits must be either:
 - i. Natural persons (defined for purposes of this Section as living human beings), or
 - ii. Trusts that meet all the following criteria:
 1. The dwelling unit is the principal residence of at least one natural person who is a trust grantor, a trustee, or a beneficiary of the trust that owns the dwelling unit, and said trust grantor, trustee, or beneficiary resides in the dwelling unit for a minimum of 185 days per year.

2. For a Short-Term Rental Owner to qualify for such Permit, they must complete a Permit application (hereinafter “Application”), and shall comply with the following code, fire, and safety recommendations as applicable. All of the following must be completed and provided along with an Application:
 - a. Owner List:
 - i. A list of all the names of Short-Term Rental Owners including addresses, telephone numbers and email addresses. If owned by a limited liability company, a partnership, a corporation, or other entity, the names, addresses, telephone numbers and email addresses of the members, partners, shareholders, officers, and principals of such entities should be listed as well.
 - b. Proof of Ownership:
 - i. An applicant must provide proof that they own the Short-Term Rental Property via copy of the property deed, copy of a tax bill, or copy of a Note and Mortgage document.
 - ii. The Proof of Ownership must contain the address for the Short-Term Rental and the name(s) of the Owner(s).
 - c. Affidavit Certification:
 - i. A completed, signed, and notarized Affidavit (“Affidavit Certification”) by the property Owner(s) certifying the compliance with the following standards:
 1. The property meets all New York State Codes.
 2. The correct number of carbon monoxide and smoke detectors are installed in compliance with Section 915 of the 2020 Fire Code of New York State.
 3. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
 4. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 5. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed, and flues cleaned within twelve (12) months of Application for Permit and annually thereafter.
 6. Each bedroom shall comply with the New York State Building Code.
 7. There are proper egress doors or windows, and a diagram of all exits is hanging in an accessible area in the Short-Term Rental for Tenants to review before and in case of an emergency.
 8. There is a 911 address number properly posted that includes any necessary information which may include each unit, suite, and/or apartment number, if applicable.
 9. Should there be pool(s) or deck(s), they are in good repair.
 - ii. The Affidavit Certification shall also contain:
 1. A statement that the number of bedrooms within the Short-Term Rental property meets the standards set forth herein.
 2. A statement that the number of parking spaces on the property meets the standards set forth herein.
 3. A statement that the applicant has met and will continue to comply with the standards set forth pursuant to City of Saratoga Springs, New York, and Federal law.
 4. A statement that everything required within this Chapter is completed.

- iii. Affidavit Certifications shall be valid during the term of the Short-Term Rental Permit. If relevant circumstances on the property change or for any reason the Affidavit Certification is or becomes inaccurate, a new Affidavit Certification shall be submitted.
- iv. The form of the Affidavit Certification shall be established by the Accounts Office.
- d. Site Plans:
 - i. A site plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field may be required at the discretion of the Code Enforcement Officer.
- e. Proof of Insurance
 - i. The Short-Term Rental must show property and premises liability insurance that allows for and acknowledges its use of the premises as a rental. Any Short-Term Rental must be insured by an insurer licensed to write insurance in the State of New York or procured by a duly licensed excess line broker, pursuant to New York Insurance Law § 2118, for at least the value of the dwelling, plus a minimum of one million dollars (\$1,000,000.00) for third party claims of property damage or bodily injury that arise out of the operation of a Short-Term Rental.
 - 1. Notwithstanding any other provision of law, no insurer shall be required to provide such coverage.
- f. Septic Inspection Report:
 - i. If the property is served by a private septic system, a septic inspection report issued and dated within two (2) years before the date of the application, stating the size of the tank(s) and leach or absorption field or area, and the location and condition of all septic system components shall be submitted with the Application.
 - ii. The report must state the septic system was functioning adequately at the time of inspection.
 - iii. The septic system must comply with the regulations of the N.Y.S. Department of Health (referred to in Chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems.
 - iv. The maximum occupancy of the Short-Term Rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area.
 - v. A system failure will require a new passing inspection report.
- g. Fire Inspection Report:
 - i. Proof that a Fire Inspection was conducted by the Saratoga Springs Fire Department and passed within twelve (12) months of filing the Application.
 - 1. If the property has not been a Short-Term Rental prior to its Application, the Fire Inspection conducted by the Saratoga Springs Fire Department must have been completed and passed within thirty (30) days of filing the Application.
 - ii. A Fire Inspection Report is required annually. If re-applying for a Permit, an applicant will need to submit proof that a Fire Inspection was conducted within every year of their initial Application.
- h. Property Contact:
 - i. The name, address, telephone number and email address of the Property Contact, as defined above.

