

TOWN OF WARWICK
INTRODUCTORY LOCAL LAW NO.1 of 2022
AMENDING THE CODE OF THE TOWN OF WARWICK

A Local Law amending Chapter 129 of the Code of the Town of Warwick entitled “Short-term Rental Property” by changing Section 129-8 of Chapter 129, as more fully set forth below:

Be it enacted by the Town Board of the Town of Warwick, Orange County, New York, as follows:

Section 1 –TOWN CODE AMENDED:

The Town of Warwick Town Code is hereby amended by removing the existing section 129-2 and adding a replacement for 129-2, removing the existing section 129-6 B and C and adding a replacement for 129-6 B and C, removing the existing section 129-7 A(1) and adding a replacement for 129-7 A(1), removing the existing section 129-8 A and C and adding a replacement for 129-8 A and C, removing the existing section 129-13 A and B and adding a replacement for 129-13 A and B, and adding new sections 129-3 F, 129-8 J and 129-8 K and replacing them as follows:

Section 129-2 Definitions. As used in this article, the following terms shall have the meanings indicated:

ABSENTEE LANDLORD

Any natural person owning real property in fee simple who does not reside on the rental property and/or who resides outside the designated boundaries of Orange County as those boundaries may be defined at the time of regular, periodic property registration. All Absentee Landlords must be natural persons and not corporations, limited liability companies or other similar entities.

BUILDING INSPECTOR

The Building Inspector of the Town of Warwick or such person as appointed by the Town Board to enforce of Chapter 67, Unsafe Buildings, and this article.

HOUSING OR DWELLING UNIT

Any single residential living space which is capable of housing one separate household, whether a detached single-family structure or building or part of a multihousehold structure or building.

IMMEDIATE FAMILY

The immediate family of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

LANDLORD

Any natural person owning real property in fee simple or Resident Agent who offers a housing unit for occupancy to persons other than members of his immediate family in exchange for a fee or compensation, whether monetary or otherwise. All Landlords must be natural persons and not corporations, limited liability companies or other similar entities.

RESIDENT AGENT

A natural person designated by a Landlord or Absentee Landlord who resides within the designated boundaries of Orange County as defined at the time of periodic property registration. All Resident Agents must be natural persons and not corporations, limited liability companies or other similar entities.

SHORT-TERM RENTAL PERMIT

A permit issued by the Town of Warwick stating that the referenced structure or unit conforms to the standards of the Chapter 82, Fire Prevention and Building Code Administration, and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on that permit.

SHORT-TERM RENTAL PROPERTY

Any housing or dwelling unit(s) which are occupied by persons other than the owner or his immediate family for which a fee or compensation, monetary or otherwise, is received by the owner or landlord in exchange for such occupancy for a period of less than 30 days, which shall include but not be limited to rentals provided by such companies as Air BnB and VBRO. Month to month tenancies are not considered short-term rental properties.

SUBSTANDARD

Any deficiency in a structure or housing unit that does not meet the standards of Chapter 82, Fire Prevention and Building Code Administration, as amended.

Section 129-6 B. The applicant has falsified or failed to provide information in the application for a permit, registration of property, or registration of Landlord or Absentee Landlord.

Section 129-6 C. The applicant had been issued a short-term rental permit, which was in effect in any part of the calendar year immediately preceding the date of application, and the applicant falsified or failed to provide information in the application for a permit, registration of property, or registration of Landlord or Absentee Landlord, upon which such short-term rental permit had been issued.

Section 129-3 F. No more than two (2) short-term rental permits will be issued to a Landlord or Absentee Landlord.

Section 129-7 A (1) The Landlord, Absentee Landlord or Resident Agent applicant has falsified or failed to provide information in the application for a permit, application for renewal of a permit, registration of property, or registration of Landlord or Absentee Landlord.

Section 129-8 A. It is the responsibility of the Landlord or Absentee Landlord to ensure proper and legal occupation of the premises and compliance with this article.

Section 129-8 C. Occupancy is limited to the maximum permitted as per the approved septic design for the number of bedrooms in the Town Building Department records. A typical septic system, that meets NYS Department of Health Design Standards permits a maximum occupancy of two (2) persons per recorded bedroom count in the Building Department records.

Section 129-13 A. An application fee for the short-term rental permit, in an amount established by resolution of the Town Board, listed in the Schedule of Fees,[1] shall be paid by the property owner at the time of application.

Section 129-13 B. A renewal fee for the renewal of a short-term rental permit, in an amount established by resolution of the Town Board, shall be paid by the Landlord or Absentee Landlord at the time of application for renewal.

Section 129-8 J. No guests other than those contracting for and residing in the Short-Term Rental Property are permitted on the premises overnight.

Section 129-8 K. No events, such as but not limited to weddings, parties or concerts, are permitted in a Short-Term Rental Property.

Section 2. – This Local Law will take effect upon the filing of same with the New York State Secretary of State.