

TOWN OF SANTA CLARA

FAQ TO SHORT-TERM RENTAL LAW

Last Update: 03 AUG 2023

Key Term: Permit, Effective Date, Fire Extinguishers, Septic System, Testing of Water

Questions and Town Responses:

1. “It is not clear to me what the permit fee will be. Has that been determined?”

RESPONSE: THE PERMIT FEE(S) HAVE NOT YET BEEN DETERMINED AND ARE CURRENTLY UNDER REVIEW. PERMIT FEES WILL BE BASED ON SUCH FACTORS AS ESTIMATED TOWN RESOURCES REQUIRED TO OVERSEE STRs AND MAY ALSO HAVE OTHER FACTORS CONSIDERED SUCH AS SIZE OF STR UNITS (I.E., # OF BEDROOMS), UTILIZATION OF TOWN UTILITIES, IMPACT OF CERTAIN PROPERTIES, ETC. THE TOWN IS ALSO WORKING WITH AN STR MONITORING SERVICE (GRANICUS) TO HELP DETERMINE THE PERMIT FEES. A RECOMMENDATION PROVIDED AS A GUIDELINE TO THE TOWN WAS THAT THE PERMIT FEE BE AN AMOUNT EQUIVALENT TO A SINGLE NIGHT OCCUPANCY, WHICH IS ~\$500/NIGHT IN THE TOWN OF SANTA CLARA. THE FINAL FEE MAY BE HIGHER OR LOWER FOLLOWING THE TOWN’S ASSESSMENT.

2. “What will be the effective date of this law?”

RESPONSE: THE STR LAW WILL TAKE EFFECT IMMEDIATELY UPON FILING BY THE NEW YORK DEPARTMENT OF STATE. THE TOWN SENT THE DOCUMENT ON FRIDAY, 21 JUL 2023 AND WE EXPECT CONFIRMATION OF NY STATE FILING WITHIN 2-4 WEEKS – THE LAW WILL BE IN EFFECT FOLLOWING THAT CONFIRMATION.

3. “As a courtesy, is the town going to proactively reach out to those identified properties registered with Franklin County Treasurers Office to inform them of this adoption? (Obviously I know what's going on, but others that have been trying to follow the laws might not.)”

RESPONSE: THE TOWN HAS CONTRACTED THE SERVICES OF AN STR MONITORING AGENCY (GRANICUS). PROPERTIES CURRENTLY REGISTERED UNDER THE FRANKLIN COUNTY ROOM OCCUPANCY TAX LAW WILL BE CONTACTED VIA MAIL OF THEIR RESPONSIBILITY TO ALSO REGISTER FOR A PERMIT UNDER THE SANTA CLARA SHORT-TERM RENTAL LAW. AS OTHER PROPERTIES BECOME IDENTIFIED AS STR PROPERTIES, THEY WILL ALSO BE NOTIFIED IN A SIMILAR MANNER. THE SANTA CLARA SHORT-TERM RENTAL LAW IS POSTED ON THE TOWN OF SANTA CLARA WEBSITE FOR VIEWING BY THE PUBLIC.

4. “Can you provide guidance on the proper way to inspect fire extinguishers so that we meet or exceed the expectations of the town?”

RESPONSE: THE TOWN CANNOT PROVIDE THESE RECOMMENDATIONS, BUT IT IS ADVISED THAT THE TUPPER LAKE FIRE DEPARTMENT (OR OTHER FIRE DEPT AGENCY) BE CONTACTED FOR INFORMATION ON CONFIRMING REQUIREMENTS FOR A PROPERLY FUNCTIONING FIRE EXTINGUISHER. PLEASE REVIEW THE STR LAW, ARTICLE I,

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SECTION 1 D REGARDING THE REQUIREMENTS AND PROPERTY OWNER'S RESPONSIBILITIES OF THE LAW.

5. "Is the town going to provide an official form for the qualified septic disposal firm to fill out?"

RESPONSE: THIS PROCESS IS CURRENTLY UNDER REVIEW AND THERE IS NO FORM AT THIS TIME, BUT THIS WILL BE CONSIDERED. CURRENTLY, WE RECOMMEND THAT AN STR PROPERTY OWNER SIMPLY FOLLOW THE REQUIREMENTS AS OUTLINED IN ARTICLE I, SECTION 1 J AND K.

