

MUNICIPAL SHORT-TERM RENTAL POLICIES:  
ANALYSIS AND RECOMMENDATIONS FOR ADIRONDACK COMMUNITIES

A Professional Report  
Presented to the Faculty of the Graduate School  
of Cornell University  
In Partial Fulfillment of the Requirements for the Degree of  
Master of Regional Planning

by  
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August 2022

**CORNELL UNIVERSITY GRADUATE SCHOOL**

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ANALYSIS AND RECOMMENDATIONS FOR ADIRONDACK  
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## ABSTRACT

In vacation regions like the Adirondack Park, short-term rentals are a boost to a critical tourist industry that fuels the economies of local communities. However, short-term rentals also add pressure to a housing market that is unaffordable for many locals due to the growing number of seasonal homes, rising building costs, and limited development opportunities. As short-term rentals grow in popularity, municipalities will need to balance tourism revenue and the needs of local property owners against the forces of commercial short-term rental developers. Looking at the policies throughout the country shows that there is a plethora of regulatory options for local governments, including permitting, zoning restrictions, usage caps, and taxation. Some municipalities in the Adirondacks have enacted short-term policies, and many have begun to consider local ordinances. This report will discuss those policies and provide recommendations for Adirondack communities as they consider short-term rental policies.

## BIOGRAPHICAL SKETCH

Adam Bailey has recently completed his coursework for his Masters of Regional Planning from Cornell University, School of Architecture, Art, and Planning. During his time at Cornell, he focused on the impact that land use policies have on rural communities, including zoning, comprehensive planning, and preservation ordinances. Adam received his Bachelor of Science in Civil Engineering from Clarkson University, and for a number of years worked as a structural engineer. It was while travelling for that position that he became concerned with degrading quality of life in many rural communities in the northeast, driving him to pursue a graduate degree.

Adam was born and raised outside Albany, NY and frequented the Adirondacks and the North Country throughout his childhood to visit family and friends. As an adult, he achieved his dream of calling the region home when he started a job as facilities manager at an artist residency in Blue Mountain Lake, NY. Following his time at Cornell, Adam returned to the Adirondacks to work full-time with the Northern Forest Center as a Program Manager focused on improving community vitality in the region. He and his partner recently purchased a home in Elizabethtown where they hope to become long-term Adirondack residents.

## ACKNOWLEDGMENTS

I would like to thank my exit project committee, Michael Tomlan for his wise mentorship throughout my time at Cornell and Nancy Brooks for her thoughtful feedback and wonderful questions. I would also like to thank Leslie Karasin and Maura Adams of the Northern Forest Center for supporting me through this process and helping me workshop and identify a topic would be most useful to Adirondack communities. The individuals interviewed for or otherwise represented in this report deserve immense thanks for all the important work they are doing in the towns and villages throughout the region to ensure that everyone has access to quality housing. I appreciate all the valuable insight these professionals were willing to share with me throughout the process. Lastly, I would like to thank my wonderful partner, Sawyer, who encouraged me to return to graduate school and pursue a new, more meaningful career.

## TABLE OF CONTENTS

<b>BIOGRAPHICAL SKETCH.....</b>	<b>III</b>
<b>ACKNOWLEDGMENTS.....</b>	<b>IV</b>
<b>TABLE OF CONTENTS .....</b>	<b>V</b>
<b>LIST OF MAPS .....</b>	<b>VII</b>
<b>LIST OF FIGURES.....</b>	<b>VIII</b>
<b>LIST OF TABLES.....</b>	<b>IX</b>
<b>LIST OF ILLUSTRATIONS.....</b>	<b>X</b>
<b>INTRODUCTION .....</b>	<b>1</b>
THE ADIRONDACK CONTEXT .....	3
METHODOLOGY .....	5
<b>CHAPTER 1: WHAT IS A SHORT-TERM RENTAL? .....</b>	<b>8</b>
1.1. LENGTH OF STAY .....	9
1.2. TYPE OF PROPERTIES .....	9
1.3. OWNERSHIP .....	11
1.4. PREVALENCE .....	12
1.5. QUESTIONS TO CONSIDER.....	15
<b>CHAPTER 2: THE PROS AND CONS OF STRS.....</b>	<b>17</b>
ADVANTAGES OF SHORT-TERM RENTALS: .....	17
2.1. SUPPLEMENTAL INCOME FOR HOMEOWNERS.....	17
2.2. INCREASED VISITATION AND OCCUPANCY .....	20
2.3. BENEFITS TO MORE TOWNS.....	20
2.4. ACCESSIBLE TO MORE VISITORS .....	21
2.5. ADDITIONAL BENEFITS .....	22
NEGATIVE IMPACTS OF SHORT-TERM RENTALS .....	23
2.6. INCREASING THE PRICE OF HOMES .....	23
2.7. GROWING NUMBER OF SECOND-HOMES.....	25
2.8. NUISANCES & NEIGHBORHOOD CHARACTER.....	26
2.9. PROPERTY INVESTORS .....	27
2.10. COMPETITION WITH CONVENTIONAL LODGING AND TAXATION PROBLEMS .....	28
<b>CHAPTER 3: EXAMPLE REGULATIONS.....</b>	<b>30</b>
3.1. TYPES OF POLICIES .....	30
3.2. NON-ADIRONDACK EXAMPLES.....	31
3.2.1. <i>South Portland, Maine</i> .....	32
3.2.2. <i>Durango, Colorado</i> .....	37
3.2.3. <i>Nantucket, Massachusetts</i> .....	41
3.2.3. <i>Stony Point, New York</i> .....	44
3.2.4. <i>Tompkins County, New York</i> .....	46
3.2.5. <i>Town of Ithaca, New York</i> .....	49

3.2.6. <i>Cayuga Heights, New York</i> .....	53
3.3. ADIRONDACK POLICIES .....	55
3.3.1. <i>Village of Lake George, Warren County</i> .....	55
3.3.2. <i>Town of Lake George, Warren County</i> .....	58
3.3.3. <i>Town of Inlet, Hamilton County</i> .....	59
3.3.4. <i>Queensbury, Warren County</i> .....	62
3.3.5. <i>Town of North Elba/Village of Lake Placid, Essex County</i> .....	64
3.4. SUMMARY OF POLICIES .....	68
3.5. POLICY ENFORCEMENT.....	68
<b>CHAPTER 4: ANALYSIS/RECOMMENDATIONS .....</b>	<b>72</b>
4.1. PERMIT REQUIREMENTS AND ENFORCEMENT .....	74
4.2. TAXING STRS.....	75
4.3. STR ORDINANCES IN THE ZONING CODE.....	77
4.4. AVOIDING COMPLETE BANS .....	79
4.5. WORKING REGIONALLY WITH THE APA .....	80
4.6. INNOVATIVE SOLUTIONS .....	81
4.7. ADDITIONAL THOUGHTS.....	85
<b>CONCLUSION .....</b>	<b>87</b>
<b>APPENDIX A.....</b>	<b>89</b>
<b>APPENDIX B.....</b>	<b>91</b>
<b>REFERENCES .....</b>	<b>93</b>



LIST OF MAPS

MAP 0.1 - ADIRONDACK PARK WITHIN NEW YORK STATE ..... 3

MAP 2.1 - LOCATION OF AVAILABLE LONG-TERM RENTALS ..... 19

MAP 3.1 –CASE STUDY COMMUNITY LOCATIONS ..... 31

MAP 3.2 – ZONING MAP OF THE NORTHEAST OF SOUTH PORTLAND ..... 35

MAP 3.3 – CITY OF DURANGO, CO ZONING DISTRICTS PERMITTING STRS ..... 40

MAP 3.4 – NUMBERS OF STRS IN TOMPKINS COUNTY TOWNS ..... 48

MAP 3.5 - TOWN OF ITHACA ZONING MAP ..... 52

MAP 3.6 - VILLAGE OF LAKE GEORGE ZONING AND STRS ..... 57

MAP 3.7 – TOWN OF INLET ZONING MAP ..... 60

## LIST OF FIGURES

FIGURE 1.1 - TYPES OF SHORT-TERM RENTALS .....	8
FIGURE 1.2 - GROWTH OF AIRBNB REVENUES 2019 TO 2021.....	13
FIGURE 2.1 – GROWTH OF HOUSING COSTS VS. HOUSEHOLD INCOME.....	18
FIGURE 2.2 – PROPERTY DESCRIPTIONS MENTIONING VACATION RENTALS .....	28
FIGURE 4.1 – SEASONAL CHANGE OF STR REVENUE IN LAKE GEORGE .....	82

## LIST OF TABLES

TABLE 1.1 - ESTIMATED NUMBER OF STRS IN SELECT ADIRONDACK COMMUNITIES .....	14
TABLE 1.2 - COMPARISON OF STR ESTIMATES TO HOUSING INFORMATION .....	15
TABLE 2.1 - PROS AND CONS OF STRS .....	17
TABLE 2.2 – CHANGE IN MEDIAN SALE PRICE .....	24
TABLE 3.1 - OVERVIEW OF STR POLICY TYPES .....	30
TABLE 3.2 – SOUTH PORTLAND HOSTED VS. UNHOSTED LIMITATIONS .....	36
TABLE 3.3 – NORTH ELBA/LAKE PLACID STR FEES .....	67
TABLE 3.4 – SUMMARY OF MUNICIPAL STR REGULATIONS .....	68
TABLE 4.1 – RECOMMENDED REGULATION FOR DIFFERENT ISSUES .....	73

## LIST OF ILLUSTRATIONS

ILLUSTRATION 1.1 - VARIETY OF AIRBNB PROPERTIES IN THE ADIRONDACKS .....	10
ILLUSTRATION 2.1 – REMINGTON BUILDING - 2008 (LEFT), 2021 (RIGHT).....	23
ILLUSTRATION 4.1 – 87 PARK STREET, TUPPER LAKE .....	84

## **INTRODUCTION**

The Adirondack Park is home to over 100 towns and villages linked by a common identity. They all share an integral connection with the expansive forests, rugged hills and mountains, and cool, clear water that make the Adirondacks a beautiful place to live and visit. These communities fill the rugged landscape with vibrancy due to thousands of families, retirees, young professionals, store owners, loggers, teachers, and remote workers who make their home there. But the beauty of the region and the character of the communities also attracts millions of visitors, creating tension between the needs of residents and the benefits that tourism brings to the communities.

Amidst a national-level housing crisis, housing in the tourist-dependent economy of the Adirondacks has become a dominant issue for many communities. A major focus of this discussion is the increasing number of short-term rentals (STRs) throughout the region. Historically, most visitors have stayed at campgrounds or one of the hundreds of lodges, hotels, and motels. These options still host thousands of tourists a year, but since the introduction of online booking platforms like Airbnb and Vacation Rentals by Owner (VRBO), short-term rentals have become the lodging of choice for many travelers. In a survey of visitors conducted by the Regional Office of Sustainable Tourism, 19% of travelers to Essex County and 17% to Hamilton County stayed at an STR (ROOST 2021). These percentages are projected to grow over the next few years.

Although STRs have benefited the region by increasing the number of tourists to the area and increasing off-season tourism, the trend has not been without negative impacts. Rising home costs, nuisances to neighbors, loss of neighborhood character, stress on municipal infrastructure and services, and a loss of already rare long-term rentals have been attributed to STRs. Though STRs are not the only contributors to these problems, it is widely perceived that STRs are a major factor and one that can be dealt with directly at the local level.

This problem is not unique to the Adirondacks, and municipalities across the country have begun to take action to regulate STRs. Although outright banning STRs has been done in some communities, the loss of the positive impacts and the outcry from property owners benefitting from the income often makes complete bans impractical. Instead, municipalities must find the right balance that reduces adverse effects while permitting the positives to continue. There is no perfect set of regulations, and the needs of each community vary significantly. However, the policy options are many and there is no one “best practice” to regulate STRs.

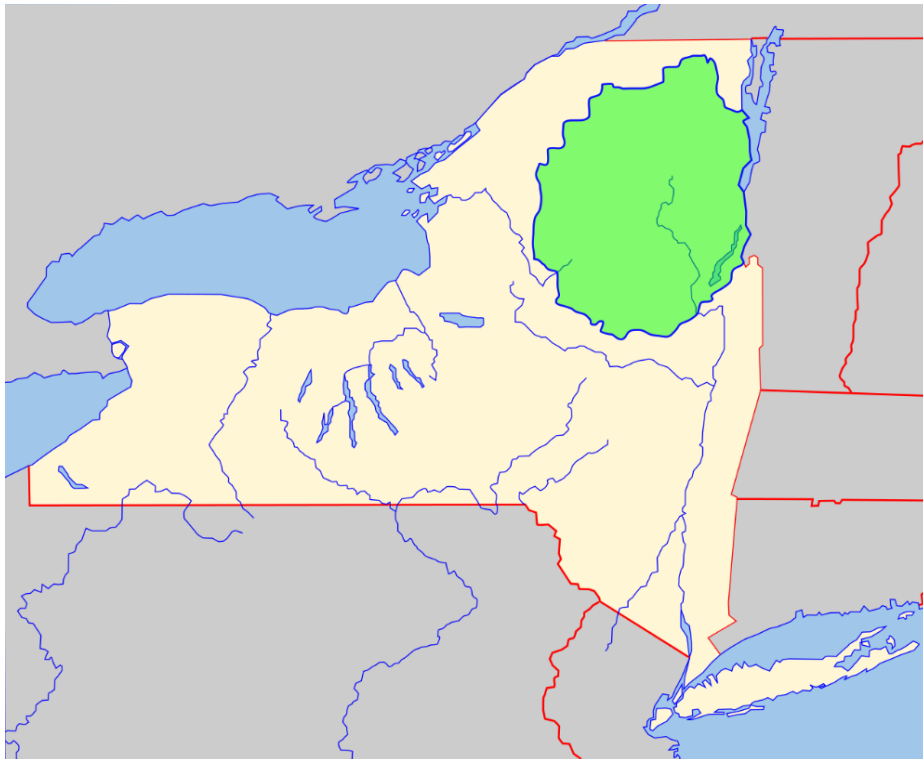
To better understand what options are available to local municipalities, the relevant ordinances of numerous case study communities have been analyzed from both within the Adirondacks and nationwide. This report attempts to distill the findings from those communities, discuss the kinds of policies available, and explain why the communities addressed STRs with the chosen policies. By analyzing numerous codes, this report will shed some light on the options available to Adirondack communities should they be looking to control the growth of STRs. Due to the recent nature of this issue and the difficulty of collecting data in rural areas, this report does not attempt to analyze the quantifiable impact of these ordinances. Instead, this report approaches the issue qualitatively by portraying a broad picture so a community can better understand what STR regulations look like and by presenting news stories and personal accounts of the impact those ordinances have had.

Part 1 of this report will provide some definitions, data, and explanations relevant to the STR discussion. Part 2 will address some of the main pros and cons of STRs, especially in the context of the Adirondacks, highlighting the various considerations that must be accounted for when developing appropriate regulation. Part 3 will first go through some examples from across the nation and within New York State of how other municipalities have formulated their policies. Then the report will look at some Adirondack communities, how they have written regulations so far and where they are going as revisions are made in some communities. Finally, Part 4 will provide some analysis of the discussed municipal

policies and pose some recommendations that Adirondack communities should consider if they wish to address STRs.

Although there are hundreds of municipalities across the country that have passed some form of STR policy, only a select few examples can be presented in this report. The curated selections provide a representative selection that highlights the various approaches to controlling STRs in the context of what issues Adirondack communities might be concerned with. But due to the nature of the study, the recommendations are broad and may not be appropriate for every town in the region. Not every Adirondack community is the same and it will be the responsibility of local leaders to put this information in the context of the local realities.

### **The Adirondack Context**



**Map 0.1 - Adirondack Park Within New York State**

*Source: Wikipedia, 2022*

The 6 million acres of the Adirondack Park contain 102 towns and villages representing 12 counties (see appendix B for additional maps). Community sizes range from sparsely populated towns of fewer than 100, like Morehouse, NY to dense villages with thousands of residents and bustling downtowns. Regardless of size, short-term rentals are a growing presence in each community. Some communities, like Lake Placid, have been feeling the pressure of STRs on the local housing market for years, while in others it may be a welcome phenomenon that brings new visitors and increased business.

