

**Local Law No. 8 of 2023 of the Village of Pittsford, State of New York  
Imposing an Extension of the 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 an Extension of the Moratorium on the Short-Term Rental of Non-Owner Occupied Residential Properties in the Village of Pittsford." The initial Moratorium on the Short-Term Rental of Non-Owner Occupied Residential Properties in the Village of Pittsford was duly adopted by the Board of Trustees on July 11, 2023 and filed with the New York Secretary of State on August 8, 2023.

Section 2. Purpose, and Intent of this Extension

Pursuant to the statutory powers vested in the Village of Pittsford to regulate and control land use in the Village of Pittsford and to protect the health, safety and welfare of its residents, the Village Board of the Village of Pittsford declared a six (6) month moratorium on the short-term rental of non-owner occupied residences in the Village of Pittsford, which moratorium expires on January 8, 2024.

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

Whereas, such Committee has worked diligently since its appointment on June 13, 2023 to prepare such reports; and

Whereas, the Committee expects to make its report to the Board of Trustees on December 12, 2023; and

Whereas, the current moratorium expires on the 8<sup>th</sup> day of January 2024, and

Whereas, should the Board of Trustees decide that it wishes to enact a Local Law proposing controls on short-term rentals in the Village of Pittsford, there is insufficient time between December 12, 2023 and January 8, 2024, to draft such Local Law, to send that Local Law to public hearing, and to adopt that Local Law.

### 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 extension imposed by this Local Law shall be in effect for a period of six (6) months January 8, 2024.

The Board of Trustees of the Village of Pittsford may 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 on the 8<sup>th</sup> day of January 2024 or upon its adoption by the Village Board of the Village of Pittsford and the filing thereof with the New York State Secretary of State, whichever is later.