6. "Do you have any recommendations or guidelines with respect to testing of water supply quality? How often should the water be tested?"

RESPONSE: THE STR LAW DOES NOT CURRENTLY REQUIRE DOCUMENTATION OF THE WATER SUPPLY MEETING ALL STATE REQUIREMENTS; HOWEVER, THE APPLICATION WILL HAVE AN ATTESTATION OF THE STR PROPERTY OWNER VERIFYING THAT THEY UNDERSTAND AND WILL ABIDE BY THE REQUIREMENTS AS STATED IN THE STR LAW. THE TOWN DOES NOT HAVE ANY RECOMMENDATIONS WITH RESPECT TO TESTING AND IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO DETERMINE THE STATE'S REQUIREMENTS AND WATER SUPPLY ADEQUACY.

7. "What is the process going to be for scheduling Todd David to inspect the property?"

RESPONSE: THIS PROCESS IS CURRENTLY UNDER REVIEW AND EACH STR PROPERTY OWNER WILL BE NOTIFIED BY THE TOWN AND WILL BE INFORMED OF THE PROCESS AT THAT TIME VIA MAIL. THERE WILL CERTAINLY BE A HARDCOPY OF THE FORM, BUT WE ARE ALSO PLANNING ON HAVING THE ABILITY TO REGISTER FOR A PERMIT ELECTRONICALLY VIA A WEBSITE PORTAL HOSTED BY GRANICUS (STR MONITORING AGENCY) OR USING AN ELECTRONIC FORM POSTED ON THE TOWN OF SANTA CLARA WEBSITE.

8. "How many registered residences are in the Town of Santa Clara? (This is more of a question out of curiosity as I have no idea the scale of the Town.)"

RESPONSE: THERE ARE CURRENTLY 888 DISTINCT PROPERTY IDs AS PROVIDED IN A LISTING FROM FRANKLIN COUNTY REAL PROPERTY TAX SERVICES ON 27 APR 2023. IT SHOULD BE NOTED THAT THESE ARE NOT ALL RESIDENCES AND THAT THIS NUMBER SIMPLY REPRESENTS THE NUMBER OF TOTAL TAXED PARCELS IN THE TOWN OF SANTA CLARA. ACTUAL RESIDENCES WOULD BE A SUB-GROUP OF THIS TOTAL NUMBER.

Response:

Last Update: 01 JUN 2023

Key Term: Garbage/Trash Collection (Article I, Section 3)

Question: I am wondering about the workability of requiring people to put their garbage out no earlier than 5 AM. I really doubt that folks will comply with that, and wonder why, if your cut off is 10 PM for day use you would not have the ability to put your garbage out after 10 PM instead of after 5 AM (submitted 31 MAY 2023)

Response: It is very common to have wild animals (bears, raccoons, etc.) rummage through garbage/trash during the late-night hours. To help eliminate this temptation, the STR Law will require that garbage/trash not be brought to the roadside until after 5:00 AM. In order to further eliminate the unsightliness of trash bins scattered throughout a neighborhood's roadside, the expectation is that the trash receptacles will be removed from street view (and remain as such until the next trash collection day) by 7:00 PM on the same day of trash collection. This will help in maintaining the appearance and integrity within a neighborhood.

Key Term: Maximum Occupants (Article H, Section 7)

Question: I am also curious why the assumption that there would only be two people sleeping in a bedroom, when children's bunks, and double bunks are so common (submitted 31 MAY 2023)

Response: Please see the response below to a similar question.

Key Term: Rental Duration (Article H, Section 4)

Question: Why a limit of 60 days? It seems to me that is very limiting to the usual rentals, which would be up to 90 days in the summer/fall minimum, plus, where applicable, additional days in the winter. I am just curious as to the thinking. (submitted 31 MAY 2023)

Response: Please see the response below to a similar question.

