

TOWN OF DEERFIELD

LOCAL LAW # 1 OF 2024

A LOCAL LAW TO IMPOSE A MORATORIUM ON THE  
SHORT-TERM RENTAL OF NON-OWNER OCCUPIED  
RESIDENTIAL PROPERTIES

Be It Hereby Enacted By The Town Board Of The Town of Deerfield, New York As  
Follows:

Section 1. Title

This Local Law shall be referred to as "Town of Deerfield Moratorium on the  
Short-Term Rental of Non-Owner Occupied Residential Properties.

Section 2. Purpose. Intent and Enactment of Moratorium

Pursuant to the statutory powers vested in the Town of Deerfield to regulate  
and control land use and to protect the health, safety and welfare of its residents, the  
Town Board of the Town of Deerfield hereby declares a six (6) month moratorium on  
the short-term rental of non-owner occupied residential residences in the Town of  
Deerfield in the R-1 and R-2 Single Family Residential Zoning Districts.

The short-term rental of residential real properties has become an issue of  
national and local interest. Residents of the Town of Deerfield have requested that the  
Town Board of the Town of Deerfield (hereinafter "Town Board") consider the adoption  
of legislation, the purpose of which is to improve some level of control and oversight of  
short-term rentals. Issues have been reported regarding short-term rentals including  
issues with respect to on street parking.

The Town Board will refer to the Planning Board to report and make  
recommendations to the Town Board regarding the type of controls, if any, that should  
be applied to short-term rentals in the Town.

The imposition of this Moratorium is intended to put the residents of the Town  
and the general public on notice that the Board of Trustees may be imposing controls  
on short-term rentals in the Town.

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 Law shall be in addition to any penalties imposed for violation of other provisions of the other Local Laws, 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 Town 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 Town Board 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 Town Board 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 the 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.