

**m.divita@townofrocklandny.com**

---

**From:** Ken Klein <ken@kenkleinlaw.net>  
**Sent:** Thursday, June 15, 2023 9:43 AM  
**To:** Marinella Di Vita  
**Cc:** Robert Eggleton Supervisor  
**Subject:** Short Term Rentals Law  
**Attachments:** rock.short.term.rental.loc.law.pdf; rock.short.term.rental.loc.law.intro.res.docx; rock.short.term.rental.loc.law.notice.ph.docx; rock.short.term.rental.loc.law.aff.post.docx; rock.short.term.rental.loc.law.notice.adopt.docx

Marinella:

Attached are the following documents in connection with introduction and adoption of a local law to add a chapter to the Town Code regulating short term rentals:

1. Local Law.
2. Introductory Resolution.
3. Notice of Public Hearing.
4. Affidavit of Posting.
5. Notice of Adoption.

Let me know if you have any questions or need any assistance.

Kenneth C. Klein  
4880 State Route 52  
P.O. Box 600  
Jeffersonville, New York 12748  
Phone (845) 482-5000  
Fax (845) 482-5002

The information contained in this communication is intended only for the use of the party to whom it is addressed. If the reader of this communication is not the intended recipient or an employee or agent of the intended recipient responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately and permanently delete and destroy the communication. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege.



## Local Law Filing

(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 \_\_\_\_\_  
Rockland

Local Law No. \_\_\_\_\_ 2 \_\_\_\_\_ of the year 2023

A local law adding a new Chapter 144, entitled Short Term Rentals, to the Code of the Town  
(Insert Title)  
of Rockland, Sullivan County, New York.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the \_\_\_\_\_ Town Board \_\_\_\_\_ of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of \_\_\_\_\_  
Rockland

as follows:

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

**SECTION I**  
**Addition of Chapter 144 to the Code of the Town of Rockland**

A new Chapter 144, entitled "Short Term Rentals," is hereby added to the Code of the Town of Delaware, to read as follows:

**Chapter 144**

**SHORT TERM RENTALS**

**ARTICLE I**

**General Provisions**

**§144-1. Legislative intent and purpose.**

This chapter is enacted to establish a permitting process and mandatory requirements for short-term residential rentals to protect the general health, safety, and welfare of the residents of the Town of Rockland and their renters. The law is also enacted to provide a means for the monitoring of such rentals and to ensure compliance with the NYS Uniform Fire Prevention and Building Code.

**§144-2. Definitions.**

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

**SHORT-TERM RENTAL ("STR")** - A property in which at least one room in a dwelling unit is rented for a period of less than 30 consecutive days, but not including a Hotel, Motel, Inn, Campground or Bed and Breakfast.

**OPERATOR**- Any responsible individual who has charge, care or control of a structure or premises which is rented for short-term occupancy. Such person may be the property owner, a local property manager, or agent of the owner, and must be available to respond to any tenant and neighborhood questions or concerns, and who is authorized to take remedial action and respond to any violation of this chapter.

**DWELLING UNIT**- as defined in Rockland Town Code Chapter 185, one or more rooms, including cooking facilities and sanitary facilities, in a structure designed as a unit for occupancy by not more than one family for living and sleeping purposes, and which must meet the applicable requirements of the NYS Uniform Fire Prevention and Building Code.

**SHORT TERM RENTAL ("STR") PLATFORM**- any internet-based company providing information for short-term rentals and offering transactional services between the property owner and the renter; also referred to as third-party brokers or booking companies.

**SEPTIC DISPOSAL**- a system connected to the municipal sewer system or a compliant subsurface system.

**§144-3. Application process.**

- A. Applications: Application for STR permits shall be available at the office of the of Town of Rockland Town Clerk, located at 95 Main Street, Livingston Manor, New York or on-line at the Town of Rockland website [www.townofrocklandny.com](http://www.townofrocklandny.com). Each application shall include: owner and operator contact information; a premises map with parking spots identified; maximum occupancy level noting number of bedrooms and bathrooms; a copy of the house rules, and current insurance certificates.
- B. Insurance: All owners must provide proof of a valid insurance policy that specifically covers the proposed STR use as well as all other necessary insurance coverage, including liability coverage for personal injury and damage to hosts, guests, and others in a sufficient amount to cover such injury and damage.
- C. Compliance: Upon submission of a complete application, the Town Code Enforcement Officer shall inspect the STR premises and if appropriate, issue a certificate of compliance with in forty-five (45) days. The STR may not be occupied until such certificate of compliance is provided.