Regardless of how prevalent STRs are within each community, some key traits are ubiquitous throughout the region:

- Approximately half of the land within the Adirondack Park is owned by New York State and cannot be developed. The remaining private land is mostly forested, rural land with very sparse development.
- The most existing development is concentrated in small compact hamlet centers. These hamlets and surrounding low-density development are codified by regional zoning administered by the Adirondack Park Agency (APA). However, the APA's primary concern is density, and many elements found in typical zoning codes are left to the discretion of local jurisdictions, like regulating STRs.
- There is an economic and cultural emphasis on natural resources and amenities, tied closely to the numerous bodies of water and large tracts of forested land. These natural features that once supported booming mining and timber economies now draw millions of visitors a year.
- There is a disproportionately high number of second homes and vacation homes. It's estimated that in addition to the approximately 130,000 year-round residents there are 200,000 seasonal residents (Adirondack Council 2022a).
- Both tourism and seasonal residencies are concentrated during the warm summer months, with an additional increase in late winter for snow-related activities like skiing and snowmobiling.
- Most existing homes are single-family with most multi-family homes being older buildings within the larger hamlets. In Hamilton County and Essex County, 98.61%



and 87.54% of housing units respectively are single-family homes or mobile homes (U.S. Census Bureau 2020b). Simultaneously, a majority of homes are either owner-occupied or seasonal, with a below-average number of long-term rental units available.

- Higher home value and denser development exist along lakefronts and other waterways. Most of these waterfront areas are a mix of older three-season camps and large luxury homes.
- Inelastic housing supply, due to factors including limited building lots, high cost of construction, restrictive zoning, and lack of multi-family housing.

All of these factors combined make the Adirondack region appealing for the development of short-term rentals. Though there are other communities in New York State that are facing local challenges with STRs, it is clear that for the Adirondacks it is a regional issue. However, due to the differences between each community in the Adirondacks and the limited authority from higher levels of government, control of STRs is ultimately in the control of local policy makers. This report will guide those individuals to understand the nature of STRs and how they can determine the best path forward for their community.

### **Methodology**

Though platforms like Airbnb have been popular for a little over a decade, analysis of the negative impact that STRs have on communities has only recently begun to be seriously discussed and studied in detail. For this reason, there is a limited field of relevant academic writing about STRs that can be drawn upon for the Adirondack-focused research in this report. Many of the academic studies that have been conducted focus on larger cities, like New York City. David Wachsmuth of McGill University is one of the preeminent researchers of STRs, focusing on how STRs have impacted housing markets. However, most of his work is specific to Montreal, other big Canadian Cities, Los Angeles, and New York, making his team's findings difficult to translate to the Adirondack region.

Conventional research methods are also hampered because most available data is available for large urban areas but lacking in the rural parts of the country. In rural areas, data is less granular, and census-blocks may be the size of towns. For census data collected between the decennial surveys, ACS data in rural areas like the Adirondacks may only exist at the county level which is difficult since only 2 of the 12 counties are fully in the park. Due to their small size and the modern methodology for executing the US Census, the margin of error for census data is significant in many small communities and sometimes contradicts the conditions that are understood by locals to exist. Non-census data is even more difficult to acquire or may not even exist for the Adirondacks. State-level averages are often inappropriate since the Adirondacks represent an outlier for many New York State data points, like construction and demographic data. Data regarding STRs is also difficult to acquire, with most information being proprietary to the booking platforms like Airbnb or VRBO. What information that is collected is often limited to third party programs like AirDNA that aggregate market data, but still lack the specific information that would allow a more accurate analysis.

The combination of lack of relevant academic studies and lack of reliable data means that most of the information in this report draws on first-hand accounts and primary documents. Numerous newspaper and periodical articles have been cited, including the numerous residents interviewed or quoted within these articles. In some cases, municipal officials and residents have been interviewed specifically for this report in order to provide insight on the perceived nature of short-term rentals in their communities. To understand existing and proposed policies, the actual codes combined with feedback from local stakeholders have been analyzed to highlight what community approaches look like. Finally, two webinars related to the research were presented to groups of Adirondack residents, one early in the process and one towards the end. These webinars provided valuable understanding of the current status of STRs in the Adirondacks and how communities are actively working to address the problem.

Due to the research method of this report, this represents a snapshot of short-term rental policies in the year 2022, both nationally and in the Adirondacks. Already since beginning this research multiple Adirondack communities have started the process to consider STR policies. STR policies and their impact on housing is a rapidly developing research area, and in a few years the lack of academic data available while writing this report may no longer be an obstacle. In the meantime, this report aims to shed light on the kinds of policies enacted, why they were enacted, and how residents have reacted to those policies. Through that lens, the actions of the select communities have been analyzed against what data there is on short-term rentals and the Adirondacks in order to provide some recommendations and guidance to communities throughout the region.

## **CHAPTER 1: What is a Short-Term Rental?**

Similar to how the brand name Kleenex has become a common name for any tissue brand, in recent years, "Airbnb" has become the colloquial term for a wide variety of short-term rentals. Though currently, the largest and most widely known, Airbnb is not the only company that facilitates owners rent their properties. VRBO and HomeAway are examples of other widely used STR platforms. In addition, some more conventional booking companies like Hotels.com and Booking.com have begun to provide listings that many would consider STRs rather than traditional hotels. Although these online platforms have popularized STRs as a standard option for travelers, STRs are not a new concept. Renting out one's home to visitors has long been a practice of homeowners, especially in popular tourist areas like the Adirondacks. What has changed is the ease of booking for both the owner and visitor.

Non-Commercial	Commercial
<p style="text-align: center;"><u>Auxiliary/Accessory Dwellings</u></p> <ul style="list-style-type: none"> <li>• Cabins, Small Apartments, Tents, RVs</li> <li>• Owner typically lives nearby</li> <li>• Supplemental income</li> </ul>	<p style="text-align: center;"><u>Conventional Lodging</u></p> <ul style="list-style-type: none"> <li>• Motels, Hotels, Cabins, etc.</li> <li>• Marketing and booking</li> <li>• Subject to regulations &amp; tax</li> </ul>
<p style="text-align: center;"><u>Second-Homes/Occasional</u></p> <ul style="list-style-type: none"> <li>• Full house</li> <li>• Local or small-scale owner</li> <li>• Utilizing STRs to afford second-home</li> <li>• Rented while owner is away</li> <li>• Absentee Owners</li> </ul>	<p style="text-align: center;"><u>Investment or Business</u></p> <ul style="list-style-type: none"> <li>• Goal is maximum occupancy and profit</li> <li>• Often outside investors/companies</li> <li>• Previously privately owned/occupied homes</li> </ul>

**Figure 1.1 - Types of Short-term Rentals**

The chart above shows that STRs can be divided into four broad categories. These account for factors like the ownership model, the amount of time rented, and the physical form of the dwelling unit. The first two categories, accessory dwelling units, and conventional lodging options are generally not the source of complaints against STRs.

Generally, these are not the targets of regulations and local officials may wish to protect those uses. The other two categories are where problems for communities arise, especially when an STR is an investment or full-time business. The trickiest category is second-homes or occasional rentals of owner-occupied properties. It is in this category that many regulations struggle to balance the desires of various stakeholders. To better understand the factors that go into an STR, the following sections will define some key elements of STRs and provide additional important information to consider when exploring the topic.

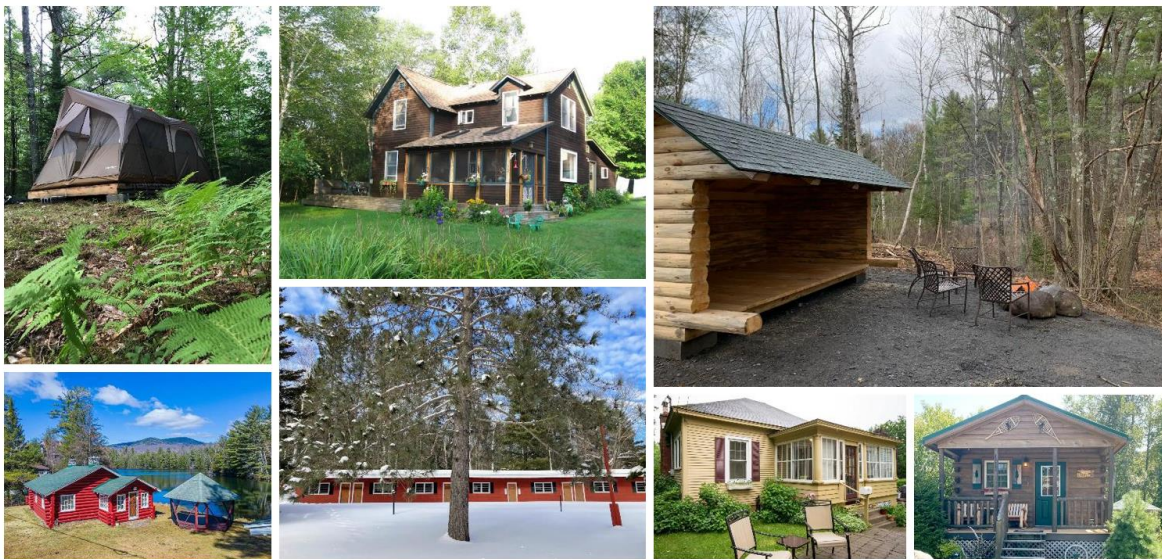
### **1.1. Length of Stay**

There is no single definition for a *short-term rental* (STR). Rental periods lasting fewer than 30 days have become generally accepted as *short-term* to distinguish STRs from more conventional month-to-month or long-term rentals with less frequent tenancy turnover. Even this 30-day number varies, with some communities like the Village of Lake George including anything less than six months. However, a majority of municipal codes use a month as a cut-off. Regardless of what legal definitions a local municipality may impose as the maximum time to be considered *short*, how long individual units are rented varies depending on the situation. For example, some STR owners may set week-long minimum stays to minimize cleaning and ensure higher occupancy. Or, in other locations, it may be common for renters to stay only one or two nights before new occupants arrive. In some cases, properties considered STRs may have the same occupant for more than 30-days but still advertise using the typical STR platforms, something common during the first few months of the COVID-19 pandemic as people looked for alternative homes away from cities.

### **1.2. Type of Properties**

The kinds of properties used as STRs also vary considerably, from tents or individual bedrooms to entire properties. This diversity has made them appealing to the millions of

people who rent STRs while traveling, and for many, it is a welcoming change from conventional hotel rooms. The variation in housing situation also allows for a considerable variation in pricing. Some looking to travel cheaply can pay less than a hotel room by renting a bedroom in someone's house, often sharing the bathroom, kitchen, and living space with the owner during their stay. Alternatively, the more expensive entire-house rentals can go for hundreds of dollars a night. These more expensive rentals may permit families or groups of friends to cohabitate in the space as if they owned the house, creating a home-like atmosphere that conventional hotels don't typically provide. Beyond residences, STRs have become popular ways for travelers to find unconventional dwellings. These may be off-the-grid cabins, platform tents, lean-tos, and RVs in a region like the Adirondacks. Elsewhere in the country, people have made STRs out of igloos, treehouses, converted railcars, fire towers, and other unique locations (Dermody 2022). The below image is a collection of various STRs advertised on *Airbnb* from throughout the Adirondacks, highlighting the variety of options that a visitor can choose.



**Illustration 1.1 - Variety of Airbnb Properties in the Adirondacks**

*Source: Airbnb.com*

### **1.3. Ownership**

Who typically owns and rents out STRs? There is no single model of a typical STR owner, and the balance of local homeowner versus investor will vary from place to place. The origin of Airbnb in 2007 lies with two San Francisco roommates looking to supplement their income by placing air mattresses in their spare room and renting the space to strangers online (Aydin 2019). Owners who rent portions of their property for supplementary income are still common and, for many years, formed the backbone of Airbnb's business. STRs quickly expanded from single rooms to owners renting out accessory apartments on their property. In the Adirondacks, this often includes homeowners with cabins, guest cottages, or lean-tos on the same property as their home. Homeowners also find that the online rental platforms make it easy to rent out their entire residences while away on vacations or during special events, like many homeowners do around major college events in Ithaca, NY. These forms of owner-occupied rental are typically not contentious and may help some homeowners cover expenses like their mortgage or fund vacations.

The other uncontentious form of STRs is commercial businesses that have long provided lodging options for travelers but have turned to sites like Airbnb and VRBO to simplify their bookings. It is common to find rooms in bed and breakfasts, the inspiration for Airbnb's name, posted on STR websites. Also common, especially in the Adirondacks, are businesses that have rented cabins or other efficiency units to vacationing families for many decades. Many of these businesses have also turned to online STR platforms to better manage and advertise their accommodations. Although advertised on the same platform as home-sharing options, these businesses are typically subject to occupancy taxes and other regulations that govern hotels, motels, etc., as commercial operations and have been a part of the communities for decades.

The final category of owners, and the most contentious, are absentee owners or investment owners. This category includes STRs that are neither owner-occupied primary

residences nor more conventional commercial businesses. Instead, the property may be only occupied by the owner part-time, owned by a local private individual, or purchased and operated as a profit-driven investment from parties outside the area. Many of the problems caused by STRs have their roots in properties owned by this category. Many regulations seek to control the rise of investment properties without hurting the previously described models. The complexities and impact of these ownership models warrant a deeper dive and are thus described later in Section 2.9.

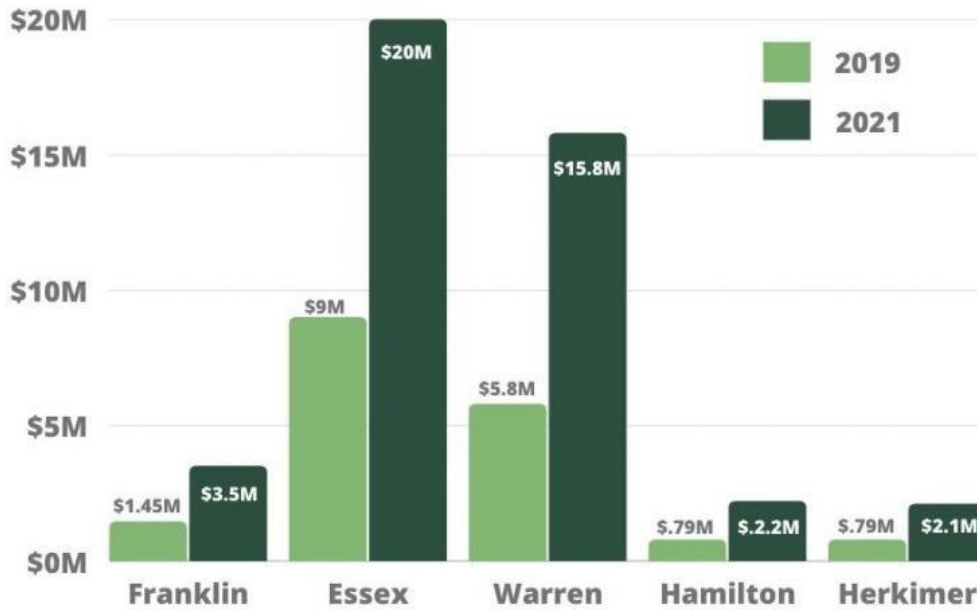
#### **1.4. Prevalence**

STRs are not distributed evenly throughout the Adirondack Park with many clustered in historically popular destinations. But most municipalities within the park do have STRs within their jurisdiction. Unfortunately, there are no accessible public databases that show the growth of STRs over time. Still, anecdotal evidence from residents of the Adirondacks supports that the number has been growing for many years. Data collected by Adirondack Explorer shows that the revenue collected by Airbnb properties in five of the Adirondack counties more than doubled between 2019 and 2021 (Leon 2022). Though revenue is not an exact representation of the number of active STRs on the market, an increase in the number of available units is a likely contributor. Although this is only a snapshot of growth in a two-year period, discussions with local leaders support that this increase is part of a long-term trend of growth that has not stopped since that data was collected.



## Airbnb host sales by county

In millions, measured over the first three quarters for each year



**Figure 1.2 - Growth of Airbnb Revenues 2019 to 2021**

Source: (Leon 2022)

Data from AirDNA can provide an estimate of the number of STRs active in the Adirondacks, as shown in the following table for select communities. AirDNA is third-party software that collects data from Airbnb and VRBO oriented for use by property owners and investors wishing to start an STR or determine competitive pricing. When looking at the average nightly rate and how many units are listed full-time versus part-time, it is apparent that there is no clear pattern, highlighting the importance of treating STRs in the context of each community. Since AirDNA only captures data from Airbnb and VRBO it does not account for every lodging option that may be considered an STR, like those advertised through sites like *Adirondack "By Owner."* AirDNA's data is highly aggregated; thus, the following numbers and calculations should be treated as estimates and not perfectly accurate data. This issue highlights some difficulties municipalities face in enforcing STRs, as covered in section 3.4.

