

**Local Law No. 4 of 2023 of the Village of Pittsford, State of New York
Imposing a Moratorium on the Short-Term Rental of Non-Owner
Occupied Residential Properties in the Village of Pittsford.**

**Be It Hereby Enacted By The Village Board Of The Village Of Pittsford, New York
As Follows:**

Section 1. Title

This Local Law shall be referred to as a “Local Law Imposing a Moratorium on the Short-Term Rental of Non-Owner Occupied Residential Properties in the Village of Pittsford”.

Section 2. Purpose, Intent and Enactment of Moratorium

Pursuant to the statutory powers vested in the Village of Pittsford to regulate and control land use and to protect the health, safety and welfare of its residents, the Village Board of the Village of Pittsford hereby declares a six (6) month moratorium on the short-term rental of non-owner occupied residential residences in the Village of Pittsford, and hereby amends the Code of the Village of Pittsford to provide for such moratorium.

Whereas, the short-term rental of residential real properties has become an issue of national and local interest; and

Whereas, residents of the Village of Pittsford have requested that the Board of Trustees of the Village of Pittsford (hereinafter “Board of Trustees”) consider the adoption of legislation, the purpose of which is to impose some level of control and oversight of short-term rentals; and

Whereas, the Board of Trustees has appointed a committee to report and make recommendations to the Board of Trustees regarding the type of controls, if any, that should be applied to short-term rentals in the Village of Pittsford; and

Whereas, the imposition of this Moratorium is intended to put the residents of the Village of Pittsford and the general public on notice that the Board of Trustees may be imposing controls on short-term rentals in the Village of Pittsford; and

Whereas, the Village of Pittsford is an extremely popular vacation and entertainment destination which creates a robust demand for short-term rentals; and

Whereas, the aforementioned demand for short-term rentals incentivizes the purchase of residential properties in the Village of Pittsford for the purpose of investment by non-resident owners to be used as short-term rentals; and

Whereas, a disproportionate number of such non-owner occupied short-term rental investment properties may have an adverse effect on the affordability of home ownership and the long-term rental of residential properties in the Village of Pittsford; and

Whereas, the adverse impact noted in the previous paragraph also negatively impacts the residential character and quality of life in the Village of Pittsford; and

Whereas, this moratorium will provide the time needed by the Short-Term Rental Review Committee to provide its report to the Board of Trustees, and then for the Board of Trustees to enact legislation imposing appropriate controls on short-term rentals, and

Based upon the fact that the code of the Village of Pittsford currently contains no controls for short-term rentals, a moratorium on the short-term rental of non-owner occupied residences in the Village of Pittsford is required and, as set forth above, the code of the Village of Pittsford is hereby amended to provide such moratorium.

Section 3. Definitions

As used in this section, the following terms will have the meanings as indicated:

Short-Term Rental – One or more dwelling units as that term is defined in §210-41.1 of the Code of the Village of Pittsford, and excluding Bed and Breakfasts, for which rent is received by the owner, directly or indirectly in exchange for residential occupancy for periods of not less than one (1) night and not more than thirty (30) consecutive days to the same occupant.

Non-Owner Occupancy – Any dwelling unit in which the owner does not reside for at least six (6) months and one (1) day per year such that the dwelling unit is not that owner's domicile.

Section 4. Scope of Controls

During the effective period of this Local Law, no non-owner occupied dwelling unit which is not used for short-term rental purposes as of the effective date of this Local Law shall thereafter be used as a short-term rental.

Section 5. Term

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law.

The Board of Trustees of the Village of Pittsford may, by additional Local Law, extend the moratorium period for a period not to exceed six (6) additional months or alternatively terminate said moratorium prior to its expiration.

Section 6. Penalties for Offenses

It shall be a violation of this Local Law to offer or use a non-owner occupied dwelling unit for short-term rental as provided in Section 4 hereinabove. Any person, whether property owner or tenant, who violates this Local Law shall be guilty of an offense. Each day that the violation continues shall be deemed a separate violation.

Conviction of a first violation of the provisions of this Local Law shall be punishable by a fine of not more than \$150.00. The conviction of a second violation shall be punishable by a fine of not less than \$150.00 and not more than \$300.00. Conviction of a third violation of this Local Law and any violations thereafter shall be punishable by a fine of not less than \$300.00 and not more than \$500.00.

The penalties for violations of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code, the New York State Uniform Fire Prevention and Building Code, and the State Energy Conservation Construction Code.

The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting an appropriate legal action or proceeding to prevent an unlawful short-term rental of property in violation of this Local Law including without limitation civil actions for injunctive relief to immediately terminate any existing short-term rental occupancy of dwelling units.

Section 7. Administrative Relief from Moratorium

The use of dwelling units which are subject to this moratorium may be exempted from the provisions of this Local Law subject to the standards and requirements herein.

An exemption from this moratorium may be granted by the Board of Trustees by a showing by the applicant of the following:

A. The imposition of the controls of this moratorium has caused an unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Trustees that without such exemption from this moratorium:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and

2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
3. That the requested exemption, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

B. A showing satisfactory to the Board of Trustees that a proposed one-time short-term rental is being utilized for the purpose of providing accommodations to out of town visitors who are visiting the Village of Pittsford or the surrounding area for the purpose of a special event including but not limited to athletic competitions, festivals, entertainment events, etc.

C. Proof that the purchase contract for the purchase of a dwelling unit to be used solely for a short-term rental was entered into prior to the effective date of the moratorium enacted by this Local Law.

Section 8. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 9. Effective Date

This Local Law shall take effect immediately upon its adoption by the Village Board of the Village of Pittsford and the filing thereof with the New York State Secretary of State.