



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Shawyn Patterson-Howard
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 840-4029 or (914) 699-7230

James Rause, FAICP, WEDG
Commissioner

MEMORANDUM

TO: Tanesia Walters, JD, MPA, City Clerk

FROM: James Rause, FAICP, WEDG, Commissioner
Lukas Herbert, AICP, Assistant Commissioner of Planning

DATE: September 11, 2024

SUBJECT: Short-term rental legislation

Planning and Community Development Department staff have reviewed a proposed Local Law that would amend the City Zoning Ordinance to permit and regulate short term rentals (such as AirBNB) in all districts that permit residential uses, City-wide.

Overview

Short-term rentals are currently available to rent in Mount Vernon, even though the City has no laws that directly permit or regulate them. The proposed law will create a new framework to permit and regulate this use and require that short-term rentals only be permitted on properties that are occupied as a primary residence by either the owner or an established tenant. In the case of tenants, a tenant would only be allowed to list their residence for a short-term rental with landlord permission.

The proposed local law would establish a permitting system that would be administered by the Building Department to allow short-term rentals. Permits would be for a period of one year and would be renewable for subsequent years, pending re-application and approval.

In general, the permitting requirements would ensure that the short-term rental units meet applicable code requirements and other standards that the City would establish to regulate short-term rentals. During the permit application process, an applicant must prove that the property to be rented is their primary residence, and the extent of the space to be rented (whether it is just a few rooms or the entire dwelling unit) must be specified along with the number of persons that can be lawfully accommodated. In situations where the entire dwelling unit would be rented, the applicant must designate a responsible person with the right to enter and maintain possession of the dwelling on a 24-hour-a-day basis. Short-term rentals for commercial purposes or for large events/gatherings would be prohibited. Short-term rentals that fail to meet the standards can have their permits revoked. The permit number issued by the City must also be displayed on the listing for the short-term rental



Recommendation

It is staff's recommendation that the City Council adopt the proposed local law. While short-term rentals are currently located throughout the City, they exist without any direct regulation, which this local law would provide.

From a regional standpoint, it is important to point out that there is a patchwork of local regulations concerning short-term rentals in the immediate area. New York City has strict rules concerning short-term rentals that require short-term rental hosts to be present in the dwelling unit when a guest is staying. New York City also has a licensing requirement. In Westchester, some municipalities such as Yonkers, New Rochelle, Mamaroneck (Village), Hastings-on-Hudson and White Plains also appear to allow short-term rentals in some form, while others prohibit them.

In some cases, municipalities have enacted stronger short-term rental regulations as means to ensure that visitors mostly choose hotel rooms when staying in those municipalities. However, since Mount Vernon does not have any hotels, short-term rentals offer a way for Mount Vernon to increase tourism activity. In particular, Mount Vernon may be a desirable location for many tourists and visitors because of the City's access to train stations and bus routes, especially for visitors who come without their personal vehicles, or who do not wish to rent a vehicle while they are here.

The regulations contained in the proposed local law, while less stringent than New York City's, provide a reasonable framework for the regulation of short term rentals, requiring that they only be offered by individuals who have a direct relationship with their properties as their primary residence, whether they are the owner or a tenant. The law also appears to have reasonable safeguards in place to ensure short-term rentals are not abused, or do not impact neighbors and residents. The law also prohibits certain types of buildings, such as those benefitting from PILOT agreements or rent-regulated buildings, from participating.

We recommend, however, that the City Council consider adding a provision that will protect a tenant, if their landlord attempts to rent out their unit as a short-term rental without that tenant's permission. In our reading of the law, we could not find any provisions that contained this protection.