**Table 1.1 - Estimated Number of STRs in Select Adirondack Communities**

Town	Zip Code*	Total STRs April 2021 – March 2022**	Available Full-time >180 Days	Available <90 Days	Average Nightly Rate
Lake Placid	12946	858	59%	24%	\$388
Lake George (Town and Village)	12845	359	37%	26%	\$360
Saranac Lake	12983	294	43%	31%	\$287
Old Forge	13420	201	42%	24%	\$349
Inlet	13360	95	29%	31%	\$325
Indian Lake	12842	72	50%	24%	\$195
Keene	12942	70	67%	18%	\$227
Keene Valley	12943	45	38%	39%	\$268
Eagle Bay	13331	39	36%	36%	\$265
Thendara	13472	27	46%	14%	\$310
Lake Clear	12945	26	33%	44%	\$307
Ray Brook	12977	19	22%	33%	\$151
Blue Mountain Lake	12812	18	50%	14%	\$246

\*AirDNA utilizes Zip Codes for data delivery. Zip Codes may not be contiguous with the jurisdiction

\*\* This number is higher than Q3 2021 or the aggregate of data from April 2021 to March 2022

By cross-referencing data from AirDNA with Housing Unit Data from the 2020 US Decennial Census, it is clear that STRs may be a more significant problem in some communities than others. For instance, in Lake George Town and Village, about 13% of housing units were used as an STR between April 2021 and March 2022. In Lake Placid and Ray Brook, approximately 20% of housing units were used as an STR between April 2021 and March 2022. The percentage of homes used as an STR during the year may be higher than these estimates, especially if second-home owners only rent their homes during the off-season. In Lake Placid, 59% of STRs have been used as STR *full-time*, meaning more than 180 days in the past year. However, other municipalities like Saranac Lake and Indian Lake only have about 5% of the housing stock contributing to STRs. It is likely no coincidence that of the surveyed towns, Lake George and North Elba/Lake Placid have passed some of the longest-standing STR ordinances (Sec. 3.3). In contrast, many other communities have only just started looking at the topic.

**Table 1.2 - Comparison of STR Estimates to Housing Information**

Town***	Zip Code (s)	Census Tract Housing Units	STRs in Q3 2021	Approximate Percent Housing Units STRs during Q3 2021	Vacant Units	Percent Vacant
Lake Placid & Ray Brook	12946 12977	4367	877	20%	1700	39%
Lake George (Village and Town)	12845	2755	359	13%	1139	41%
Keene & Keene Valley	12942 12943	1079	115	11%	584	54%
Inlet	13360	991	95	10%	773	78%
Old Forge, Eagle Bay, & Thendara	13420 13472 13331	4323	267	6%	3226	75%
Saranac Lake & Lake Clear	12983 12945	6047	320	5%	1989	33%
Indian Lake & Blue Mountain Lake	12842 12812	1705	90	5%	1013	59%

*\*\*Zip Codes and Census Blocks are not always contiguous; thus, this data is approximate.*

Also included in this table are the estimates for the number and percentage of homes classified as *vacant* during the Census. Although vacancy can cover a variety of situations, in the Adirondacks, most *vacant* properties are second-homes or vacation homes. As the table shows, there is no direct correlation between the vacancy rate of homes and the percentage of homes used as STRs. But it is important to consider the two categories of home use since vacant and seasonal homes have a high potential to be utilized as an STR when the owners are not personally occupying the home.

### **1.5. Questions to Consider**

It is clear that STRs come in numerous forms and vary significantly across the Adirondacks in terms of prevalence. This adds to the complexity of regulating, taxing or otherwise controlling the growing number of STRs, and it can be hard to judge how thorough or intense local policies should be. For example, the impact of a homeowner renting out their RV in the summer is likely less than an investor buying a two-unit house in town and converting it to an STR. It may be desired to continue allowing the former situation while mitigating purchases by investors. How can policies control the detrimental

effects of STRs while allowing the benefits to continue? Beyond the more objective benefits and impacts of STRs, there will remain questions about what powers local, county, and state governments have to control STRs, and what is the local ethos regarding government regulation. What are the actual and perceived rights of property owners? How do these policies translate to a unique region like the Adirondacks?

Every community will have a different response to each of these questions. In communities where short-term rentals may be a well-known presence residents and local leaders may have developed opinions regarding short-term rentals. For other communities STRs may represent a minor portion of the housing stock in town, locals may only be beginning to ask these questions. The following sections will provide information that can help a community frame these questions in the context of their own experience.

## **CHAPTER 2: The Pros and Cons of STRs**

As with most issues in the world, STRs have both positive and negative impacts. Many of them are contextual, and something that may be positive in some communities like increased visitation may be negative in another community. The table below shows an overview of the pros and cons, as well as some additional considerations that may be more specific to an individual property. The following sections will expand on both the benefits and the drawbacks of short-term rentals, and the broader implication in the context of the Adirondacks.

**Table 2.1 - Pros and Cons of STRs**

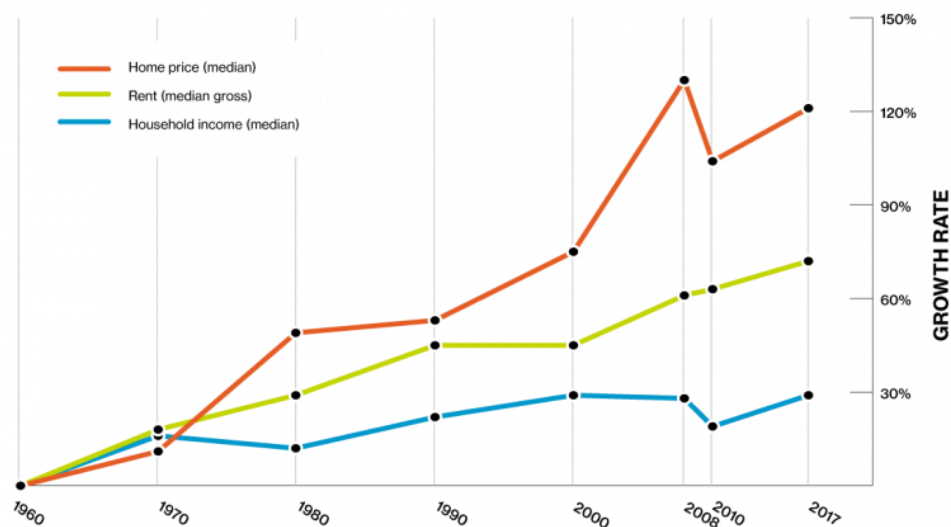
Pros	Cons
<ul style="list-style-type: none"><li>• Supplemental income for homeowners</li><li>• Increases occupancy of second homes</li><li>• Increased capacity</li><li>• Diverse locations &amp; towns</li><li>• More welcoming to new visitors</li></ul>	<ul style="list-style-type: none"><li>• Increasing the price of homes</li><li>• Reduces homes for long-term occupancy</li><li>• Neighborhood nuisances</li><li>• Competes with conventional lodging</li><li>• Difficult to tax and enforce</li></ul>
Other Considerations	
<ul style="list-style-type: none"><li>• Is the owner a local resident, or outside the park?</li><li>• Is the property appropriate for long-term occupancy?</li><li>• Have neighbors been complaining about the property?</li></ul>	

### **Advantages of Short-Term Rentals:**

#### **2.1. Supplemental Income for Homeowners**

An important benefit of STRs that is not exclusive to the Adirondacks is the supplemental income they provide to property owners. For many households, homeownership is among the largest expenses. For many decades, HUD has defined “cost-burdened” families as those paying more than 30%, though this metric has been questioned

in recent years as housing costs continue to increase faster than median wages (*Office of Policy Development and Research (PD&R) n.d.*). The origin of Airbnb has its roots in this purpose when the company’s founders desired to offset their apartment expenses by renting out space on their floor. The chart below, prepared by Habitat for Humanity, shows that the past 60 years have seen a 120% increase in the median home price across the nation, though household income has only increased 30% once adjusted for inflation. The relative cost of homeownership has become increasingly significant in the past couple of years, with recent inflation of over 8.5%, rising utility costs, and the cost of homes in the region increasing. In Essex County, the median value of home sales rose by 28% from 2019 to 2021 (NYS Dept of Taxation and Finance 2022a).

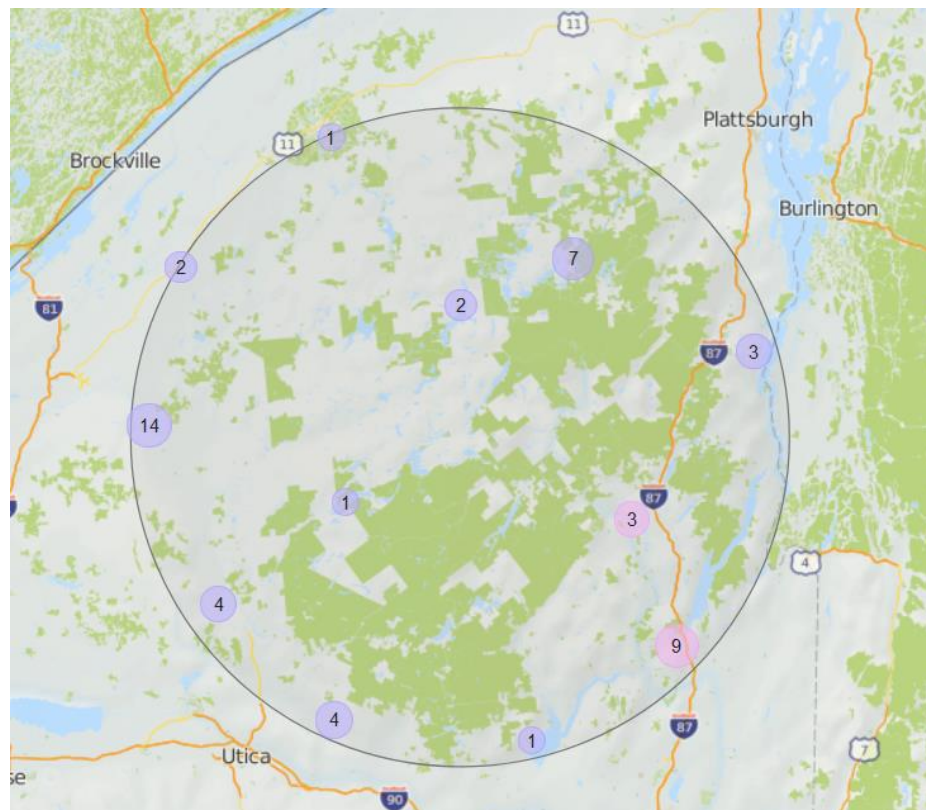


**Figure 2.1 – Growth of Housing Costs vs. Household Income**

Source: 1960-2000 Decennial Censuses and 2008, 2010, and 2017 American Community Surveys

Homeownership has many costs beyond the purchase price and associated mortgage. Other expenses include maintenance, insurance, property taxes, heating, electricity, renovations, and property depreciation (HUD 2000). These are offset by property appreciation and available federal and state tax deductions on mortgage payments. For many households, STRs present an additional method of offsetting the costs of ownership.

In the context of the Adirondacks, the additional income provided by renting out a portion of one's home can have a significant impact on the household's economics. This is especially important in a region where high-quality rental properties are few and a majority of residents must rely on homeownership for stable housing. The image below represents a snapshot of postings on *Craigslist.org* for long-term rental properties throughout Adirondack Park from January 4, 2022. Craigslist is a popular online platform for posting and searching for long-term rental properties. After the initial 51 listings were scrubbed for duplicates, vacation rentals, and locations outside the Adirondack Park, only 19 units were available within the 6 million acres of the Adirondack Park. Of these, 14 were only studios or one-bedroom apartments unsuitable for a family with children. Of course, the argument that STRs make home ownership more attainable has two sides, as many blame STRs for rising home prices.



**Map 2.1 - Location of Available Long-term Rentals**

*Source: Craigslist.org, January 2022*

## **2.2. Increased Visitation and Occupancy**

In addition to helping individual homeowners, STRs have a significant impact in the context of the Adirondacks. The considerable number of second homes means that many homes are unoccupied for large portions of the year, which in turn reduces customers for local businesses and can create an empty feeling in some communities outside the busy summer months. In many Adirondack towns, like Indian Lake and Inlet, a majority of homes are classified as *vacant*, indicating a significant number of vacation homes that mostly sit empty during the off-season (U.S. Census Bureau 2021).

Historically, it has been difficult for second-home owners to make these places available to others regularly when not in use by the owner. With the ease of STR platforms like Airbnb and VRBO, many second-home owners can now easily rent out their homes when they are not occupying the space. Although this has some drawbacks that will be discussed in later sections, this has a positive impact on increasing both the occupancy rates of these homes and increasing the capacity for visitors to communities. Many of these second homes have also historically only been occupied during the peak seasons, typically considered June to August, or during skiing and snowmobile season in some communities. STRs can be an effective way of opening these homes for an affordable rate to visitors during times of the year not historically associated with tourism, especially when many conventional lodging options close in the off-season. In an economy that is heavily dependent on tourism and is highly seasonal, this avenue of increasing visitors can have an important impact on local businesses and ease the strain that the off-season presents to local restaurants and shops that rely on tourists.

## **2.3. Benefits to More Towns**

The Adirondack Park includes over 6 million acres, nearly the size of Vermont, and more than one hundred municipalities have land within the Park. Despite the entirety of the



park having points of interest for visitors, most of the conventional lodging options are often centered on the larger hamlets. This in turn concentrates the tourism-dependent businesses like restaurants in these same communities, leaving some of the more remote communities with fewer visitors and associated amenities that could also be enjoyed by locals. The flexibility of STRs provides the opportunity to spread the millions of tourists to different locations in the park not historically associated with lodging. STRs deep in the woods and houses in hamlets otherwise lacking conventional lodging can be an avenue of garnering attention from visitors to places previously overlooked. In this way, some of the hidden gems that maybe once frequently hosted visitors a century ago but have since fallen from visitors' consciousness can once again benefit from the money brought in by tourists.

#### **2.4. Accessible to More Visitors**

STRs have the benefit of introducing new visitors to the Adirondacks who may not have been familiar with the region otherwise. Many visitors to the region come back year after year because they vacationed there with their families growing up. Or perhaps they were introduced to the region by a friend. Many of the traditional lodging options require some prior knowledge of the region, whether because the advertising is limited or because booking a room or campsite requires booking a year in advance. Historically, many conventional lodgings relied on newspapers, local flyers, or word-of-mouth and there are still many businesses that are successful in continuing with that model. However, STRs make it easy for visitors from all over the world to research options in the Adirondacks from wherever they call home. Comparing costs is straightforward, and prospective visitors can easily reach out to the owner to ask any questions before booking.

There is also a level of trust and transparency that the online platforms provide. Typically, both the host and the visitor must have an account with public comments from previous stays, revealing if there has been a bad experience in the past. Rentals are advertised with public reviews and numerous photos, providing a sense of security and

certainty for the visitor that may not be available with a conventional business and certainly was rarer before modern internet advertising.

STRs also provide a great degree of pricing options, which can make a vacation more feasible for a family that may not be able to afford a conventional hotel room that suits the entire family. A family can book an entire home with multiple bedrooms and a kitchen for significantly less than multiple hotel rooms. For instance, a stay from July 8-10 in downtown Lake Placid at the Hampton Inn and Suites for a room with a king bed and fridge costs more than \$800 (Hilton.com 2022). One motel room in Lake Placid at the same time would cost about \$260, without the ability to cancel (Booking.com 2022). Through *Airbnb*, a group could book a two-bedroom unit with a kitchen and a mountain view for a little over \$500, representing a better value for money to many traveling groups (Airbnb 2022).

## **2.5. Additional Benefits**

There are additional benefits of STRs that are worthy of consideration. Although STRs have an impact on home value and availability, as will be discussed in the next section, STRs have also contributed to the redevelopment of otherwise vacant or deteriorated properties. The Remington Building in Chestertown, built in 1893, was purchased and renovated by a group of friends in 2013. The lower floor currently houses a Latin-American Restaurant, but the upper floor is an apartment rented as an STR (Ziamandanis et al. 2022).



**Illustration 2.1 – Remington Building - 2008 (left), 2021 (right)**

*Source: (Google Street View)*

STRs can also be a good means of bringing money into the community. If a property is owned by a resident, a substantial portion of the profits remains in the community. For hosts using Airbnb to advertise their property, a host is only charged a 3% service fee by the platform, allowing the host to pocket 97% of the advertised price of the rental before any local taxes are deducted (Airbnb 2021). The guest pays the remaining service fee and some taxes on top of the advertised price by the host. This means that a sizable portion of the revenue goes directly to property owners, and if the owner is local that means more money circulating through local businesses and the local tax base.

### **Negative Impacts of Short-Term Rentals**

#### **2.6. Increasing the Price of Homes**

Housing throughout the Adirondacks has seen a significant increase in value over the past few years. As shown in the table below, between 2019 and 2021 the increase in median sales price in many Adirondack counties increased by double-digit percentages, in part due to increased demand for rural housing in the wake of the COVID-19 pandemic (Izzo 2021; Izzo and Cerbone 2020). In some cases, this has resulted in landlords evicting tenants or not renewing leases to sell properties at historically high levels (Russell 2021). Adding to this pressure is the demand for short-term rental properties. It was during this same period that

Airbnb revenues more than doubled throughout the region, as mentioned in Section 1.4. In 2020, a housing needs assessment study called out STRs as a major contributor to the “workforce housing crisis” in the area around North Elba and Lake Placid due to property conversions to STRs (Yates 2022b).