- i. Application Fee:
 - i. The fee to apply for a Permit shall be \$1,000.00.
 - ii. Costs for Fire Inspections shall be based on the approved Fire Department STR inspection fees.
 - j. Acknowledgments:
 - i. Acknowledgment that the Owner and Property Contact have read all regulations pertaining to the operation of the Short-Term Rental.
 - ii. Acknowledgment the Owner and Property Contact will post and maintain the Short-Term Rental with the notice required herein.
3. Filing an Application:
 - a. The Application shall be submitted to the Accounts Office, Assistant City Clerk via the Short-Term Rental Portal or submitted in person to the following address
 - i. [INSERT OFFICE ACCEPTING APPLICATIONS]
4. Procedure Upon Filing Application:
 - a. Once the Application is successfully submitted, the City shall have thirty (30) days to review the application and either issue the Permit, with or without conditions, or notify the applicant in writing that the Application has been denied along with the reasons for denial.
 - i. Please note that the Accounts Department may request more document(s) from the Owner than required in the Application, where the Code Enforcement Officer deems necessary within reasonable discretion.
 - b. In reviewing the application, the City shall have the right to inspect, or deploy an agent to inspect the Short-Term Rental property for purposes of ensuring compliance with this Section after obtaining express consent of the property Owner or the Property Contact designated by the property Owner, for such limited inspection purposes.
5. Denial of an Application:
 - a. The Accounts Department may deny an Application for any of the following reasons:
 - i. If the Application is incomplete, meaning the information required by this Section or Chapter adopted by the City was not included with the application or the full Permit fee, in acceptable form of payment, was not included with the Application.
 - ii. If the Enforcement Officer previously issued a Short-Term Rental Permit to any of the Owners of the property and any of such Owners had such Short-Term Rental Permit revoked within the previous year.
 - iii. If the affidavit from the Owners or if an inspection conducted by the Enforcement Officer as authorized in this Section finds that the subject property is not in compliance with this Section or the City of Saratoga Springs Land Use Code.
 - iv. If the site plan required to be submitted with the Application does not comply with the requirements of this Section.
 - v. If a private septic inspection report is required to be submitted with the Application and such report does not comply with the requirements of this Section or the City of Saratoga Springs Land Use Code.
 - vi. If access is not granted to the property for purposes of an inspection.
6. Renewal of an Issued Permit
 - a. Any Permit granted shall be renewed every two (2) years pending inspection by the Fire Department.
 - i. A passing inspection will be granted contingent upon a written and conspicuous proper emergency egress plan, a local emergency contact, labeled fire exits, functioning carbon monoxide and fire detectors and proof of required insurance.

- ii. Any failure to adhere to these guidelines will result in immediate suspension of the Permit subject to proof of proper resolution within thirty (30) days of suspension.
- iii. Further failure to comply with these conditions will result in a permanent suspension of Permit.
- iv. An applicant will have to submit proof that a Fire Inspection has been completed and passed every year from the date of the initial Application.

Complaints and Violations §

1. Applicability:
 - a. Owners, operators, managers, marketers, and Tenants of Short-Term Rental properties shall obey all applicable Federal, State, and Local laws and regulations, including but not limited to those of the City of Saratoga Springs, and shall be subject to the enforcement and penalty provisions contained in the City of Saratoga Springs and any other Federal, State, or Local law.
2. A violation (hereinafter “Violation”) of this Section is considered a breach of any standards and/or procedures set forth in this Section and/or Federal, State, or Local Law.
3. Following a breach of any of the above restrictions, the following process shall be followed in the event of a complaint alleging a Violation by a Permit holder, Tenants, or guests thereof a Short-Term Rental unit.
 - a. Any complaints made to City or Law Enforcement about a Short-Term Rental that is sent to or received by the Code Enforcement must be addressed within a reasonable time, given the nature of the complaint, after receiving a complaint or notice of a complaint and remedied as soon as reasonably practicable.
 - b. If the response is not satisfactory to the complaining party, the complaining party may file a written complaint with the Code Enforcement Officer, or through the online Short-Term Rental portal. The form of the complaint shall be established by the Code Enforcement Officer and may be filed in person, by email, mail or online. The complaint shall provide pertinent information including the date, time, and nature of the alleged Violation.
 - c. If there is a verified complaint, meaning whichever agent that inspected the original complaint finds merit, the Accounts Department, or a duly appointed agent, may impose any of the following on the Short-Term Rental’s Owner, operator, manager, marketers, or Tenants:
 - i. Reasonable conditions and/or improvements to the existing Short-Term Rental Permit that must be met or satisfied before continuing operation;
 - ii. A warning or Violation;
 - iii. Suspension of the Short-Term Rental Permit; or
 - iv. Revocation of the Short-Term Rental Permit.