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Key Term: Rental Time Limit (Article H, Section 4)

Question: The frequency of rental is also something that should be considered. If a property is rented fewer than 10 weeks (<20%) of the yr, the property SHOULD be excluded from the scope of the regulations, but be required to file an application to register as a renter (submitted 28 MAY 2023)

Response: This is immaterial as it relates to the STR Law since the law will require rental of the property for STR of no greater than 60 days (16%) of the year.

Key Term: Property Insurance (Article I, Section 2)

Question: I also note that requiring rental designations on the property for insurance purposes is really not the business of the town or board. We continue to see massive governmental over regulation and unnecessary interference in so many aspects of our lives the short term rental issue as far as rentals is an owners risk issue and not part of the purview of this proposal. The town would be wise to not over reach in its attempts to preserve the environment and discourage compliance (submitted 28 MAY 2023)

Response: Again, it's important to note that ST Rentals are in non-commercial property zones. Therefore, if the Town is going to allow for the rental of properties, then the expectation is that property owners should be responsible in maintaining appropriate insurance on the property as an assurance to the renters of the property. This is identified as a requirement for the safety, and in the interest of, a ST renter.

Key Term: Offset Property Ownership Costs

Question: Additionally, and of special concern to many homeowners, is the fact that short-term rentals provide a very important buffer to offset costs. Taxes are high, the costs of heating and utilities continue to skyrocket. Many folks need to utilize their rental income to offset costs and retain their camps. Many families have lost treasured properties because of these factors over the years, and this adds to the concern (submitted 28 MAY 2023)

Response: The cost of owning property is significant and continuously increasing with inflation. The STR Law is intended to allow property owners to offer their property for rent over a reasonable amount of time, which will assist property owners in offsetting the cost of ownership. It should be noted that the Land Use Code clearly defines commercial use of a property and the STR Law is a deviation of this in order to assist property owners who believe they need the extra income through ST rentals. However, the STR Law also is written to respect the rights of non-STR property owners and to maintain the integrity of the neighborhoods; therefore, it was determined that a limit of 60 days rental would be a reasonable compromise in both cases.

Key Term: Parking (Article I, Section 1, i)

Question: While our property can easily accommodate 8 cars now, there should be some dialogue on the volume of vehicles attached to a rental. I would propose that if a universal 10 person max is accepted, total vehicles involved in the rental should be capped at 5. Again, larger properties seeking to accommodate more than 10 short term renters should also have a vehicle consideration. (submitted 28 MAY 2023)

Response: Parking requirements outlined in the STR Law are aligned with the expectation that each bedroom would potentially be occupied by an adult driver, thus minimal parking specifications are established at 1 parking area per bedroom. If additional parking is required, such as to accommodate guests or additional occupants, then the permit holder must ensure this parking is available while abiding to state and local highway regulations. This issue is discussed further in a question below.

Key Term: Maximum Occupants (Article H, Section 7)

Question: In terms of number of people renting allowed based upon bedrooms is a bit shortsighted. Some camps have bunk rooms capable of sleeping 4 or more adults, or lofts, or enclosed porches with sleeper pullouts etc. there are numerous other accommodations that legitimately expand the number of potential occupants that can be safely and effectively accommodated. From our perspective, a maximum of 10 guests is reasonable but extremely large camps may have capacity far in advance of this standard. A proposal that allows flexibility for those sites in excess of 2000 sf living space should allow for extra consideration above the 10 person standard. (submitted 28 MAY 2023)

Response: The maximum number of occupants at a rental unit was determined to minimize the impact on the residential property infrastructure (i.e., septic system well water, etc.), and on the goodness of the neighborhood. The expectation is that the maximum occupancy number can be fairly determined based on the number of bedrooms plus an additional 2 occupants. By providing specifications on a maximum occupancy, it is expected that this will minimize the overall impact on other properties in the neighborhood as well.

Key Term: Display of Permit (Article L, Section 2)

Question: Under Article L, section 2 of the proposed STR law, concerning prominently displaying the STR permit at or near the front entrance to the STR, a copy of the site plan submitted for the STR permit should also be displayed so the renter knows where the property boundaries are located between their rental property and their neighboring TSC owners' properties (submitted 26 MAY 2023)

Response: The inclusion of this statement in the STR Law will be reviewed by the TSC board and further considered.

