

## REVISED ANSWERS to Questions about the amended proposed [Short-Term Rental Law](#) introduced by the Village Board on ~~November 15, 2023~~ January 17, 2024

Questions asked in a public Zoom forum with the Village Board on November 29, 2023, and submitted by email from 11/16 to 12/1.

### A Dozen Long Answers

**1. Why do we need this law?** For the last ten years, there has been a very concerning uptick in the use of residential homes in Aurora as short-term rentals for tourists rather than homes for permanent residents. The Village Board is tasked with caring for the health, safety, and wellbeing of the community, and therefore needs to address this worrying trend. The [Comprehension Plan](#) is a policy document that is a guide for the village board to make decisions about what is best for the future of the community. One of the stated goals is to “nurture Aurora’s sense of place and preserve the residential character and neighborhoods”. Regulating and restricting homes being used for short term rentals will fulfill stated goals in the comprehensive plan and help to maintain a variety of housing stock full of permanent residents who contribute meaningfully to our diverse community.

**2. How was the law drafted?** Consideration of an STR law began about 10 years ago. Members from the planning board, ZBA, and trustees initially worked on incorporating it into a revised zoning law that was never introduced.

Recently, due to the explosion of STRs throughout the state, several State entities, Town and Village planning commissions, and municipal attorneys have held numerous conferences, webinars, and workshops on drafting STR laws which were attended by village officials. The Planning Board chair, a Planning Board member, ZBA Chair, trustees, clerk, and village attorney all assisted in drafting the law that was introduced on November 15, 2023, following years of research. STR owners, most of whom do not live in the village, were not included in drafting the law to regulate their own businesses because of a potential conflict of interest.

**3. How many STRs exist and why limit them?** Since STRs have not been a “permitted use” under our current zoning code, there is no official municipal record of their existence. (No Permit = no record.)

However, property transfer data and rental advertisements plus some owner self-identification suggest that 2 STRs existed a decade ago, about 10 were in place by 2020 and that number doubled to 20 during during the pandemic. One more appeared after the proposed law was drafted. A list of properties will not be provided; anyone can glean this info from the internet. The total is significant in comparison to our limited housing stock (now c. 160 homes) and very small population.

Of the STRs identified, several already may be Hosted. Others could adopt the Hosted option, if the owners chose to do so. Several might not pass code inspection (e.g., the required emergency exits from each bedroom can challenge an older home). In addition, some owners now renting only on occasion may not choose to pursue a permit. That’s the context for an Un-hosted Permit cap, reset now at 16.

Please note that with no limit whatsoever on the number of Hosted Permits, the total STRs in the village probably will remain above 16, and those STRs will provide options for tourists and income for residents — balanced with much needed housing for full-time residents.

~~4. Why set a maximum / minimum nights' stay? A 90-night annual cap on Un-hosted STRs could serve to discourage absent commercial landlords from buying up Aurora's residential homes, while allowing part-time community members who use STR properties as 2nd homes to earn income. A minimum of 30 nights is set to ensure that Un-hosted Permits are utilized and not merely held in reserve. Please note that Hosted STR Permits would have no 90-day maximum or 30-day minimum for rental use.~~

**5. Complaints and calls** about unruliness and noise have not been classified in the past, but some arose from STRs. The law states that there is “potential” for problems; we are looking to prevent rather than react.

For instance, our fire department responded to a 911 call at a STR, made by a resident long-term tenant who smelled smoke. It was discovered that the electrical for the building was not up to code. The fire chief contacted the village to ask if there was any regulation or inspection procedure for all the STRs in the village. The mayor responded by creating a new committee to draft a law regulating STRs. The village also received a garbage complaint and report of a sewer backup caused by STR guests that backed up not in the rental property, but into a neighbor's building.

**6. Why regulate STR parking?** The village zoning law requires one off-street parking space be provided for each room available to the public for Bed and Breakfast, Rooming or Boarding Houses. This law is also contained into the proposed zoning revision. Short-Term Rentals provide rooms available to the public. Therefore off-street parking requirements should also apply to Short-Term Rentals. There is no available data to track the percentage of homes and Short-Term Rentals that use street parking.

**7. Shared driveways** existing on deeds in Aurora were drawn up between home owners to be used by neighbors for their own reasonable access, and that of their visitors and service providers. That's very different from use by a commercial enterprise bringing in guests with no ties to the community. The potential increase in the number and frequency of unknown people crossing shared property is something the committee felt warranted extra consideration.