Suspension and Revocation of a Short-Term Rental Permit §

1. Revocation of a Short-Term Rental Permit:
 - a. A Permit may be suspended or revoked if the Short-Term Residential rental unit is not in compliance with any applicable Federal, State, or Local law and/or ordinance.
 - b. In addition to the reasons for suspension and revocation in that Section, a Short-Term Rental Permit may be suspended or revoked if the Short-Term Rental Owner:
 - i. fails to apply for a Short-Term Rental Permit in a timely manner;
 - ii. fails to obtain a Short-Term Rental Permit after inspection;

- iii. fails to maintain a valid Short-Term Rental permit after it is granted throughout the period that such unit is used or offered for a Short-Term Rental use; or
 - iv. otherwise fails to comply with this Section.
2. Revocation Process:
- a. Notice of Intent:
 - i. To initiate the process of suspending or revoking a Short-Term Rental permit, the Enforcement Officer shall issue a notice of intent (hereinafter “Notice of Intent”) to suspend or revoke the Short-Term Rental permit.
 - ii. The Notice of Intent to suspend or revoke shall:
 - 1. describe the Violation in as much detail necessary; and
 - 2. state the time period the Short-Term Rental Permit holder has to correct the Violation or cause the Violation to be corrected.
 - iii. The Notice of Intent shall be provided to the Short-Term Rental permit holder by personal service, by registered or certified mail to the address submitted with the permit application, or by posting on the premises at issue.
 - b. Correction:
 - i. Once receiving the Notice of Intent, if the Short-Term Rental permit holder fails to correct the Violation or cause the Violation to be corrected within the period stated with the Notice of Intent, the Enforcement Officer shall suspend or revoke the permit.
3. Violation Hearing:
- a. A Short-Term Rental Permit holder shall be entitled to request a hearing on suspension or revocation before the Accounts Department and/or City Attorney (hereinafter “Violation Hearing”), upon application made to the City Clerk demonstrating that the Short-Term Rental Permit holder was not in Violation.
 - b. Such Violation Hearing shall be requested in writing within thirty (30) days of the Violation being received.
 - c. The request must be addressed to and received by the City Clerk within five (5) business days of the permit holder's receipt of the notice of intent or of posting, whichever occurs earlier.
 - d. Any suspension or revocation remains in effect unless modified by the Accounts Department.
 - e. Within thirty (30) days of the Permit holder's written request, the Accounts Department shall hold a hearing to determine whether to reverse the suspension or revocation.
 - f. The City Board shall issue its written decision within fifteen (15) days after the hearing.
4. If a Permit has been revoked:
- a. If a permit issued to a Short-Term Rental Owner has been revoked for the first time, the Owner may not reapply for a new Short-Term Rental permit until one year after such revocation.
 - b. If a permit issued to a Short-Term Rental Owner has been revoked at least once before, the Owner may not reapply for a new Short-Term Rental permit until five years after such revocation.

Penalties for Offenses §

- 1. Any person, association, firm, company, corporation, or entity which violates any provision of this Section or assist in the Violation of any provision of this Section or owns or operates a property at which a Violation occurs, shall be subject to the following criminal or civil penalties:

- a. By a fine or civil penalty of not less than \$1000.00 for a first Violation.
 - b. By a fine or civil penalty of not less than \$2000.00 for a second Violation, both of which were committed within a period of five (5) years.
 - c. By a fine or civil penalty of not less than \$3000.00 for a third Violation, both of which were committed within a period of five (5) years.
 - d. Each week's continued Violation constitutes a separate additional Violation.
2. The Enforcement Officer may bring a criminal or civil proceeding in Court for enforcement of this Section.
 3. The City may seek injunctive relief, civil penalties and any other relief available to enforce the provisions of this Section through commencement of an action in the New York State Supreme Court. Such action must be authorized by a Resolution of the City. As part of such action, the City may seek and obtain an Order from the Court requiring the defendant to reimburse the City for its legal fees, costs and attorneys' fees related to the action.
 4. Violations of any provision of this Section or a permit issued hereunder may be remedied or enforced pursuant to this code. Enforcement remedies available are not exclusive and may be sought cumulatively.