Key Term: Good Neighbor Policy (Article H, Section 10)

Question: Under Article H, section 10 of the proposed STR law, concerning the "Good Neighbor Policy", add "and their pets" after "guests" in the first bullet. (submitted 26 MAY 2023)

Response: This implies that the pet is responsible; whereas it is clearly the pet's owner (renter or guest) who shall be responsible for abiding by the "Good Neighbor Policy".

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Key Term: Septic System (Article I, Section 1, j and k)

Question: Under Article I, section 1, j. Septic system must meet all current State of New York requirements; section 1) k. replace "satisfactory inspection by a qualified septic disposal firm" with "certification by a licensed septic disposal firm that the septic system meets all current NY State requirements". (submitted 26 MAY 2023)

Response: Please reference the prior questions listed below regarding "Septic System".

Key Term: Deeded Easement

Question: When a TSC property owner applies for a STR permit and the property to be permitted is accessible from a public road only by using a deeded easement/right of way over the private property of another TSC property owner, as part of the application documentation the applicant must also include a copy of that deeded easement/right of way and a document signed by the owner of the private property deed which authorizes the applicant's STR guests to use that same deeded easement/right of way to access the rental property. (submitted 26 MAY 2023)

Response: It is not clear why this request should become incorporated in the STR Town Law. It appears that this is an easement granted through deeded rights; therefore, this appears to be a property specific issue and not appropriate to be included in the STR Law.

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Key Term: Good Neighbor Policy (Article H, Section 10)

Question: The Board (USF), wished that the law (STR) be broadened to provide information on invasive species spread and prevention measures. Requiring permit holders to provide information, requirements, and guidelines to all renters would help them better understand how to share in the protection of our watershed. (submitted 26 MAY 2023)

Response: Providing a broadened explanation of the ramifications of invasive species may not be appropriate for the STR Law. The “Good Neighbor Policy” provides some guidance and explanation related to invasive species, and the TSC Board will consider identifying this document in the STR Law as an item to be provided to ST Renters as a standard document. It may also be appropriate for the USF to provide an informational flyer to the TSC Code Enforcement Officer, who may provide to the STR permit holder and request it be presented to ST Renters.

Key Term: Septic System (Article I, Section 1, j and k)

Question: The USF feels that the proposed law falls short by failing to address the maximum capacity of the septic systems. Our hope was that the Town of Santa Clara would limit occupancy of each rental based on the specific capacity of the septic system. (submitted 26 MAY 2023)

Response: Determining the efficiency, capacity and capabilities of any septic system is a significant concern given the ramification of having a poorly functioning system, especially near bodies of water. The law clearly states, “A septic system at the property must meet all state requirements”; therefore, it is the responsibility of the Short-term Rental owner to ensure that the septic system meets state requirements. Unfortunately, this law is not intended to serve as legislation to monitor and enforce septic systems, but rather, focuses on the rental of short-term rental properties.

Key Term: Signage (Article I, Section 1, m)

Question: In regard to the allowance of a sign identifying the Short-Term Rental property (Article I, section 1, letter M), I feel that this is a distinct feature that makes the property stand out as a business and is unbecoming in a residential neighborhood. I also am very concerned about the statement that a sign cannot be internally lighted, but that means that it can be externally lighted? So a rental owner can put a spot light or overhead light on the sign?
(submitted 24 MAY 2023)

Response: Please refer to the current Town of Santa Clara Land Use Code Law (Local Law #1 of 2000), section 6.43. Although the expectation is that this sign will simply serve as a marker for the property, the Land Use Code Law does allow for signage regarding the sale and/or rental of residential properties. A spotlight on the sign will be allowed. Note that the STR specifications for signage are more conservative than the Land Use Code specifications.