**§144-4. Requirements.**

- A. Operator
  - 1. Each owner of a STR shall designate themselves, a property manager or an agent as the Operator of the STR and be the main point of contact, with access and authority to assume management of the unit and take remedial measures.
  - 2. The Operator shall be a minimum age of 21 and reside within 40 miles of the STR unit.
  - 3. The Operator shall respond to incidents and violations within two (2) hours of being notified of such matter.
  - 4. Any property maintenance, building code or other violations found on the STR unit property must be remedied within 48 hours.
- B. Parking.
  - 1. All parking for STR properties must be provided either on-site or at an alternative permitted private location, as identified and described on the permit application form.
  - 2. Parking spaces must conform to dimensional requirements as noted in the NYS Uniform Fire Prevention and Building Code.

C. Signs; notices.

1. Exterior Signage. A 911 address sign shall be posted clearly at the entrance to the property's access driveway. No advertising signs are permitted for STR on the premises.
2. Interior Signage. All units must have a prominently displayed legible notice containing the following information:
  - (i) The 911 address of the property.
  - (ii) Local Operator and owner information, including telephone number(s) at which they may be reached on a 24-hour basis.
  - (iii) Evacuation information.
  - (iv) Location of fire safety equipment.
  - (v) Instructions concerning the storage and/or disposal of trash, recyclables and, if applicable, compost, including the garbage pickup schedule.
  - (vi) Other important health and safety rules, including but not limited to, maximum occupancy, noise limits, and guidance on the utilization of fire pits, fireplaces, and wood stoves.
  - (vii) Location of parking for overnight and day guests, the maximum number of all vehicles allowed to be parked on the STR property, and the requirement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted.
  - (viii) Location of nearest urgent care and emergency medical facilities.
  - (vix) A copy of the STR permit.

D. Health and safety equipment.

1. All STR units must include all necessary safety equipment, including but not limited to the following:
  - (i) One fire extinguisher per floor.
  - (ii) Smoke detectors and carbon monoxide alarms must be installed in every bedroom, common space, and kitchen, and be kept in operating order.
  - (iii) Any other applicable requirements of the NYS Uniform Fire Prevention and Building Code.

E. Quality of life.

1. Each STR shall provide secure, water-tight, lidded, and wildlife-proof exterior garbage receptacles for recyclable materials and non-recyclable waste, preferably in an enclosed structure. Scheduled pick-up shall be provided, and receptacles shall not be left outside for more than 24 hours.
2. STRs shall not generate objectional noise, vibration, glare, odors, or other impacts that unreasonably interfere with the private enjoyment of another person's residence. In the event of an incident or violation at the property related to these offenses, the owner or operator must respond to complaints within one (1) hour of the initial call from the local or state official reporting it.

**§144-5. Permits.**

- A. STRs are allowed in all zoning districts where dwellings units are permitted.
- B. All STR uses require an inspection and operating permit from the Town Building Department as outlined herein. No STR operating permit shall be issued without the unit having passed inspection.
- C. Each permit shall be valid for two years with a biennial fee, from the date it is issued. The permit may be renewed biennially, subject to the current STR law that is in effect at such time of renewal.
- D. A separate permit shall be required for each individual short-term rental unit.
- E. A biennial nonrefundable fee of \$250.00 is required for each short-term rental permit. This fee may be amended from time to time by resolution of the Town Board.
- F. STR operating permits shall be issued only in the name of the owner of the STR unit:
  1. A single owner may obtain a maximum of two (2) STR permits per tax lot.
  2. Permits shall be issued to primary or seasonal owners only.
  3. Permits are non-transferable and will terminate automatically upon ownership transfer.
  4. Existing and operating STRs as of the original effective date of this Chapter may continue in accordance with Section 185-31 of the Town of Rockland Zoning Law and upon an approved application and inspection and payment of fees.

5. The number of guests in an STR shall be commensurate with the capacity of the unit(s) and based upon the number of beds, bedrooms, and toilets as required by the NYS Uniform Code of Fire Prevention and Building Code.
- G. Advertising the availability of an unpermitted unit, including listing such unit on an internet-based, short-term rental platform, is a violation of this Chapter.
- H. No person may be housed separately as part of an STR, in a tent, lean-to, camper, RV or other non-dwelling unit.