**Table 2.2 – Change in Median Sale Price**

<b>County</b>	<b>2019 Median Sale Price</b>	<b>2021 Median Sale Price</b>	<b>Percent Change</b>
Essex	\$184,250	\$235,000	28%
Franklin	\$100,000	\$125,000	25%
Herkimer	\$90,250	\$104,940	16%
Hamilton	\$170,000	\$195,000	15%
Oneida	\$120,000	\$135,000	13%
Warren	\$210,000	\$235,000	12%
Washington	\$145,500	\$160,000	10%
Lewis	\$102,500	\$106,175	4%
Saratoga	\$294,900	\$306,000	4%
Fulton	\$124,250	\$124,950	1%
St. Lawrence	\$90,000	\$89,900	0%

*Source: (NYS Dept of Taxation and Finance 2022a)*

Ultimately, it is a case of simple economics. The demand for homes has exceeded the supply of the existing housing stock, and the number of homes is not growing to meet the need. Distance to major population centers and suppliers, shortage of contractors and workers, and demand for high-end luxury vacation homes means that housing is more expensive per square foot to construct in most of the Adirondacks compared to other regions. In addition, due to the environmental protections that apply to most of the land in the park, there are many locations where new construction is physically restricted. As more homes are converted to full-time STRs, then that will mean fewer homes available for year-

round residents who are critical to the local businesses and other town services that support the tourist population.

## **2.7. Growing Number of Second-Homes**

Part-time residency is not uncommon throughout the country but is a significant phenomenon in vacation areas like the Adirondacks. Second-homes have long been a common property type but are a growing percentage of the housing stock in the Adirondack Park. Many homes that were once year-round residences have become summer or weekend get-away for individuals who officially live outside the region. Some of these are retirees, either from the Adirondacks or who have moved here later in life, but who migrate south to warmer regions during the winters. A growing number are young people with adequate incomes to purchase a second home in the Adirondacks or who have inherited homes from their parents or grandparents.

Due to the supplemental income they provide, STRs have allowed people to afford second homes who may not have before, increasing the demand for housing. In Wilmington, north of Lake Placid, it's estimated that about one in six homes is an STR and that about half of the homes are considered "vacant" according to the 2020 Census, which often indicates a home is primarily a vacation home (Rowland 2022). If someone only intends to live in a house 5 months of the year, the owner can theoretically rent that home for the remaining 7 months of the year. With that supplemental income, the financial burden of owning two homes is significantly less. Depending on the home and location, the owner may even turn a profit while having the personal benefits of a second home. Similar to the discussion in Section 2.1, this could open up ownership of vacation homes to more families who historically could not afford the expense of an additional property. However, this contributes to the rising cost of homes in general as the demand for second homes rises while the number of available housing units remains stagnant.

## 2.8. Nuisances & Neighborhood Character

Although many short-term renters are quiet and respectful of the neighborhoods in which they stay, this is not always the case. Some short-term rentals have become neighborhood nuisances, often hosting large and noisy groups. In Old Forge, the issue of “party-houses” has become especially notorious. One homeowner has reported frequent parties with over 100 people at the house next door to her, which historically was not a rental property (Organski 2021). This has sparked outcries regarding the protection of property rights and calls for the Town of Webb to step in and enforce the relevant ordinances.

With platforms like Airbnb, there is some level of accountability. Following a visit, the property owner can leave comments about the guests, including if they were loud or obnoxious. However, this does nothing to prevent nuisance-inducing renters before they stay and can be easily circumvented by the renter by making a new account after a poor review. This accountability may also have no effect if the property owner has negligible regard for the neighbors and opts to rent a property to guests with poor reviews.

In some cases, the issue is not strict nuisances caused by guests of STRs, but the discomfort that neighbors may feel with a constant turnover of occupants. Peter Stanton of South Portland Maine (see Section 3.3) expressed his unease regarding STRs on his street:

*You're always on edge, every couple of days, every week, new people – you don't know what to expect. It gets under your skin. . . It doesn't have to be about noise. It's not about people doing obnoxious things that you have to call the police on. (Flaherty 2018)*

Though this critique of STRs may not hold up if someone has purchased a home in a busier part of town, such as a commercial district, it could be seen as a valid argument in quieter residential neighborhoods, where a property owner could expect stability with the adjacent properties. It is generally accepted the authority of local municipalities is to protect the *public health, safety, or general welfare* of the community through ordinances like

zoning (Division of Local Government Services 2021). If that assumption extends to *perceived* safety, then it may be reasonable to use this as a basis for regulating STRs to uphold the rights that property owners have to feel safe in their neighborhood.

There is a common concern in many communities about the impact on the *neighborhood character*. Most Adirondack communities are relatively small, which appeals to many people. They often move to or stay in the region because of the chance to know their neighbors and have a certain amount of peace and quiet. In some neighborhoods, the conversion of homes into STRs has been seen to degrade these qualities. Town Councilor Jason Leon of Lake Placid stated that “[STRs] have completely wrecked our community, robbed it of its character” (Yates 2022a). It is hard to quantify character, but Leon’s sentiment is shared by many throughout towns significantly impacted by STRs. The Village of Lake Placid/Town of North Elba Land Use Code specifically addresses this concern under Section 11.1 Purpose – “The Village of Lake Placid and Town of North Elba also recognize that the historical nature of the community has been that of a small, residential resort community of owner-occupied dwellings and that extensive short-term rental endanger the residential character of the community”. Although a couple of STRs in a neighborhood is unlikely to be a detriment, it is not unreasonable that an excessive number of STRs can make a noticeable and possibly negative impact.

## **2.9. Property Investors**

A major concern of many community leaders and residents is the prevalence of investors purchasing residential properties to convert them to short-term rentals. Many real estate postings for homes throughout the Adirondacks reference income from STRs as a valuable attribute. Not only does this take away from available housing for long-term residents, but often investors can out-bid residential buyers, pay in cash, and pay above the assessed value of residential properties due to the profitable nature of STRs.

Noonmark cottage on Lake Flower is a year round renovated cabin and comes turn key. Your dream ADK cabin or successful vacation rental awaits. Enjoy your own private dock w/boat slip-swim at the sandy beach. Short walk to the

A nice little farm house on half an acre, just four minutes from downtown Long Lake. It could be a basecamp for your adventures, or a short-term rental, or both. The house is used and being sold as-is; the interior would benefit from

in 2019 and has so much potential. There is a one bedroom Adirondack apartment upstairs, and a hot tub downstairs to use all year round. Apartment would be perfect for a short term rental that would pay your mortgage! This home is a must see!

Spacious chalet home with mountain views in highly sought after Bolton Landing on large wooded lot. Amazing rental income of \$30k+ for less than 60 days rented over last 6 months-available fully furnished as a turnkey Airbnb rental.

### **Figure 2.2 – Property Descriptions Mentioning Vacation Rentals**

*Source (Source: Zillow.com)*

A major consideration is whether the person investing in the property is locally based or an out-of-town investor or firm. Although both cases remove a home from the housing market, the impact on overall community vitality is different. When an STR is owned locally, any profits generated by the property stay within the local economy. The owner is likely to take some of their profits and spend them at local businesses, donate locally, or use it to invest in the quality of other properties in the community. If the owner is from out-of-town or is a corporation, those profits leave the community. Tobias Glidden, who is a lead supporter of STR regulation in Nantucket, MA said STR investors “are extracting money from the island like they’re extracting squid from our local waters” (Taylor 2021). A local owner may also ideally want to be a good neighbor and ensure that their rental properties cause as few disruptions to nearby residents as possible. Remote investors would not have the same social stake and may overlook nuisance issues and not regard long-term community wellbeing. As Nick Cranco of Lake Placid put it, “investors are investors. They’re interested in profits, they’re not interested in community continuity” (Rowland 2022). Of course, many investors do attempt to be amenable neighbors and reduce the impact on neighbors, but there are few financial incentives to be a good neighbor.

#### **2.10. Competition with Conventional Lodging and Taxation Problems**

Although some conventional lodging options have utilized the online STR platforms for advertising and booking, the growth in STRs and the options they provide creates



competition within the lodging market. As mentioned in Section 2.4, STRs can often provide a better value for money than many conventional lodging options. A family can book an entire home with multiple bedrooms and a kitchen for significantly less than multiple hotel rooms. For instance, a stay from July 8- 10 in downtown Lake Placid at the Hampton Inn and Suites for a room with a king bed and fridge costs more than \$800 (Hilton.com 2022). One motel room in Lake Placid at the same time would cost about \$260, without the ability to cancel (Booking.com 2022). Through *Airbnb*, a group could book a two-bedroom unit with a kitchen and a mountain view for a little over \$500, representing a better value for money to many traveling groups (Airbnb 2022). Presumably, this results from significantly higher costs that conventional hotels must pay, such as additional staff, larger properties, and stricter adherence to public health codes.

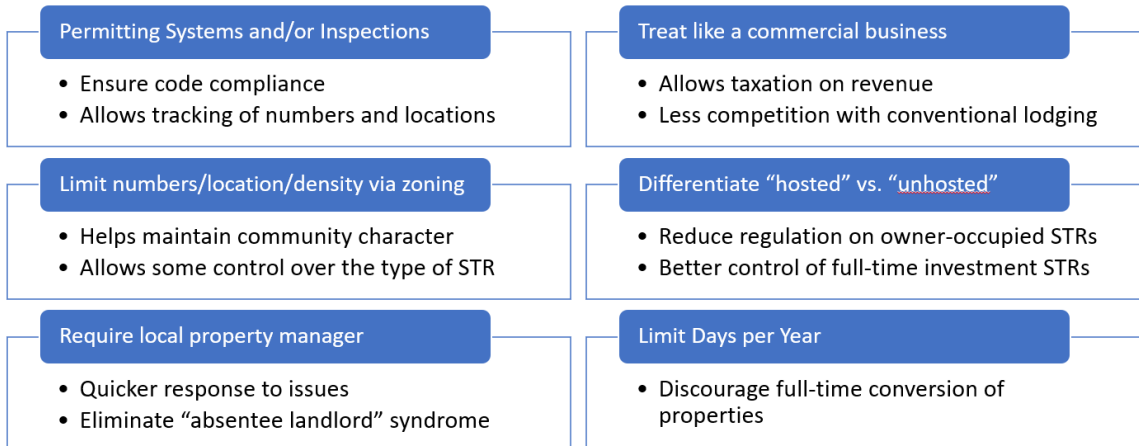
In many locations, occupancy tax is not enforced on STRs. Where this is the case, it gives STRs an edge over conventional lodging businesses for the prices they can offer visitors. Many conventional lodging options must also adhere to stricter guidelines to follow health and safety guidelines set by New York State or commercial-grade building codes, something that residential buildings and many STRs are exempt from without additional local regulation or enforcement. These factors combined allow STRs to offer a more competitive price, possibly undermining conventional lodging due to lower expenses. Although in the summer this may not be an issue, in the already tough shoulder seasons (spring and fall) a few extra visitors a week to a conventional lodging business can be the difference between running at a profit or deficit. Many of those conventional lodging businesses have existed for decades and are locally owned. Their closure could have a detrimental effect on the local community and the people they employ.

## **CHAPTER 3: Example Regulations**

### **3.1. Types of Policies**

The key to a successful municipal policy for STRs is balancing the benefits (supplemental income, increased tourism) with the drawbacks (nuisances, rising housing costs). The specifics of what aspects a community prioritizes in its regulations and how restrictive to make them will depend entirely on the context of the community and the restrictiveness of each policy should be catered to the willingness and capacity of a community to regulate STRs. There are numerous ways to approach the issue of STRs and many different kinds of policies. The below chart is a distillation of common types of policies that communities may implement to control the growth or location of STRs. The six categories are not exhaustive, and communities should not be afraid to think outside of the box.

**Table 3.1 - Overview of STR Policy Types**

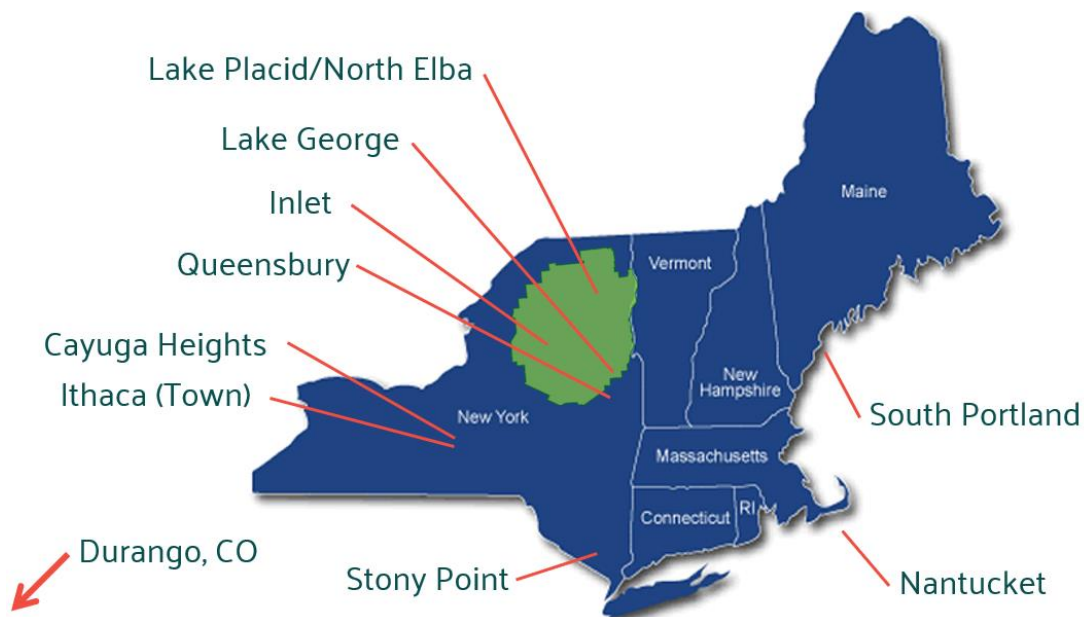


The following case studies provide an opportunity to better understand what these types of policies look like in practice, and why communities have implemented them. The case studies will show that the policies from each of these categories can be mix-and-matched and tweaked to meet the needs of the local community. The following sections will

provide an overview of the legal requirements of some ordinances, along with some of the considerations that the municipality took into account when writing the relevant ordinance.

Housing is a complex issue, and as discussed in previous sections, short-term rentals have many negative impacts on a local housing market. But the shortage of housing facing the region is not only due to short-term rentals. However, due to the complexity of both the issue of short-term rentals and of housing in general, this paper only strives to discuss how policies can be used to reduce the impact that STRs have on a local housing market. Policies that otherwise regulate the location and density of housing are not discussed in detail in this report. Neither are policies that promote the creation of new or creative housing solutions. Any community that is considering STR policies for the purposes of expanding available housing stock should also consider what other options can be concurrently pursued, and how they complement any STR specific policies.

### 3.2. Non-Adirondack Examples



**Map 3.1 –Case Study Community Locations**

The first three case studies look at South Portland, ME, Durango, CO, and Nantucket, MA. These three examples were chosen for specific reasons and of course only represent a snapshot of the hundreds, if not thousands of jurisdictions that have adopted or considered short-term rental policies. South Portland has been chosen for its use of zoning districts to differentiate STRs in residential versus commercial zones, the balance of tourism while being home for many Portland area residents, and its presence in a tight real estate market. Durango has been chosen due to their distinct use of STR caps and density requirements, use of zoning districts, and to represent a perspective from the western United States. Lastly, Nantucket has been chosen due to its stark similarities to the Adirondacks in that it is a historically popular tourist destination, has a significant and growing number of second homes, isolation from other population centers, and issues with dwindling housing options for the local workforce necessary to maintain the island's community services.

Also discussed are some New York State communities from outside the Adirondacks. Stony Point, the Town of Ithaca, Cayuga Heights, and Tompkins County all show a cross-section of available approaches, though far from comprehensive of every approach taken by a New York jurisdiction. In addition to the policies shown in the first three examples, these New York examples shed light on what tactics are available to New York municipalities within the confines of the existing state-enabling legislature and home-rule authority.

### **3.2.1. South Portland, Maine**

In 2019, the City of South Portland Maine passed a new ordinance aimed directly at STRs. South Portland was the first community in Maine to pass a regulation that used zoning to control the growing number of STRs in the city (Flaherty 2018). South Portland's proximity to both the Atlantic Ocean and the popular destination the City of Portland, in addition to the lower-density residential nature of the community makes it an ideal place for the development of STRs. Though much larger than any Adirondack community, the tight

real estate market, nearby tourist attractions, and northeastern climate make it a suitable case study.

