

Webinar

New Short-Term Rental Law

THANK YOU



Senator
Michelle Hinchey



Senator
Pat Fahy



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

Mark Dorr

- President of NYSHTA
- Mark currently serves as the President of the New York State Hospitality & Tourism Association (NYSH&TA), a not-for-profit trade organization representing 1,000-member businesses and individuals in the lodging, promotion and amusements industry. The Association's mission is to lead and protect the state's tourism industry by providing advocacy, education and resources.

Prior to his role as NYSH&TA President, Mark served as the Association's Vice President was an editor and publisher for several award-winning publications in the Northeast.

Mark graduated of the College of Saint Rose, Albany, NY, with a degree in Public Communications and received his Masters' Degree in Journalism/Public Communications from Murray State University, Murray, KY.



Senator Michelle Hinchey

- Senator Michelle Hinchey was elected to the New York State Senate in 2020, making history as the youngest woman to represent an upstate district, and has become a leading voice for rural and Hudson Valley communities. The Senator proudly represents the 41st Senate District, which includes Columbia and Greene counties, Northern Dutchess, and portions of Ulster County. She is Chair of the Agriculture Committee

In just four years, Senator Hinchey has had a record of 85 bills signed into law focused on expanding rural healthcare and housing, enhancing local food access, protecting farmland, addressing the Climate Crisis, and advancing environmental stewardship.



Senator Pat Fahy

- Senator Patricia Fahy was first elected to the New York State Senate in 2024. She is Chair of the Disabilities Committee.
- Prior to her election to the State Senate, she was elected to the New York State Assembly in 2012, where she served as the 109th District's Assemblymember until 2024.
- Senator Patricia Fahy represents the 46th District, which includes most of Albany County, part of Schenectady County, and all of Montgomery County.
- She was one of the most active Assemblymembers, sponsoring over 200 bills, with over 75 being enacted into law.





Presenters

- Beth Garvey, GT
- Deb Stevens, GT
- Ryan Gregoire, NYSAC

Short Term Rental Legislation

- Legislation Passed in June-
 - The Legislation S.885-C (Hinchey) and A.4130-C (Fahy) passed both houses but has been superseded by a Chapter Amendment.
 - Each bill signed into law, is a “Chapter” of the Laws of that year. When a “Chapter Amendment” is contemplated, it amends the law that was just signed.
 - The Governor has traditionally not vetoed legislation that can be fixed by making tweaks, he or she signs it subject to the Chapter Amendment.
 - Approval Messages outline the changes.

What is in effect now?

05/31/24	AMEND (T) AND RECOMMIT TO HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT
05/31/24	PRINT NUMBER 885C
06/04/24	COMMITTEE DISCHARGED AND COMMITTED TO RULES
06/04/24	ORDERED TO THIRD READING CAL.1683
06/04/24	PASSED SENATE
06/04/24	DELIVERED TO ASSEMBLY
06/04/24	referred to ways and means
06/06/24	substituted for a4130c
06/06/24	ordered to third reading rules cal.480
06/07/24	passed assembly
06/07/24	returned to senate
12/12/24	DELIVERED TO GOVERNOR
12/21/24	SIGNED CHAP.672
12/21/24	APPROVAL MEMO.95

The bill was signed 12/21/2024, and was effective 120 days after signing. Therefore, nothing is in effect until April 20, 2025.

Ideally the chapter amendment will have been passed and signed by that date, which will supersede this chapter.

Differences



- The Chapter Law contained a statewide registry, housed in the Department of State
- The Chapter Law provided that numerous requirements would need to be met including insurance, egress plans, and all local laws complied with
- The Chapter Law provided Sales and Occupancy Taxes

Chapter Amendment Provisions

- Counties will need to create their own registries.
- Counties will have an opportunity to opt-out of the registration requirement, provided that they do so ninety days following enactment of the Law, or December 31, 2025.
- Counties can work together to create registries, allowing for shared services.
- New York City's program continues with the Mayor's Office of Special Enforcement.
- A County that has opted out **will not** receive any occupancy tax for short-term rentals.
- Regardless if a county opts out or not, they will receive their local sales tax share for short-term rentals. The sales tax will be distributed in the same manner as current sales tax distributions.
- A County that has an occupancy tax will only receive that tax if that county's occupancy tax law authorizes collection of occupancy taxes on short-term rentals.
- The law allows for county's to adopt a local law allowing for such collection, without separate state legislation

Chapter Amendment Provisions

- Platforms (Airbnb, Vrbo, etc.) will provide data on short term rentals to the Counties every 90 days. The Counties will then be required to share that data with local governments within 60 days, and upon request
- Booking services must collect and report data, regardless of whether or not a County or municipality has a registry
- Booking services are required to report **aggregate** data on the number of stays during that period to the Department of State every ninety days

Registration Per the New Chapter

- An owner may self-certify compliance with the requirements.
 - Short term rental hosts will be required to maintain records related to guest stays for a minimum of two years (this can be a booking service in lieu of an individual host).
- Platform will confirm Registration
- Assessment of fees for the maintenance of the registry.
 - A county can assess an application and registration fee for the expenses related to the creation and ongoing maintenance of the registry.
 - This fee can be assessed on the STR host, or the STR platform should host use a platform for the listing of their property.
- Counties will be required to post on their websites a “prominent link” to the registry.
- Failure to register with the county may result in a fine. The county will have the authority to assess a maximum fine of \$200 on a host (3rd violation). For each subsequent violation, the fine increases to \$500.
 - Booking agencies can also be fined up to \$500 per day per violation.

Local Law Opt-Out and Tax Collections

- A local law opt-ing out of the program will require enactment within 9 months from the effective date of the law.
 - Using 275 days from enactment of September 22, 2025, that will be June 22, 2026.
 - A county has the ability to repeal the local law reversing this decision to “opt back in” to the short-term rental registry program.
 - In doing so, the county would then be eligible to receive occupancy tax revenue from short-term rentals.
 - Any local government within a county that “opts out” by way of local law, still has the ability to restrict short-term rentals.

Other

- Effective Date: The New Chapter will be effective upon signing, but extends effect of the old legislation until **Sept. 22, 2025**.
- Platforms won't have to delete listings, and no fines can be imposed until the county- or multi-county registry is live and in effect.
- Local Governments, cities, towns and villages can continue to enact restrictions on short-term rentals after the effective date of this section.

Thank You!

A webinar recording will be emailed to all registrants

Contact Us



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