Key Term: Signage (Article I, Section 1, m)

Question: I have read the newest Short Term Rental Law and am concerned about the allowance of a 6x6 sign on the property. Is this sign allowed to advertise that the home is available for short term rental? (submitted 24 MAY 2023)

Response: A 6 ft. X 6 ft. sign is not allowed. The STR Law will allow for a sign that is not greater than 6 square feet. For example, a sign of 2 ft. X 3 ft. is acceptable and falls within the 6 square foot requirements. This is currently allowed according to the Town of Santa Clara Land Use Code Law (Local Law #1 of 2000), section 6.43, A; however, the signage identified in the STR law is more conservative than the Land Use Code Law.

Last Update: 19 MAY 2023

Key Term: Dog Control (Article H, Section 10)

Question: Can the STR Law specify that the permit holder (owner) be responsible for informing the renter that dogs should remain on the property and always under the control of the renter? (submitted 16 MAY 2023)

Response: The Town of Santa Clara currently has a robust and comprehensive law entitled, "Dog Control Law of the Town of Santa Clara". This Law addresses the concerns expressed in this question and should be referenced if neighbors have issues with dogs at short term rental properties. The law can be found on the town website at the following web address:
<https://townofsantaclara.com/town-laws/>

Key Term: 60 day yearly limit (Article H, Section 4)

Question: Is it necessary to limit the rental time when it can be spread out over 365 days (submitted 15 MAY 2023).

Response: When drafting the STR Law, the town board wanted to provide for a fair situation that allowed for STR Owners to have the ability to collect a reasonable amount of income for rental of their property. At the same time, we did not want to see the spirit and character of the neighborhood change. It was decided that the 60-day maximum, spread over the entire year, was a fair and reasonable compromise.

Key Term: Fire Extinguishers (Article I, Section 1, d)

Question: 1) Fire extinguisher size should be identified in the law with certain sizes specified for various locations in the rental unit. 2) Inspection of fire extinguishers should be done by a "competent individual" and not the permit holder. (submitted 15 MAY 2023)

Response: 1) This may be a good suggestion and the board will explore the recommended extinguisher sizes for various rooms. 2) Singling out monthly inspections for fire extinguishers by a qualified individual may not be practical. The permit holder is expected to fulfill certain responsibilities associated with holding the permit, and as outlined in the STR Law.

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Key Term: Adequate Parking (Article I, Section 1, i)

Question: One parking space per bedroom does not provide sufficient parking for up to twenty (20) daytime guests. (submitted 15 MAY 2023)

Response: The intention of this section of the law is to provide guidance on the minimum number of parking spaces required for **overnight guests**. This does not override any other laws/ordinances or restrictions regarding parking requirements within the town or on county and state roadways.

Key Term: Septic Pumping (Article I, Section 1, k)

Question: What logic says, a good working septic system needs to be pumped every 4 years thereafter? (submitted 15 MAY 2023)

Response: There will be a variety of septic systems installed on various rental unit properties, all functioning at different capacities. This section of the law is intended to provide guidance to permit holders on the expectations and responsibilities of maintaining a continuously, well maintained septic system on the rental property premises. A 4-year cycle was determined to be a reasonable minimum amount of time to ensure the system is kept properly functional.

Key Term: STR Signage (Article I, Section 1, m)

Question: In the interest of complying with the spirit of Article C and the availability of digital maps and directions, is it possible to remove the application of additional signage? (submitted 15 MAY 2023)

Response: This is a reasonable consideration and will be discussed by the board as it relates to STR Law modifications.

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Key Term: STR Application Oversight

Question: Will the Town of Santa Clara institute some form of digital application in order to improve efficiency of applications and renewals? (submitted 15 MAY 2023)

Response: The Town Board has taken steps to help improve and make efficient any compliance monitoring of STRs. We have contracted with a STR Host Compliance organization (Granicus). The Town Board, in collaboration with the Town Clerk and the Town Code Enforcement Officer, will be working on digitizing much of the STR monitoring, compliance and enforcement process.

Key Term: Property Inspection (Article M, Section 1, c)

Question: Physical property inspection on initial application and every renewal seems like overkill. A written statement, made by the property owner, on renewal, should eliminate the required renewal inspection unless something has changed.

Response: In order to ensure compliance with the stipulations outlined in the law, we are requiring inspections be performed upon each renewal. This will also allow for proper inspection of safety items, such as fire alarms and extinguishers.