Discussions of regulations began in February 2018, in part under the perception that STRs were a major contributor to rising home prices in the eastern part of the town near the water and the increased price of long-term rentals (Scribner 2019). It is difficult to measure the direct impact of STRs on home prices, but in South Portland, the number of STRs had increased by about 50% while home prices simultaneously increased at significant rates (Flaherty 2018). Per data Airbnb, South Portland hosts averaged \$8,000 a year from 36 nights a year (Scribner 2019). This means an STR on average can generate about \$222 a night. If a property is used full-time as an STR, it could generate over \$80,000 a year. With that level of income, an investor could easily justify outbidding many other prospective buyers on residential property in the city.

In the face of growing concern, the city passed Ordinance #22-17/18 and Ordinance #23-17/18 (these were later amended in August 2019 by Ordinance #4-19/20). These ordinances were not passed by a legislative vote by the city council, but rather through a public ballot process. The vote was distinctly in favor of the ordinances, but not a landslide election. The residents of South Portland voted 6377 for versus 5380 against, plus 1550 blank or invalid ballots, out of 20,258 registered voters (City of South Portland 2018).

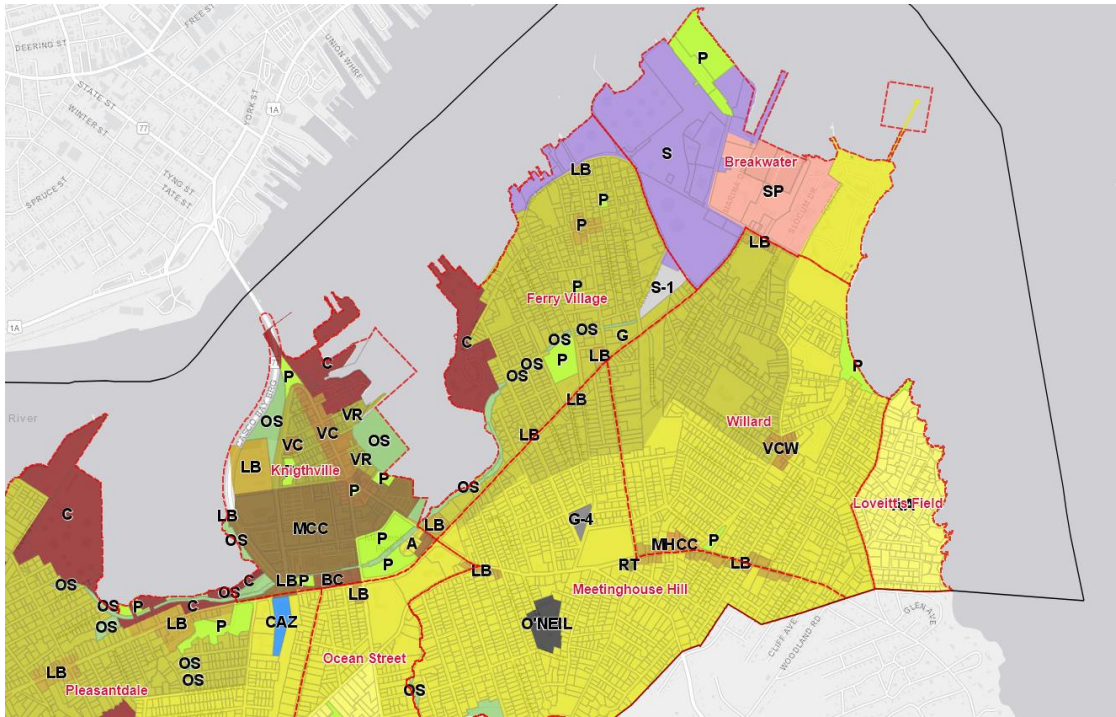
The ordinance requires requirements common to many STR policies. Owners must register their property with the city, pay a registration fee, designate a local emergency contact, and have their property inspected for fire and safety code conformance. The permits must then be renewed annually. Similar to many other STR ordinances, South Portland defines an STR as a “dwelling unit or accessory dwelling unit, in whole or in part; for dwelling, sleeping or lodging purposes by short-term rental guests, as defined herein; for compensation directly or indirectly,” specifically for 30 or fewer days.

However, numerous specific requirements add complexity to the ordinance. A core element is the different treatment of STRs depending on *hosted* versus *non-hosted*

conditions. The definition of *hosted* is specific and states that the dwelling unit must be the owner's primary residence and that the owner must be occupying the unit during the time of the rental. If the property contains more than one residential unit, the owner must be occupying one of the units on the property during the rental period.

An additional requirement that makes this ordinance unique from many others discussed in this report is the requirement that the host must prove the dwelling is indeed the owner's primary residence. The ordinance deems that *primary residence* can be proved with "reasonable documentation, such as Maine homestead exemption qualification, voter registration, government ID with address, motor vehicle registration, motor vehicle excise tax payment receipt, or other documents approved by the City." Presumably, this requirement would be effective for keeping out-of-town investors from buying up properties and converting them to STRs. However, the need to be owner-occupied, regardless of primary residency, would have the same result. In a place where most homes are occupied year-round by their owners, the proof of residency would not be a hindrance to a homeowner. However, this could limit many Adirondack property owners since many homes are seasonal or are occupied only a part of the year by "snowbirds."

Another element of the South Portland ordinance is differentiating the treatment of STRs depending on the zoning district. The ordinance is significantly more restrictive of STRs in designated residential districts but more permissive in commercial districts. If a property is rented under the *hosted* condition, there are no restrictions regarding what district property may be listed as an STR. However, non-hosted rentals are not permitted in *residential* districts, which includes those in yellow on the map below.



**Map 3.2 – Zoning Map of the Northeast of South Portland**

*Source: (City of South Portland 2022)*

As discussed, many homeowners have utilized STRs to raise additional capital during times when they are away on vacation and their home is otherwise vacant. Sec. 14-805(c) does provide an option for owners in this situation by allowing owners of one-family detached dwellings to rent their home for up to 14 days in a rolling 365-day period regardless of district, on the condition that the rental period is at least 7 consecutive days, and the home does not have an accessory dwelling unit (ADU). The owner must still register the home as a hosted STR, and comply with all other requirements of the ordinance, but it does allow some flexibility to the average homeowner looking to make extra money with their property.

Additional restrictions include the prohibition of rentals of fewer than 30 days in buildings with more than four dwelling units (Sec. 14-803(e)). The property must also be under single ownership regardless of the number of units to be rented as an STR (Sec. 14-803(f)). There are also requirements regarding the minimum length of stay. Hosted stays do

not have any minimums and are non-hosted but allow for at least 7 nights between the start of rental periods (Sec. 14-805(a)). For a non-hosted stay, renters could stay and pay for only 4 nights, but the owner is not allowed to rent it again until an additional 3 nights have passed. This measure of the ordinance targets the concern mentioned by residents like Peter Stanton, who were concerned by the constant coming and going of strangers at neighboring houses (Flaherty 2018). Lastly, the city has the right to request a record of rental transactions, past, and future, which must be provided within 48 hours (Sec. 14-805(b)9).

**Table 3.2 – South Portland Hosted vs. Unhosted Limitations**

	Hosted	Non-Hosted
Residential	Allowed for primary residences up to 4 dwellings. The owner must be dwelling on the property during the stay. No minimum night limits.	Prohibited
Commercial		One to Four family homes, multi-owner structures, or authorized mixed-use structures. 7 nights minimum between the start of rentals. Maximum stay of 30 days. Does not need to be the owner’s primary residence

As with all ordinances attempting to deal with STRs, enforcement is key to the law's success (see Section 3.5). The city’s website makes it very clear on their website that they actively enforce violations of the STR ordinance in the city, and that it employs *Host Compliance* to monitor the location of STRs (City of South Portland, ME 2022). With this program, the city can monitor the location of STRs to determine if they are registered with the city and if they are operating outside the appropriate zoning district. Something that program cannot display is whether the owner of a *hosted* property was present during the rental period. A deeper discussion about the enforcement of *hosted* and *unhosted* can be found in section 3.5. An issue that the City has experienced regarding violations of the code is the 7-day minimum turn-around between the start of new rentals for *non-hosted* STRs. According to the Code Enforcement Officer, within a year of the enactment of the



ordinance, the annual registration fee for STRs was proposed to increase from \$50 to \$250, in part to pay for the necessary enforcement of the 7-day policy (Costa 2019). As of April 2022, the total permit fees for an STR in the City are \$200 for *hosted*, \$400 for *non-hosted*, plus \$100 for the fire inspection and a \$20 processing fee.

By combining zoning districts with *hosted* and *unhosted* conditions, plus verifying residency status, South Portland has implemented a nuanced system of STR requirements. For the city, this should have effectively kept investment STRs out of non-commercial areas. According to data from AirDNA, in Q3 2021- Q2 2022, only 14% of STRs in the city were available for more than 180 days a year and nearly half are rented fewer than 90 days a year. This suggests that the city’s policy has been successful at reducing the number of properties utilized as full-time STRs.

### **3.2.2. Durango, Colorado**

Although Durango Colorado is significantly larger than any single Adirondack community, the mountainous setting and attraction as a vacation spot do provide some similarities to some of the Adirondacks’ larger communities like Saranac Lake or Lake Placid. Like the Adirondacks, the mountains of Colorado are a region with a booming STR market. In Summit County, north of Durango, county commissioner Thomas Davidson said that a third of homes in the county are used as STRs in some capacity (Birkeland 2020). Like some Adirondack towns and villages, Durango has had some regulations for *tourist homes* since 1989, but with the growing number of STRs in recent years the city passed stronger STR regulations (City of Durango, CO 2021).

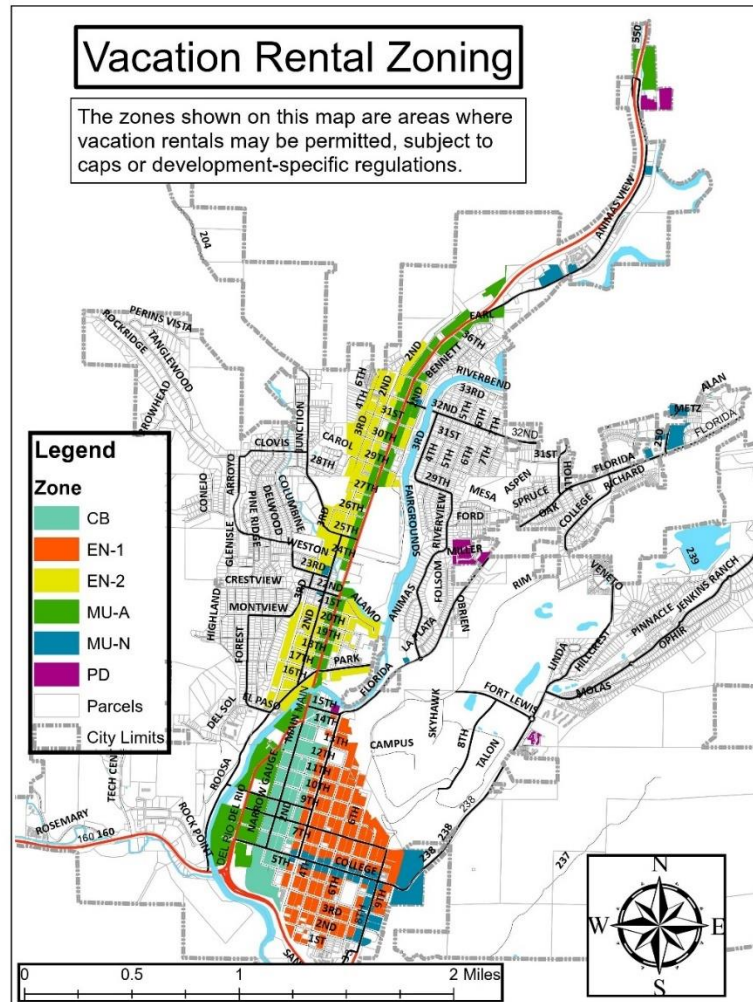
Durango defines STRs as “a dwelling unit that is rented for lodging for a period of 1 to 29 days” (City of Durango, CO 2021). Since this definition uses the term “dwelling unit” as the rented item, this ordinance should not apply if the owner is present in the dwelling unit and only a bedroom is rented to visitors. Whether the regulation is enforced this way is a different matter. The regulation explicitly defines STRs as a commercial use even if the

property would be otherwise considered residential. However, this status only applies during the rental period and when not rented, the unit may be occupied as a residential unit by the owner or long-term tenant without needing to conform to the regulations (Sec. 2-2-3-4(G)4).

Should a property wish to operate an STR on their property, they must apply with the City and pay a \$750 permit fee (City of Durango, CO 2021). Within this application, a list of all other properties within 300 feet with the mailing addresses must be included. The neighbors on the list are notified and provided two weeks to submit comments on the application before approval of the permit. The owner must also provide a local emergency contact, parking information, and how the property is planned to be advertised. Plans of both the site and floor plan with information on access points, bedroom dimensions, and fire extinguishers must also be presented to the city. Units may subsequently be subject to inspection by the Building Official if the city has reason to believe there may be a violation of building code requirements.

An additional requirement of the ordinance is the requirement that vacation rentals acquire business licenses and sales tax licenses through the city, just like any other commercial enterprise (City of Durango, CO 2021). By enacting this requirement, Durango has not only captured revenue missed by communities lacking such requirements but also has helped bring operating expenses of STRs closer to conventional lodging. Although it is still ultimately up to the property owner to adequately pay their appropriate taxes, it allows the City to track and punish tax evaders like any other business. Whether a town in the Adirondacks could enact a similar requirement would depend on what jurisdiction holds the ability to distribute and track business licenses. If that power lies with the County, as occupancy tax typically is in New York State, then it would be necessary for towns and villages to work with their relevant County government to gather occupancy taxes (See Tompkins County, Section 3.2.4).

In addition to directly addressing taxation, the Durango regulations are also notable for their use of zoning districts. Similar to municipalities like South Portland and the Town and Village of Lake George (See Sections 3.2.1, 3.3.1, and 3.3.2), Durango is more restrictive of STRs in designated *residential* neighborhoods and less strict in *commercial*, *mixed-use*, and *Planned Development* districts. Figure 3.4 shows the zoning districts that permit STRs. In the *Commercial Business (CB)* district, there is no cap on the number of active STR properties. In the two residential districts that permit STRs, *Established Neighborhood 1 (EN-1)* and *Established Neighborhood 2 (EN-2)*, there are set limits to the number of STRs. Only 22 STRs may operate in EN-1 and EN-2 is limited to 17 (City of Durango, CO 2021). The *Mixed-Use* and *Planned Development* districts also have limits specific to the developments. Any owner wishing to open a new STR in one of those restricted districts must apply to a waitlist, and only when an STR ceases to operate or renew its permit may the property be moved from the waitlist to active registration. As of April 2022, EN-1 and EN-2 had 26 and 11 properties on the waitlist respectively (“Vacation Rental Information” 2022). How these numbers were selected and if they may be modified in the future is not clear within the City Code. As a result, Durango’s policy has been described as “arbitrary” and unfairly disadvantaging property owners if their neighbors have already registered their property as a vacation rental (Meyer and Wilford 2017).



**Map 3.3 – City of Durango, CO Zoning Districts Permitting STRs**

In addition to capping the maximum number of STRs, EN-1 and EN-2 also have density limitations to prevent an excessive number of STRs on any single street segment. Section 2-2-3-4(G)3a of the City’s Land Use Code states that “not more than one vacation rental home shall be located on all properties or lots that abut any street segment.” Corner lots are considered abutting both relevant street segments. The opening of an STR on a street segment is on a first-come-first-serve basis. A second STR may be opened on that same street segment, but only after the owner proves that the rental property is the owner’s primary residence, that the rental is only on a part-time basis, and that there are at least five residential parcels on that street segment. In theory, this policy should effectively distribute

investment properties throughout the neighborhoods while still permitting homeowners seeking part-time rentals to operate with fewer restrictions on location. The specific use of *street segment* works well for Durango since most of the city is laid out on a regular grid. This particular unit of measure may be less applicable to more rural areas or the more irregular street patterns of Adirondack communities. However, the requirement that there must be a certain distance or number of properties between STRs that are not the owner's primary residence may be an effective way of reducing the number or density of investor-owned properties.