**§144-6. Enforcement, violations and penalties.**

- A. Enforcement duties. Enforcement of this chapter is the duty of the Code Enforcement Officer, who shall have the right of entry to determine compliance with the terms of this law and the terms of the permit and is hereby authorized to issue appearance tickets to require appearance in Town of Rockland Justice Court to answer charges for violations of this chapter.
- B. Penalties for offenses. Any person who violates any provision of this chapter shall be guilty of a violation.
  1. First conviction: \$350.00.
  2. Second conviction: \$700.00.
  3. Third conviction: \$1,000.00 and permit revoked.
  4. Occupancy of Unpermitted STR: \$500.00 per day.
- C. Any person who has violated or permitted the violation of any provisions of this chapter shall upon judgment thereof by any Town Justice be sentenced to pay a fine or otherwise penalized as follows:
  1. First conviction: \$350.00.
  2. Second conviction: \$700.00.
  3. Third conviction: \$1,000.00 and permit revoked.
  4. Occupancy of Unpermitted STR: \$500.00 per day.

**§144-7. Severability.**

If any sentence, clause, section, or part of this chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter. It is hereby declared as the intent of the Town Board that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**§144-8. Interpretation.**

This chapter shall become effective immediately following filing with the Department of State of the local law enacting it.”



**SECTION II**  
**Effect of Invalidity**

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudged finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby stated to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

**SECTION III**  
**Effective Date**

This local law shall take effect immediately upon filing in the office of 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 2023 of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ Rockland \_\_\_\_\_ was duly passed by the ~~(County)(City)(Town)(Village)~~ Town Board \_\_\_\_\_ on \_\_\_\_\_ 2023, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

~~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 2023 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ and was (approved)(not approved) (Name of Legislative Body) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)  
Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 1 above.

*Mariella Dilite*

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

Date: 7/10/2023

(Seal)



At a regular meeting of the Town Board of the Town of Rockland, Sullivan County, New York, held at the Town Hall, 95 Main Street, Livingston Manor, New York, in said Town, on the 15<sup>th</sup> day of June, 2023, at 7:00 p.m., prevailing time.

The meeting was called to order by Supervisor Eggleton and upon roll being called, the following were:

**PRESENT:**

Supervisor Eggleton  
Councilperson Routledge  
Councilperson McRell  
Councilperson DeVantier  
Councilperson Edwards

**ABSENT:**

The following resolution was introduced by Councilperson ~~McRell~~, who moved its adoption, and seconded by Councilperson ~~Routledge~~, to wit:

**BE IT RESOLVED**, that introductory Local Law No. 2 of the Year 2023 entitled “A local law adding a new Chapter 144, entitled Short Term Rentals, to the Code of the Town of Rockland” is hereby introduced before the Town Board of the Town of Rockland, Sullivan County, State of New York; and

**BE IT FURTHER RESOLVED**, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town Board hold a public hearing on said local law at the Town Hall, 95 Main Street, Livingston Manor, New York, at 7 PM p.m., prevailing time, on July 6th, 2023; and

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of said public hearing at least five (5) days prior thereto; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby determines the question of the adoption of the proposed local law to be a Type II action pursuant to §617.5(c)(30) and (33) of the regulations promulgated under the State Environmental Quality Review Act for which no further environmental review is required.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

Supervisor Robert Eggleton	voting	<u>YES</u>
Councilperson Edwin Edwards	voting	<u>YES</u>
Councilperson Andrew McRell	voting	<u>YES</u>
Councilperson Peter DeVantier	voting	<u>YES</u>
Councilperson Christine Routledge	voting	<u>YES</u>

The resolution was thereupon declared duly adopted.

**AFFIDAVIT OF POSTING**

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF SULLIVAN    )

I, the undersigned Clerk of the Town of Rockland, Sullivan County, New York,

DO HEREBY CERTIFY:

On the 16<sup>th</sup> day of June, 2023, I caused to be posted on the official sign board maintained by me pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, a public notice of public hearing with respect to introductory Local Law No. 2 of 2023.

A true and correct copy of the notice posted as aforesaid is annexed hereto.

*Marinella Di Vita*  
HON. MARINELLA DI VITA, Town Clerk

Sworn to before me this  
19 day of June, 2023.

*Jessica Wolcott*  
Notary Public

JESSICA WOLCOTT  
Notary Public, State of New York  
Qualified in Sullivan County  
Reg. No. 01WO6383072  
My Commission Expires 11/13/2026

MISS A. THURGOOD





***Town Clerk's Office***  
***Town of Rockland***

**Marinella Di Vita**  
*Town Clerk and Registrar*

*P.O. Box 964*  
*Livingston Manor, NY 12758*

*Telephone: 845-439-5450 ext. 101*  
*Fax: 845-439-3775*

- Set Public Hearing

**RESOLUTION #67 - 2023 Local Law #2 2023 Short Term Rentals**

A Motion was made by Mr. McReil and seconded by Mrs. Routledge with all in favor to set the public hearing to introduce Local Law #2 of 2023 regarding Short Term Rentals for July 6<sup>th</sup>

STATE OF NEW YORK  
COUNTY OF SULLIVAN    ss:  
TOWN OF ROCKLAND

I, Marinella Di Vita, Town Clerk of the Town of Rockland, County of Sullivan, State of New York, do hereby certify that the above resolution is a true copy from the Town Board minutes dated June 15<sup>th</sup>, 2023, as kept in the Town of Rockland, Sullivan County, New York.