**8 LaBella Planners** have consulted with the village on many projects throughout the years and was hired by the village in spring of 2021 to assist with revising the Village Comprehensive Plan. They collected data from the US Census and Cornell University's Program on Applied Demographics and the information is noted in Appendix A of the 2021 Village Comprehensive Plan.

The Village Comprehensive Plan is posted on the “Boards” and “Local Laws” pages of the Village Website. [A statement](#) was requested from LaBella based on their data to provide documentation with regard to Short Term Rentals (STRs) and their limitation via zoning requirements.

LaBella had no hand in drafting the STR law and, as of this date, an invoice has not been received. The amount charged to the village for their report will be posted upon receipt.

**9. Adopting the law soon** and beginning the application process in the winter gives STR owners time to review and submit their applications ahead of the tourist season. Having the process begin in winter also means biennial renewals will occur in the off-season. STRs doubled between 2020 - 2023. We need to have a law in place now.

**10. Real Estate agents** were not consulted because this proposed law arose from concerns expressed by the citizens of Aurora in the comprehensive plan. The comprehensive plan expressly states that our community needs to preserve housing stock and encourage families to live here. It is not a goal of the comprehensive plan to prop up fluctuating real estate values that may be artificially inflated during a STR bubble.

~~11. If a lottery is required for Un-hosted Permits, owners who don't receive such a permit may do any of the following: plan to provide a host in one year's time, remain on the waiting list for an Un-hosted permit, prepare to shift to monthly (or longer) rentals when their temporary license expires, or return the property to use as a full-time residence.~~

**12. Will anyone want to live here?** The short answer is YES. By regulating short term rental, we aim to support and enrich the character of the community. As per the Comprehensive Plan, we need to provide a diversity of housing stock so families will be able to put down roots and contribute to our community. We need residents who are on our village, planning, library, and CPP boards. We need people in our fire department, and on our volunteer ambulance crew. We need voices on our school board. We seek to have children playing in our playgrounds and in our village programs. Our current zoning law is very friendly to a myriad of opportunities for home occupation businesses, and our community provides ideal work from home situations. Providing housing that provides opportunities for people to live in Aurora and contribute to the community is of paramount importance.

**A dozen short answers:**

1. the scheduled Public Hearing (PH) is not in Zoom, but public comment may be submitted in writing
2. the PH date of 1/31/24 is included as part of the [introductory resolution](#) and will not be postponed
3. the Village Board (VB) may decide to leave the PH open beyond 1/31/24 and continue to receive public comment, or to close the PH after comment concludes that night and vote on the law, or to close the PH after the comment period that night but defer a decision to a subsequent meeting
4. a special VB meeting cannot be held only with STR owners; meetings must be public and open to all
5. a resolution is not required for a mayor to renew or appoint a task force or sub-committee
6. neighbors of existing STRs have not been surveyed about their experience
7. the village does not receive county occupancy tax, and cannot impose a special tax on STRs
8. a limit of 2 people per STR bedroom would prevent over-occupancy; the maximum occupancy of 12 would not prevent over-occupancy in, for instance, a two bedroom STR
9. inns and hotels are not STRs, and have many additional requirements (like sprinkler systems)
10. requests to \*grandfather\* or to give special preferences to some STRs are comments for the public hearing rather than questions about the proposed draft law
11. the comprehensive plan mentions STRs once, but stresses the need for full-time residents several times
12. while Un-hosted STRs eliminate housing for full-time residents, Hosted STRs provide housing for at least one full-time resident

**And some Os answered directly from <https://auroranewyork.us/wp-content/uploads/2024/01/2024-REVISED-STR-draft.pdf>**

- community neighborhood character is defined in the draft (Section IV)
- any rentals over 30 days are not Short-Term and would not be regulated by this proposed law (IV)
- application and permit fees will be set by the Village Board at a later date (XIV)
- any individual may hold one STR permit (VI.D)
- any corporate entity (such as Wells or the Inns of Aurora) may hold one STR permit (VI.D)
- if the minimum 30-day rental is not met, the Un-hosted permit will not be eligible for renewal (XI.A.7)
- the Code Enforcement Officer would inspect properties, enforce the proposed law along with the Trustees & Attorney, and maintain records along with the Village Clerk (XII, XIV)