Durango has also taken a very public approach to STRs in the City. The address, owner, and manager of each STR are public knowledge with the information available as a spreadsheet on the city's website. The waitlist for capped residential districts is also publicly available, and as of April 2022, anywhere between zero and 26 applicants were waiting for an available slot, depending on the zoning district (City of Durango, CO 2022). Going through the April 2022 data, 17 properties had an *Applicant* that was a commercial enterprise. Vicki Alper of the Columbine Group operates 14 STRs in Durango, though all of these are within a single Planned Development. 10 *Applicants* are listed as owning more than STR, though in many cases these are multiple units on the same property. The remaining 80 *Applicants* only have a single property registered under their name, though about half of them utilize a company for property management, which suggests that they may not be the primary residences of those owners.

It is important to consider that Durango's approach to STR regulation, especially its attempts to regulate density by issuing permits on a first-come-first-serve basis for properties on city blocks has drawn considerable criticism.

### **3.2.3. Nantucket, Massachusetts**

Nantucket shares many similarities with Adirondack communities. The island off the coast of Massachusetts has its roots in the fishing and whaling industry, mirroring the

timber industry that was so important to the settlement of many Adirondack towns. It has also had a long history not only being a popular tourist destination but the selected second home of thousands of families, including the rich and powerful. On Nantucket, 80% of homeowners are not registered to vote in local elections, suggesting they use their Nantucket home only part-time (Taylor 2021). 2020 American Community Survey data for the island shows a similar trend, with 70% of housing units counted as “vacant” which likely is mostly representing seasonal homes. The high demand for vacation homes is combined with limited land and space for development, putting intense pressure on a housing market that is unable to keep up with demand. Like the Adirondacks, short-term rentals in Nantucket have been identified as a significant contributor to this housing crisis, which culminated in the attempted implementation of Article 90.

Article 90, as it was proposed to the 2021 vote, would have set a 45-day limit on STR owned by non-residents and 90-day for full-time residents, in addition to setting a 7-day minimum for any stays. It also included registration of properties with the local government, a one-car policy, and maximum occupancy of two visitors per bedroom (Treffeisen 2021). Though far from an all-out ban on STRs, it effectively eliminated any prospect of investing in the property while simultaneously eliminating the ability of year-round residents to rent their homes while gone for a weekend.

From both sides of the argument, the typical pros and cons were voiced. Year-round and long-time resident Tobias Glidden was a lead proponent of Article 90. For him, the issues lie in both the excessive noise and traffic, but also the fact that STR investors “are extracting money from the island like they’re extracting squid from our local waters” (Taylor 2021). However, opponents of Article 90 argue that the supplemental income from STRs allows local owners to afford their properties by renting them out while they are away or hosting guests while they are home. Of course, that is a difficult argument when STRs are a possible contributor to rising home prices.

The impact of STRs has also been seen on Nantucket's long-term rental market. ACK Now, the group promoting Article 90 cites that approximately 38% of year-round rental stock has been lost to STRs, or around 600 units between 2010 and 2018 according to the U.S. Census Bureau (Treffeisen 2021). About two-thirds of housing on the island is designated as "seasonal, recreational, or occasional use" by the Census Bureau (Treffeisen 2021). Opponents point to the fact that although long-term rentals have decreased, the number of season-use homes has increased. But without data explicitly looking at the use of those seasonal homes, there can be no definitive conclusion that STRs are to blame.

The struggle in Nantucket between second and vacation homeowners versus full-time residents draws many parallels to numerous Adirondack communities. The former benefit from the ability to rent out their homes when they are not occupying them. Not only does this possibly benefit area businesses by providing additional customers, but in some cases permits long-time seasonal residents the ability to remain in their family homes. Linda Williams defended STRs in Nantucket because the extra income that her elderly uncle collects from his STR allows him to continue owning the family summer home, highlighting the deep emotional ties that many people bring to the debate (Taylor 2021).

The Nantucket case also highlights that not all beneficiaries of STRs are part-time or absentee owners. Rebecca Chapa is a year-round resident of the island and claims that she was only able to purchase property on the island in 2011 due to the expected supplemental income she receives from renting her home out on Airbnb (Taylor 2021). This is in a real estate market that is booming, with limited modestly-priced building stock available on the island which is dominated by extravagant seasonal homes. She says that due to the increase in value of her home, she and her husband would likely need to sell and leave the island were it not for their STR income. She has also defended her rental as an opportunity for visitors who cannot afford the expensive hotel rates on the island, thus diversifying who can visit the community (Taylor 2021).

Ultimately Article 90 failed to pass the public vote in 2021 during the Annual Meeting by a 2-to-1 margin (Graziadei 2021). Supporters of the article have blamed the influence of real estate companies and large companies who have benefited from both rising home prices on the island and the ability to manage STRs without significant restriction. In the year since the Select Board has been unable to discuss alternative amendments to the local code due to the inability to reach a quorum. That was due in part to two of the five Select Board members owning STRs and thus needing to recuse themselves (Graziadei 2022). The new proposed articles are not as restrictive as Article 90 and instead move to codify STRs in the municipal zoning code and enact registration and permitting requirements. ACK Now is still pursuing additional requirements, especially those that differentiate what is permissible by year-round and seasonal residents. How Nantucket's regulations evolve in the coming years will provide a fitting case study for the Adirondack region.

### **3.2.3. Stony Point, New York**

Stony point is a town of about 14,800 residents in Rockland County, NY (U.S. Census Bureau 2020a). The town is located on the west bank of the Hudson River and is mostly suburban in development. In 2021, the community passed an amendment to the zoning ordinance that directly addresses STRs: Stoney Point Zoning Article XXIII §215-146 thru §215-150 – “Prohibition on Short-Term Rentals of Residential Dwellings”. As alluded to in the title, this provision intends to effectively ban STRs from residential buildings.

This ordinance highlights the importance of specifying exactly what is considered a short-term rental within the scope of the code. Clarifying up front what is being regulated can avoid legal and administrative hurdles while attempting to enforce the law. Section 215-147 of the Stony Point Zoning Code defines *Short-Term Rental*:



*A dwelling unit that is rented, in whole or in part, to any person or entity for a period of less than 29 consecutive nights. "Rental" means an agreement, written or oral, granting use or possession of a residence, in whole or in part, to a person in exchange for monetary compensation. "Short-term rental" shall also mean the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a residential dwelling unit.*

Within the same section, the code clearly defines some key phrases that may be important to a defensible law. For instance, *monetary compensation* is defined as “cash, check, money order, credit card, bitcoin, barter, or other valuable consideration.” *Occupant* in the ordinance is defined as “A person, other than the premises owner of record filed in the Rockland County Clerk's office or an immediate family member of the premises owner, occupying living accommodations with the premises owner's express or implied consent.” These definitions leave little room for negotiation.

In terms of restrictions, per §215-148, it is illegal to rent premises in any residential district in return for *monetary compensation* for fewer than 29 days. The following section goes on to state that the ordinance applies to “all single-family, two-family, and multiple-family residential dwellings within the Town” regardless of the zoning district. Excluded from the restrictions are licensed commercial businesses like hotels, motels, and bed-and-breakfasts, which are governed by different sections of the zoning code. What is not clear is if mixed-use buildings, like a building with a store on the first floor and two stories of residential apartments above, can be utilized as an STR.

Per Stony Point’s definition of a bed-and-breakfast, any owner-occupied property could decide to gain approval from the town board to establish an STR under the operational model of a bed-and-breakfast. That would exclude any *unhosted* STRs and may also regularize the collection of various fees associated with the STR as an income stream. In Stony Point, the flexibility of using the bed-and-breakfast ordinance to operate an STR is

limited, as the town does not allow for residential ADUs, and bed-and-breakfasts are limited to only certain residential districts.

### **3.2.4. Tompkins County, New York**

In most of New York State land use controls like zoning are under the jurisdiction of Towns, Villages, and Cities. Since many regulations of STRs utilize land-use type ordinances, such as zoning, it is typically local municipalities that determine how STRs are regulated. Though the Adirondack Park Agency is a special case and some land-use controls like building density fall under the authority of the regional agency, the aspects of zoning that most directly affect STRs are not addressed by the Park Agency. Thus, whether within or without the Adirondack Park, local land use ordinances allow the most nuanced approach to regulating STRs.

However, counties are not entirely powerless in this field of jurisdiction as they have authority over occupancy and sales taxes in New York State. Per New York State Tax Code, occupants of a *hotel* room in the state are required to at a minimum pay the local sales tax (NYS Dept of Taxation and Finance 2012). In New York State, counties and some cities may set their own sales tax amount, which typically varies between 7 and 8  $\frac{3}{4}$  percent across the state (NYS Dept of Taxation and Finance 2022b). However, collection of sales taxes requires reporting of revenue by STR owners, something that is not always completed.

In addition to the sales tax, county governments may enact an additional *occupancy* or *bed* tax. Some cities have also succeeded in passing local occupancy taxes, but to do so requires enabling legislation by the State government so Counties remain the primary collectors of occupancy tax. For instance, Essex County, in the Eastern Adirondacks and home to the popular tourist destination Lake Placid, has a 5% occupancy tax on any lodging stay. However, the issue in many places is that these taxes are not collected from STRs. This may be due to a lack of enforcement or report from STR owners. In many places the legal mechanism to collect taxes on STRs may be unclear, due to the way *hotel* has

historically been defined within tax codes. This was the issue facing Tompkins County which was resolved by a rewrite of the county tax code in 2016.

Before the rewrite, the code read:

*A building or portion thereof which is regularly used and kept open as such for the lodging of guests. The term 'hotel' includes an apartment hotel, a motel, a guest house, or a facility known as a "bed-and-breakfast" tourist facility, whether or not meals are served.*

A glaring loophole existed in this version of the definition – “regularly used and kept open”. How does this term apply to an STR that is only rented out occasionally or is occupied by the owner for half the year? Due to this phrase, it could be argued that many STRs were legally exempt from paying the 5% occupancy tax. The County decided the best way to resolve the problem was to remove “regularly used and kept open,” thus allowing the code to encompass a broader category of tourist facilities. They also include “is not limited to” to the definition of a *hotel* so that many more types of lodging could be considered taxable. After the rewrite, the code read:

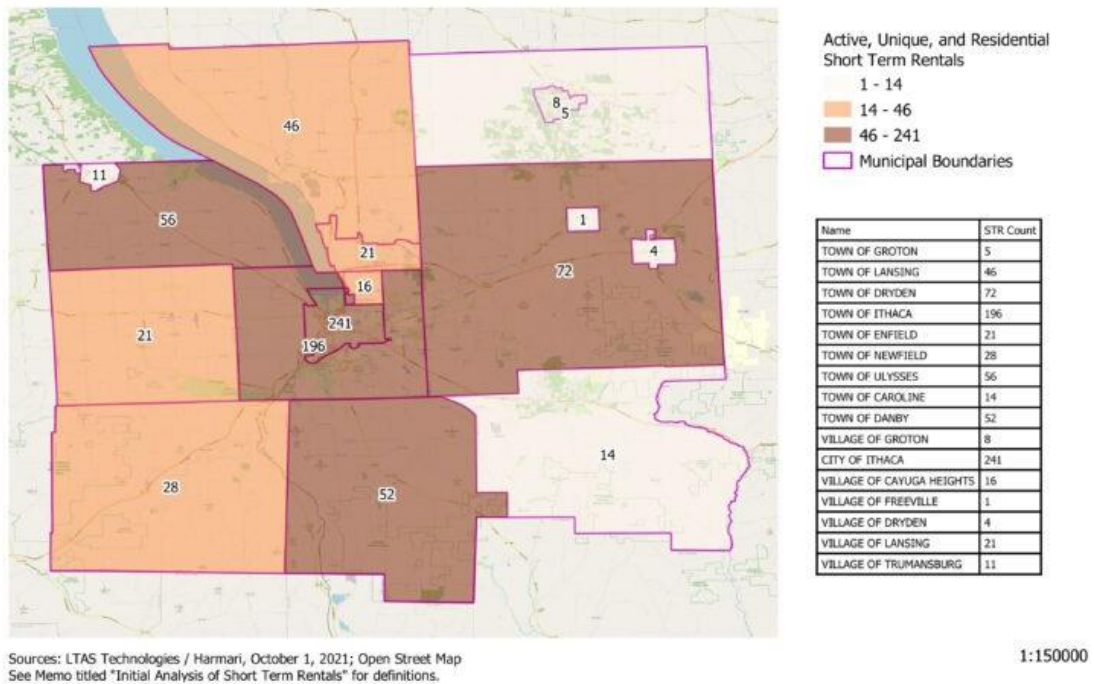
*A facility or portion thereof which is used for the lodging of guests. The term 'hotel' includes, but is not limited to, an apartment hotel, a motel, guest house, or facility known as a "bed-and-breakfast" tourist facility, whether or not meals are served.*

Changing the definition of a *hotel* in the tax code is one thing but collecting the money and enforcing the tax is another. Fortunately for Tompkins County, they were able to enter an agreement with Airbnb to include those taxes directly into the booking platform, minimizing work for both the county and the property owners. However, the ability for counties to enter similar agreements with the booking company has essentially disappeared. According to Tom Knipe, Deputy Director of Economic Development for the City of Ithaca who worked for the county during the talks with Airbnb, the company has since changed its stance and does not make any effort to automate the tax process in other jurisdictions. Instead, Airbnb instructs property owners hosting on their site to check with their local tax

requirements and comply as necessary, claiming that it is not the company’s duty to be enforcing tax legislation.

Airbnb is not alone, as STR companies as an industry have shown numerous times to be uncooperative with reporting requirements set by local jurisdictions. The leading STR companies sued New York City when it passed a law in 2018 requiring the platforms to report information regarding STRs in that year (Barbanel 2018). Until a time comes that State law begins requiring companies to comply with reporting or tax requirements, municipalities will need to rely on property owners' understanding of the local taxes and their ability to enforce the relevant laws.

**Active, Unique, and Residential Short Term Rentals**



**Map 3.4 – Numbers of STRs in Tompkins County Towns**  
Source: (Wickham 2021)

An advantage of the county-wide tax structure is that it encompasses numerous municipalities. Some Tompkins County towns have dozens of STRs, and others only have a

few. For instance, the Town of Caroline only had 14 STRs, which is likely too few for the town to bother enacting its tax code and enforcement (Wickham 2021). Acting at a county level creates an efficiency of scale since the county tax office can handle the collection of the money rather than each town or village independently running the same program. This also reduced inter-town competition between lodging since the tax rate is the same regardless of pricing. An STR in Keene is subject to the same tax rate as an STR in Lake Placid. It also helps level the playing field with conventional lodging since STRs are subject to the same additional taxes that hotels and motels need to accommodate in their pricing.

### **3.2.5. Town of Ithaca, New York**

Despite being many hours away from the Adirondacks, the Town of Ithaca has many similarities to a typical Adirondack community. The Town, which surrounds the City of Ithaca in a horseshoe shape, is mostly rural with some denser housing developments scattered throughout. Importantly, the town borders both the east and west shores of Cayuga lake, where there are many lakefront residences not unlike many of the thousands of lakeside residences common throughout the Adirondacks. The presence of the lake, combined with the tourism of the adjacent City, significant seasonal population, and surrounding countryside has led to numerous STRs in the Town.

Discussions about regulating STRs in the Town began about five years ago after the Town Board heard a series of complaints by residents about loud parties, the excess number of cars, and garbage left behind by short-term rentals (Wickham 2021). As with many municipalities, the Town faces the dilemma of balancing two different needs. The first is to restrict the growth of for-profit STRs that buy up multiple properties and contribute to rising home prices, but also permit the rental of properties by owners who are away for periods or during the very popular and lucrative graduation weekends (Crandall 2021). After a year of preparation and multiple public hearings, the new STR ordinances were passed by the Town Board on December 29, 2021, and went into effect on April 1, 2022 (Harding 2022).