In testimony, therefore, I hereby set my hand and the seal of the Town of Rockland this 20<sup>th</sup> day of June 2023

*Marinella Di Vita*

\_\_\_\_\_  
TOWN CLERK TOWN OF ROCKLAND



Sullivan County Democrat  
5 Lower Main St., PO Box 308  
Callicoon, NY 12723-0308  
845-887-5200 Fax: 845-887-5386

**Affidavit of Publication**

State of New York

SS:

County of Sullivan

**LEGAL NOTICE**

Please take notice that the Town of Rockland Town Board has set the date of Thursday, July 6th, 2023 at 7:00 PM for the purpose of conducting a Public Hearing to discuss Local Law #2 of 2023 regarding adding a new Chapter 144, entitled Short Term Rentals, to the Code of the Town of Rockland, Sullivan County, New York.

Dated: June 16th, 2023  
By order of the Town Board  
Marinella Di Vita  
Town Clerk

114450

**Legal Notice**

I, Fred W. Stabbert, III, being duly sworn, Depose and say: That I am the Publisher of Sullivan County Democrat, a twice weekly newspaper of general circulation published in Callicoon, County of Sullivan, State of New York; and that a notice, of which the annexed is a printed copy, was duly published in Sullivan County Democrat, 6/20/23



Fred W. Stabbert, III

Sworn to before me this 20<sup>th</sup> day of June, 2023



Barbara A. Matos  
Notary Public, State of New York  
No. #01MA6172971

Qualified in Sullivan County

My commission expires on August 20, 2023



**TOWN OF ROCKLAND  
NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW**

**PLEASE TAKE NOTICE** that there has been introduced before the Town Board of the Town of Rockland in the County of Sullivan and State of New York, introductory Local Law No. 2 of the Year 2023 entitled “A local law adding a new Chapter 144, entitled Short Term Rentals, to the Code of the Town of Rockland.” The proposed local law would add a new chapter to the Code of the Town of Rockland providing for the licensing, regulation and inspection of residential properties used for short term rentals for periods of less than 30 days.

The local law has been classified as a Type II Action pursuant to §617.5(c)(30) and (33) of the regulations promulgated under the State Environmental Quality Review Act for which no further environmental review is required.

A copy of the said local law is on file with the Town Clerk of the Town of Rockland, New York, where the same may be examined.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to §20 of the Municipal Home Rule Law, a public hearing will be held on the aforesaid local law before the Town Board of the Town of Rockland, at the Town Hall, 95 Main Street, Livingston Manor, New York, at 7 p.m. prevailing time, on July 6<sup>th</sup>, 2023, at which time all interested persons will be heard.

Dated: June 16, 2023

  
HON. MARINELLA DI VITA, Town Clerk



PUBLIC HEARING FOR LOCAL LAW #2-2023 SHORT TERM RENTALS

On a motion made by Mr. DeVantier seconded by Mr. Edwards the Public Hearing opened at 7:00 PM for the members of the public

Public Comment - Sheila Shultz asked board members and supervisor if they have an idea of how many Short Term Rentals are in the town of Rockland, how the town will monitor them, and what the fee is on the applications.

On a motion made by Mr. McRell seconded by Mr. DeVantier the Public Hearing closed at 7:07 PM





**NEW BUSINESS**

- Adopt Local Law #2-2023 Short Term Rentals

**RESOLUTION # 68- 2023 Adopt Local Law #2-2023 Short Term Rentals**

A Motion was made by Mr. McReil and seconded by Mr. DeVanier with all in favor to adopt Local Law #2 - 2023 regarding Short Term Rentals



**TOWN OF ROCKLAND  
PUBLIC NOTICE OF ADOPTION OF LOCAL LAW**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Rockland, in the County of Sullivan, State of New York, on JUL 06, 2023, duly enacted Local Law No. 2 of the Year 2023, and entered it in its minutes.

The local law adds a new chapter 144 to the Code of the Town of Rockland, entitled Short Rentals, providing for the licensing, regulation and inspection of residential properties used for short term rentals for periods of less than 30 days.

Dated: JUL 07, 2023

*Marinella Di Vita*  
\_\_\_\_\_  
HON. MARINELLA DI VITA, Town Clerk