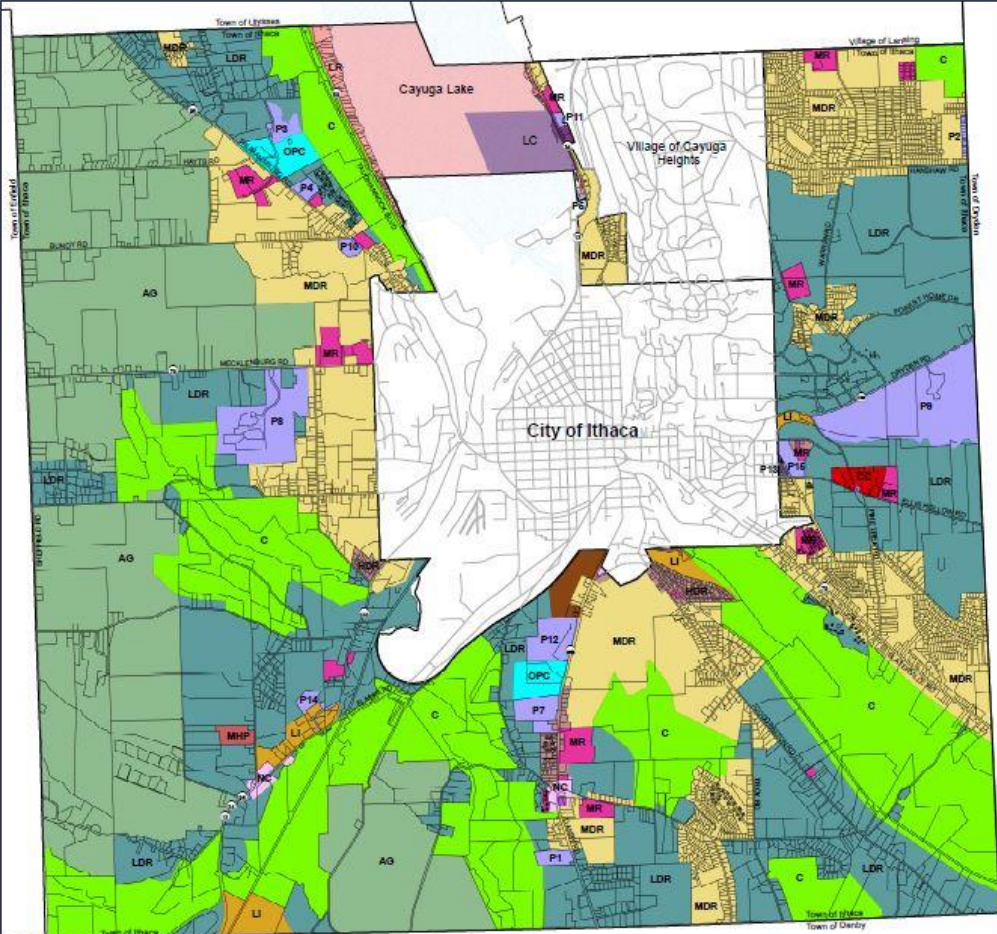
A critical element of the new ordinance is the different treatment of *hosted* and *unhosted* rentals, as well as the limits on the number of nights a property may be rented annually. The Town of Ithaca defines *hosted short-term rental use* as “a short-term rental use where the owner lives and sleeps in the rented unit, or another dwelling unit on the same or an adjacent tax parcel, throughout the short-term renter's stay, and no more than two bedrooms are rented at any one time.” This permits someone to use their property in a traditional home-sharing capacity, or utilize an ADU or additional apartment as an STR. Conversely, *unhosted* applies to situations where the owner is not present on the property during the stay and would cover any whole-house rentals. Owners must choose which permit status to apply for, and are restricted to *hosted* or *unhosted* accordingly (Wickham 2021). Regardless of *hosted* or *unhosted* status, all properties must register with the Town. The permit process is similar to many other municipalities, requiring inspection for fire and safety compliance, a local emergency contact, and other details of the property. The Town limits individuals to only two permits, of which only one can be for *unhosted* rental use. This restriction was put in place to limit the ability of individual entities from buying multiple properties and converting them to STRs.

Per Sec. 270-219.7(F) of the Town of Ithaca Zoning Code, *hosted* rentals do not have any limits on the number of nights the property may be rented annually, on the condition that the owner is present during the rental period. However, for *unhosted* rentals, a property may not be used as an STR for more than 29 days in a calendar year. The 29-day limit is increased to 90 days in *Conservation, Agricultural, Low-Density Residential, and Medium-Density Residential* if either of the following two conditions is met, presumably because there are fewer impacts to neighbors under these conditions: the unit is on a parcel more than 3 acres and there are at least 40 feet to side property lines, and none of the adjacent parcels contain a dwelling.

Recognizing that the lakeshore properties have had a history of summer rentals pre-dating the online STR platforms, the Town has made an effort to distinguish the treatment of

those properties from the remainder of the Town (Wickham 2021). Per Sec. 270-219.7(D) of the Town of Ithaca Zoning Code, the Lakefront Residential Zone is exempt from the requirement that the rental must be the primary residence of the owner. Properties in that zone are also exempt from off-street parking requirements and the limit of one active STR rental at any time. A significant difference for properties in the Lakeshore Residential Zone is the annual *unhosted* rental cap set at 245 days instead of the 29 days that most properties away from the lake must conform to (Sec. 270-219.7(F)(c)). This difference in limit was specifically chosen with the understanding that a larger percentage of lakeshore properties have a history of rental uses, are owned by snowbirds, or have the highest potential as STRs. In theory, setting that limit below 365 days might dissuade investors from purchasing homes purely as a revenue stream. However, in a region of the country where there are distinct *off-seasons* in the winter and spring, it can be questioned how effective limiting the number of days is at preventing for-profit operations.

# Town of Ithaca Zoning Map



Lakefront Residential (LR)	Vehicle Fuel and Repair (VFR)	Conservation (C)
Low Density Residential (LDR)	Office Park Commercial (OPC)	Planned Development Zone (P)
Medium Density Residential (MDR)	Neighborhood Commercial (NC)	Light Industrial (LI)
High Density Residential (HDR)	Community Commercial (CC)	Industrial (I)
Mobile Home Park (MHP)	Lakefront Commercial (LC)	Cayuga Lake
Multiple Residence (MR)	Agricultural (AG)	



Town of Ithaca  
 215 North Tioga Street  
 Ithaca, NY 14850  
 December 11, 2017



Map 3.5 - Town of Ithaca Zoning Map



Some opponents of the new laws have raised the point that many of the critiques of STRs, like excess noise and garbage, can apply to any property, and that the issue is a lack of enforcement of existing nuisance laws rather than regulation of specifically STRs (Wickham 2021). Critiques surfaced of the unfair treatment of property owners who live inland versus those who can afford to own properties directly on the lakeshore, specifically for retirees who are elsewhere during the winter months (Wickham 2021). Goodman, the Deputy Town Supervisor sees the more permissive treatment of lakeshore properties as a method of creating access to the lake by people who may not be able to afford to own a lakeshore property, but who can rent on the lake for a vacation (Crandall 2021). There has also been the critique by snowbirds away from the lake that the 29-day cap removes their ability to rent out their homes during the months that they are elsewhere. Goodman countered that argument, stating that it is the choice of the homeowner to purchase a second home and leave their previous residence unoccupied for a while and that it is not a new issue for second-home owners. To Goodman, if a retiree cannot afford to own two partially occupied homes, then he or she should sell one of those homes, thus allowing that property to re-enter the housing market and possibly become available for a year-round resident (Harding 2022). This in turn would reduce the pressure on the existing housing market, allowing more families to afford to purchase property. The issues of lakefront properties, seasonal residents, and historic rentals are ones that certainly apply to most Adirondack communities. As with any regulation, balancing the needs of different groups of residents will be the ultimate challenge.

### **3.2.6. Cayuga Heights, New York**

Cayuga Heights is a small village consisting of mostly single-family homes within the Town of Ithaca, north of Cornell University. Although within the Town, the Village operates with its own zoning policy and subsequently has regulations of STRs independent of the Town's regulations. Cayuga Heights is an example of an approach to STRs that is

very strict towards short-term rentals, though does not completely ban them within the Village. Theoretically, their method should effectively dissuade any for-profit models without impeding the average homeowner from renting out their property for special events or while they are out of town.

The Village regulations are described in Sec. 305-17(I), under the description “short-term rental of a residence or portion of a residence”. Although the Village code does not use the terms directly, it attempts to distinguish between *hosted* and *unhosted* conditions. Under the *hosted* condition, in which the owner of the residence is present during the rental period, an STR may be operated for a total of 28 nights in a calendar year. If the owner is not present, then the rental is considered *unhosted* and is thus limited to only 14 nights a year. The two conditions cannot be combined, as there is a cap of 28 days total regardless of what combination of them is *hosted* or *unhosted*. This number of nights is much fewer than many other jurisdictions, even those like the Town of Ithaca or North Elba/Lake Placid that impose annual limits. By placing limits like these, one could imagine an investor would be hard-pressed to turn a profit off only 28 nights. However, it does still permit owners to rent out their properties if they are away for a week on vacation, or during the popular times around significant events at both Cornell University and Ithaca College.

In addition to limiting the annual nights a property can be rented, owners must also register with the Village. This registration involves a \$125 fee, which must be paid annually at renewal. Per the code, owners must also maintain a *visitor log* of rentals, including the number of visitors, dates, what portion of the residence was rented, and if the owner was present or not. A year's worth of data must be kept on file and presented upon request to the Village Code Enforcement Officer within ten business days, or the owner risks being in violation and facing monetary penalties.

### **3.3. Adirondack Policies**

Regulating short-term rentals is not a new concept in the Adirondacks. As shown in the following sections, there have been jurisdictions that have had laws on the books for years or decades. However, many of these laws are being put to the test against the recent popularity of short-term rentals and there are dozens of communities without any relevant ordinances on the books. The following section will explore the attempts of The Village and Town of Lake George, Lake Placid, North Elba, Queensbury, and Inlet. Similar to the previous section, these communities do not represent every town or village with applicable laws but provide an adequate cross-section of different kinds of ordinances.

#### **3.3.1. Village of Lake George, Warren County**

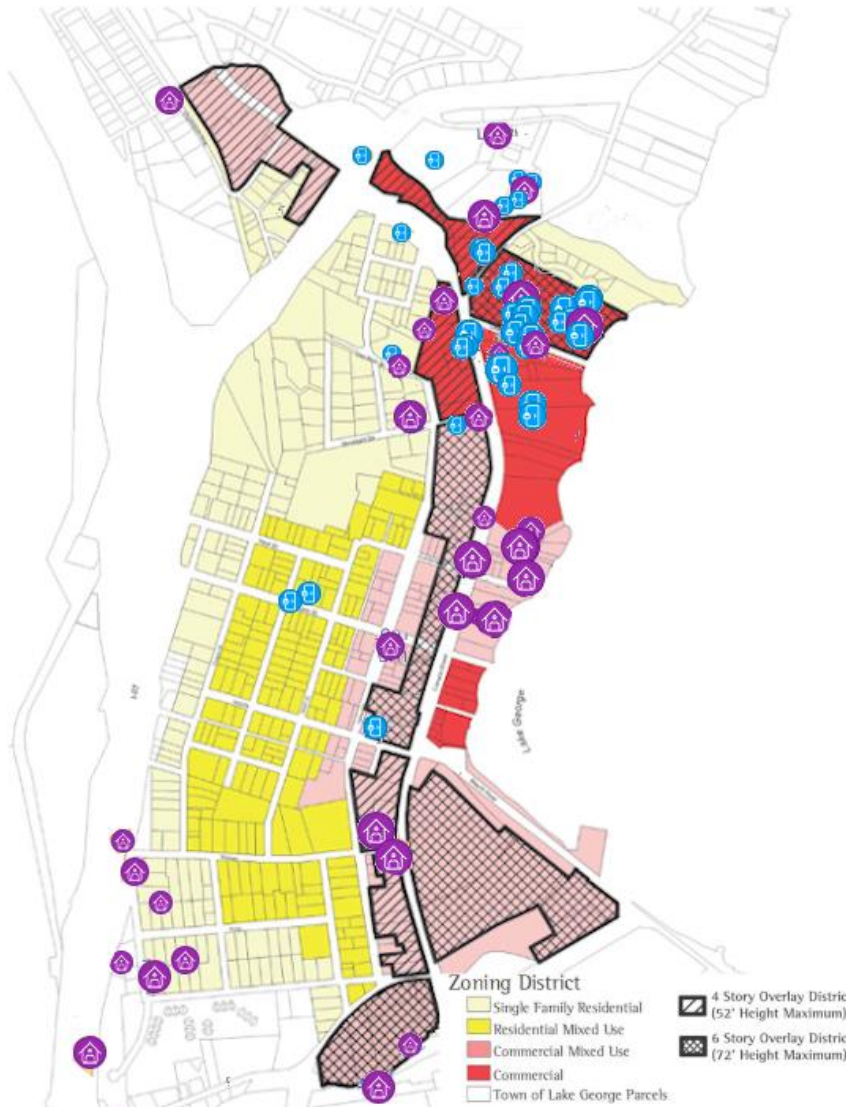
The village of Lake George is among the most prominent and visited communities within the Adirondack Park. Lake George is one of the closest destinations to travelers from New York City and other urban areas south and east of the Adirondacks. Combined with the proximity to I-87, the geographic location of the village makes it a popular destination for many. This of course increases the pressure for the development of STRs. It is not surprising that the village has one of the oldest STR policies within the region, with a zoning amendment passed in 2014 aimed to reduce the number of STRs in residential areas of the village.

The definition of a *Short-term Residential Rental* in the village zoning code, §220-101 *Definitions*:

*Use or occupancy of a single-family dwelling or a dwelling unit or any portion thereof for less than six consecutive months pursuant to a verbal or written agreement to pay a rental fee, but not including a bed-and-breakfast or a hotel, motel, inn, rooming house, boardinghouse or other commercial transient accommodation licensed pursuant to Village Code §135-1.*

Per this definition, any rental less than 6 months is considered an STR, which is significantly stricter than most municipalities that operate under the 30-day benchmark.

According to Dan Barusch, the Director of Planning for the Village, this choice was to dissuade any form of rental that was not a long-term, primary residence. Home-owners renting out single bedrooms are treated equally to rentals of entire units. Although not currently allowed per the village code, should accessory dwelling units become allowed they too would be treated similarly. One implication of the 6-month minimum may be the impact on housing for the seasonal workforce. As with many Adirondack communities, many of the businesses operate from late spring thru mid-autumn and employ temporary workers for the four- or five-month period. Because of the 6-month cut-off, these workers would be unable to rent a home for this period without competing with the more tourist-oriented STR market. The seasonal nature of Lake George is not unique and is shared by many Adirondack communities. From Lake George, seasonal workers may be able to easily commute from the Glens Falls area or other more densely built towns outside the Adirondacks, but communities like Lake Placid that are more isolated will need to take special care to not inadvertently reduce available housing for seasonal workers, something that a 6-month minimum may impede. If a community in the Adirondack interior sought to pass a similarly lengthy minimum, they should also focus resources on promoting alternative forms of seasonal housing like employer-owned housing.



**Map 3.6 - Village of Lake George Zoning and STRs**

*Source: (April 2021 – March 2022)*

The law itself is simple and does not require much from the owner of an STR. Per the zoning land-use table, short-term rentals are allowed in both Commercial Mixed Use (CMU) and Commercial Resort (CR) without any special requirements or permits but are not allowed in Residential (R) or Residential Mixed Use (RMU). The map above shows the approximate location of STRs provided by AirDNA overlaid onto the zoning map for the Village of Lake George. Whether a result of the zoning restriction or not, it is clear that a majority of STRs are limited to commercial districts. The few blue circles that are shown in

the residential district are rooms in a traditional bed and breakfast, which are permitted in the Residential Mixed-Use zoning. The remaining purple icons near the commercial districts may be shown in the residential district due to approximate addresses being used.

### **3.3.2. Town of Lake George, Warren County**

Similar to the Village of Lake George, the Town restricts short-term rentals to non-residential districts. The town includes its policies regarding STRs with *residential rental* defined as a “residential dwelling/premises [used] as a rental property, whether long-term or short-term.” The code goes on to specify that short-term rentals are any dwelling rented for less than 30 days.

Per the town’s zoning ordinance §175-52 Tourist Accommodations and Residential Rentals, any residential rental that does rent for fewer than 30 days must obtain a permit from the Planning and Zoning Office. The permit is quite comprehensive, requesting information like the number of beds, the maximum number of guests, websites on which the rental is advertised, the type of septic system, and local emergency contact (Town of Lake George, n.d.). Short-term rentals are also required to be inspected by the Warren County Building Codes and Fire Prevention Office to confirm the maximum occupancy of the rental before the permit is approved. Additional restrictions include a minimum of 2 parking spots, plus an additional spot for every 4 renters, and requiring payment of occupancy tax.

An important requirement of the town’s zoning ordinance is the banning of STRs from five categories of zoning districts: *Residential-Medium 1*, *Residential-Medium 2*, *Residential High Density*, *Residential Rural*, and *Land Conservation*. Areas, where they are allowed, include both the tourist commercial districts, the mixed-use districts, and the lakeshore districts *Residential Special*. This allows STRs to exist along and near the lakeshore and along the main commercial strips that border US Route 9, but prevents STRs from the predominantly single-family districts away from both the lake and busy highways (The Chazen Companies 2020). An interesting clause is the inclusion of grandfathered

STRs, which allows STRs that existed before the banning in particular districts to continue as long as the owner does not change. Grandfathered properties are still required to acquire a permit like any other STR in the town.

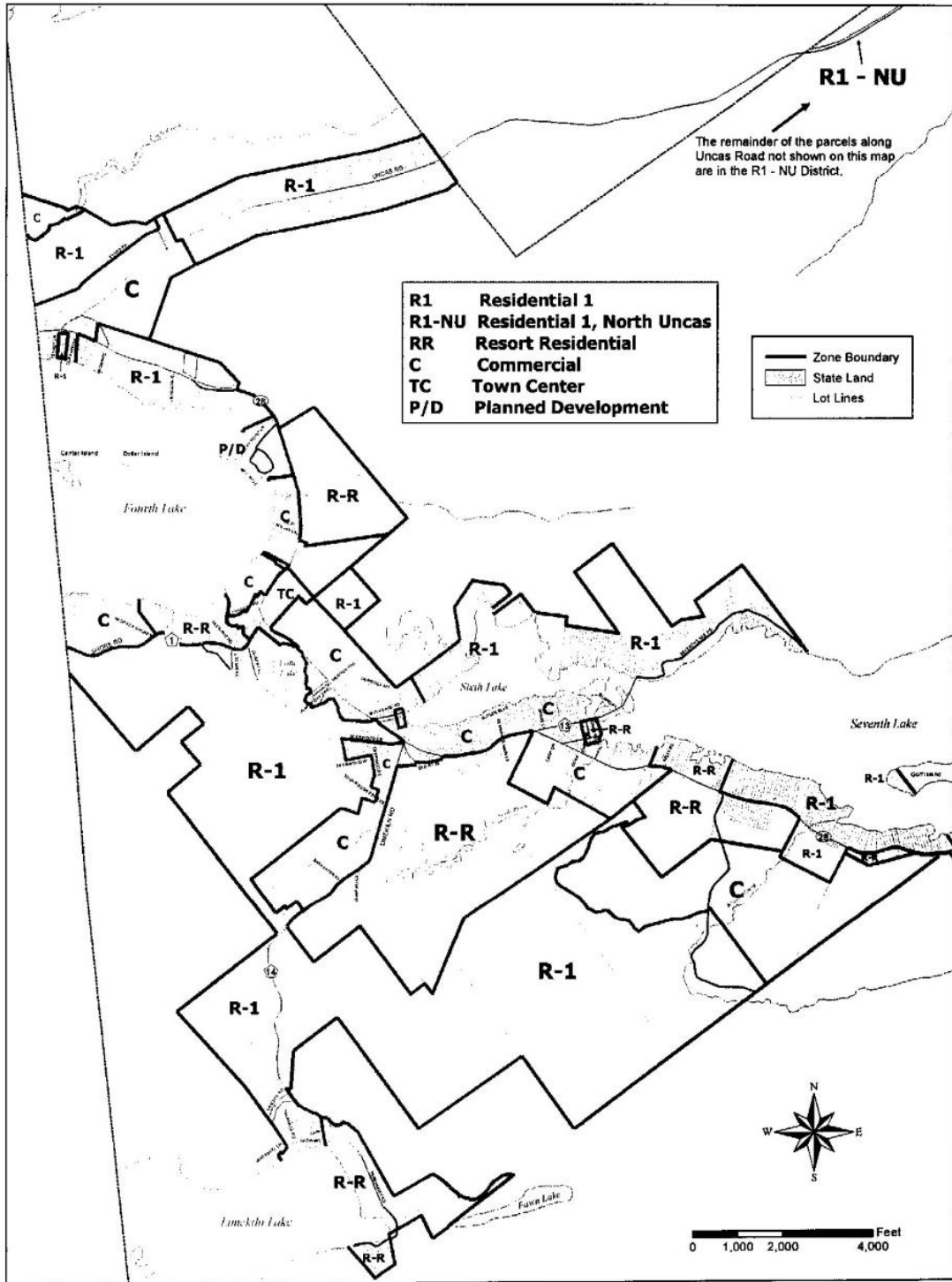
### **3.3.3. Town of Inlet, Hamilton County**

Inlet is an example of a municipality that has had a law governing vacation rentals since 2002, many years before the modern incantation of STRs became noteworthy. Similar to the Village and Town of Lake George, the Town of Inlet makes use of zoning districts to regulate STRs in specific portions of the town. Also similar to the Lake George examples is the clear attempt to control STRs in predominantly residential neighborhoods. Per §160-25 of the town Zoning Code, all rentals of “non-owner-occupied rental dwelling[s]” within the R1 Residential Zoning District are subject to Ordinance No. 1-2002. Importantly, this ordinance does not specifically target STRs, but rather includes any property that is rented, whether long-term or short-term, if it meets certain criteria.

As shown in the Town’s Zoning Map Figure XX, the R1 (labeled R-1) and R1-NU districts include a sizable portion of the town, including many waterfront properties that are prime properties for STRs. What is not included under the ordinance are the commercial properties in the heart of the hamlet and the various areas of “Resort Residential,” which in general are zones of higher density or incorporate attractions like the golf course, where commercial lodging would be expected. As stated in the ordinance, the law intends to,

*preserve the aesthetic integrity of our residential neighborhoods, prevent neighborhood blight, encourage residential property maintenance, protect residential property values, permit the more efficient use of the Town’s existing stock of dwellings to provide economic support of resident families, and enhance the quality of life in our residential neighborhoods.*

**TOWN OF INLET ZONING MAP  
(PER LOCAL LAW 3 OF 2011)**



R. Lamb, SUNY Plattsburgh, 2011

**Map 3.7 – Town of Inlet Zoning Map**  
*Source: (Lamb 2011)*



The main requirement of the ordinance is the mandated permit and subsequent inspection by the Zoning Enforcement Officer. The reasons for the inspection are described as such: “non-owner-occupied rental dwellings may be inadequate in size, overcrowded and dangerous, and such rental dwellings pose hazards to life, limb, and property of residents of the Town, create blight and excessive vehicle traffic and parking problems, and overburden municipal services.” Issues like parking problems and over-occupancy are certainly tied to common concerns regarding STRs.

In the permit, the owner must also provide in the application water sample test results, a diagram of the property, the number of actual bedrooms with dimensions, and a \$125 fee with the permit. In addition to applying for a permit and passing a property inspection, an owner must also provide one parking spot per bedroom, provide a “local agent” if the owner is not a full-time resident of the town, and cannot place any rental signs on the property. The last step before final approval by the Zoning Board of Appeals is a public hearing within 62 days of submission of the application. Once issued, the permit is effective for five years before the owner must reapply through the same process with a reduced fee of \$75.

Something that this ordinance does not clearly define is the extent of the term *owner-occupied*. Per §9(B)(2)(IV) of the ordinance, “any building or structure, or portion thereof, which is used as an [owner]’s home or residence is exempt.” However, in the context of the Adirondacks where many homes are seasonal occupied, it does not clearly state if the home must be the owner’s legal primary residence. It also does not discuss if the owner must be present during the rental period, which is often used to define *hosted* vs. *unhosted* stays. The wording in this ordinance could lead to some questionable situations, in which an owner may not be sure if they are or are not supposed to obtain a permit.

It is important to note that the ordinance is significantly older than many of the other ordinances, dating to 2002. This is many years before the creation of Airbnb but is indicative that short-term home rentals are by no means a new phenomenon for Adirondack

communities. Twenty years later, the town of Inlet continues to operate with the same ordinance.

### **3.3.4. Queensbury, Warren County**

Although not fully within the Adirondack Park, the proximity of Queensbury to the Park and Lake George and its location on Interstate-87 makes the town appealing to visitors. Thus, it is not surprising that Queensbury passed an ordinance placing restrictions on STRs in 2020. Though the Town Board felt that the 2020 laws have been effective at controlling the downsides of STRs, in a bid to be proactive and address issues before they become unmanageable the Town began the process of reviewing its laws and proposing revisions (Freer and Bailey 2022). In March 2021, the Town Supervisor chartered an advisory committee to review existing policies and provide recommended modifications (Freer 2022a).

The existing regulations of STRs, outlined in the Town Queensbury General Legislation Chapter 115, are relatively basic and aim to ensure that STRs are safe for the occupants and minimally disruptive to neighbors. The requirements include smoke detectors, operational egress from every bedroom, maximum parking of 1.5 cars per bedroom, quiet hours from 10 pm to 8 am, and maximum occupancy of two people per bedroom plus two (Freer 2022a). Per Sec. 115-4, the owner must also provide the adjacent property owners a contact if they have any complaints about the STR. The current ordinance places no limits on the maximum number of nights a property may be rented and does not distinguish between *hosted* and *unhosted*.

With the assumption that the number of STRs in the Town is bound to grow, the advisory committee has spent the last year weighing different strategies and regulations that could prevent problem STRs before they happen. The advisory committee gathered input from a variety of stakeholders, including the general public, individuals who have been impacted by “full-time STRs”, STR owners, and law enforcement (Freer 2022b). Through

discussions with these stakeholders, the advisory committee developed four recommendations for additions or modifications to the current Law 115:

- Limit *unhosted* rentals to 120 days annually in residential areas. This recommendation was developed specifically to discourage investment properties, or “professional listers” as they called them, from changing the character of residential neighborhoods. What is not clear in the recommendations is what specific zoning districts will be used for this distinction. Currently, the STR ordinance is not within the Town’s zoning code, which may cause issues without changing where STR policies are defined (Freer 2022a).
- If the owner is not present during the rental, like an *unhosted* rental, the recommendation is to set a minimum length of stay of 5 days. The idea behind this is to discourage weekend party houses without impacting the use of STRs by longer-term visitors who are less prone to being disruptive. The minimum also reduces the turnover of visitors, which in turn reduces the “turbulence” of different people in the neighborhood. Town officials claim these “weekend warriors” who only arrive for the weekend are a primary contributor to issues in residential neighborhoods (Supardi 2022).
- Reducing parking requirements from 1.5 cars per bedroom to 1 car plus 1 per bedroom.
- Rewording the requirement for a local point of contact from “adjacent properties” to “properties within 100 feet of the property lines.” This was suggested in response to questions like whether properties across the street are considered adjacent.

In addition to these four recommendations, many other topics for inclusion in the ordinance were discussed. Although they are unlikely to be adopted at this time, results from the process reveal insights regarding various kinds of policies and how they were perceived by Queensbury.

Unlike many municipalities that currently have STR policies, Queensbury does not require owners to receive permits to operate. One participant in the process felt that permits

“legitimized and made it difficult to weed out bad actors,” and another raised concerns over sapping town resources to manage permits (Freer 2022b). The general thought was that data obtained by Warren County through the software *Host Compliance* by Granicus software could be used instead to look for STRs in violation of requirements. Similarly, a “3 strike rule” for violations was discussed, but such a process would likely require some form of permit and could lead to lengthy court cases.

It was also discussed by the advisory board to include inspections or other proof of adequate septic systems, similar to the ordinances of the Town of Lake George and North Elba/Lake Placid (Freer 2022b). Although this would have benefits to existing efforts to verify the integrity of septic systems near Lake George, the issue of Town resources and enforcement was raised. Minimum acreage requirements were also discussed, with no consensus. As with many existing STR policies, the topic of camping, tents, and other non-building dwelling units is not clearly defined in the ordinance. There was no clear decision on this front which highlights the difficulty of managing non-traditional dwellings.

On February 7, 2022, the advisory committee held a workshop with the Town Board to discuss the recommendations and determine how best to incorporate the proposed changes (Freer 2022a). The process then moved into review by the Town’s legal team, with a public hearing planned in the spring. In early July of 2022, the revised regulations were passed and are set to become effective January 1<sup>st</sup>, 2023 (Supardi 2022). A controversial element of the new ordinance is the new five-day minimum stay, though that requirement is only effective during the summer months. October through April, there is no minimum on the number of nights a property may be rented.

### **3.3.5. Town of North Elba/Village of Lake Placid, Essex County**

Of the over 100 Adirondack municipalities, the Town of North Elba and the Village of Lake Placid have been the most impacted by STRs. That is no surprise, as Lake Placid is among the largest tourist draws in the region, benefitting from proximity to the High Peaks,

access to numerous lakes, nearby Whiteface Ski Resort, and the continued association with the Winter Olympics. According to research conducted around 2014, 46% of tax bills in the Town and 26% in the Village are sent to addresses outside of the Town, suggesting a large number of properties owned by outside investors or as vacation homes (Rental Permit Study Group n.d.). Using data from AirDNA, approximately 20% of housing units in North Elba/Lake Placid were used as an STR between April 2021 and March 2022.

The Town and Village operate with a combined Land Use Code, which incorporates the regulations for STRs in the municipalities. In March 2020 North Elba/Lake Placid enacted their first version of their STR law. The law was contentious from its inception, and the ordinance was only passed by the Village Trustees with a tie-breaking vote by the mayor (Izzo 2020). Some highlights of the requirements of the ordinance, per Section 11.2 of the Land Use Code:

- Owners must obtain a permit before renting as an STR. This permit lasts 2 years.
- There may only be one permit per property, regardless of the number of dwelling units.
- Except in designated districts, properties may only be rented for a maximum of 90 days annually. Properties that are only rented with the owner present are exempt from this requirement if the owner can show that they live on the property for at least 184 days annually. Originally this applied to the Town and Village, but a few months after the initial law was enacted the law was amended to 120-days for properties outside the Village (North Elba Town Board 2020).
- The STR must be registered with the county for the collection of Occupancy Tax.
- Overnight camping or tents are not permitted on STR properties and may not be used to provide additional sleeping areas.
- Must set maximum occupancy as a function of the number of bedrooms, square footage, or septic system as applicable.
- The Code Enforcement Officer *shall have the right* to inspect the property if they feel an inspection is necessary.

- Adequate off-street parking must be provided, with a maximum of 1 motor vehicle per bedroom.

Despite having a cap of 90 days in the village and 120 days in the town, according to AirDNA data, in Lake Placid about 59% of STRs have been used as an STR *full-time*, meaning more than 180 days in the past year. Many of these rentals may be *hosted*, but it does suggest that the annual limits are not being adhered to by some properties.

A critical component of the ordinance is the permitting system. Per the Town’s “Short-Term Rental Permit Information” page on their website, to receive a permit a prospective STR owner must provide:

- An affidavit with the owner’s information, address, and tax map number. They also must certify a list of requirements, including that their insurance company is aware that the property is operated as an STR, that the building complies with fire and safety requirements, the number of bedrooms and bathrooms, number of parking spaces, and that the property is registered with the Essex County Treasurer for occupancy tax purposes.
- A site plan with the location of building features, parking spots, utilities, etc.
- A 24/7 emergency contact that is within 60 minutes of the property.
- Certificate of Essex County Room Occupancy Tax Registration
- Completed “Type of Short-term Rental” form (See Appendix XX)
- Proof of chimney clean-out and a Septic Inspection Report
- A copy of the property deed

When filing for the permit, there is a required fee. Unlike many municipalities that typically have a flat-fee structure, North Elba/Lake Placid scales the fee depending on the size of the property, as shown in the table below. In addition, if the annual rental period is fewer than 14 days, the property does not need to apply for a permit or pay a fee.

**Table 3.3 – North Elba/Lake Placid STR Fees**

<b>North Elba/Lake Placid STR Permit Fees</b>	
Studio/Efficiency – 2 Bedrooms	\$200
3 – 5 Bedrooms	\$500
6 – 8 Bedrooms	\$900
9+ Bedrooms	\$1,200

*Source: (Town of North Elba and Village of Lake Placid n.d.)*

The ordinance has had many opponents, in large part from STR owners who felt that the 2020 ordinance was excessive. In June 2020, about three months following the law's enactment, North Elba and Lake Placid were sued by a group of STR owners, claiming that their rights as property owners has been “violated” (Yates 2022a). Under the original law, the Code Enforcement Officer could inspect the STR property at any time without a warrant or reason, and the officer could “unilaterally” apply conditions to an STR permit. After nearly a year, a majority of the reasons for legal action were dismissed by the federal court. The remaining reasons would have required extensive documentation by the plaintiffs to prove financial loss due to the law, and thus they dropped their suit against the municipalities (Yates 2022a). The issue of unwarranted inspections was resolved by amending the law to require permission from the property owners.

Although the case was ultimately dismissed, it prevented any significant changes or amendments to the law. During the months that the case was pending, the Town and Village proceeded to consider future modifications to the law to address present and predicted issues regarding STRs (Yates 2022b). To provide adequate time to consider proper changes to the code, on March 1, 2022, the Town of North Elba passed a six-month moratorium on the issuance of new STR permits from March 8, 2022, to September 8, 2022. The Village followed suit with a similar moratorium. Proposed changes include adding “protected neighborhoods” in the village that would ban STRs to protect certain areas of the community from losing their perceived character (Yates 2022a). During the moratorium, the Town and Village plan to collect public feedback regarding where in the Town and Village STRs should be allowed and where they should be more restricted (Yates 2022c).

### 3.4. Summary of Policies

Communities have a lot of options when it comes to what kinds of policies they'd like to enact. As shown through the example communities, different kinds of policies are combined in an attempt to address the local issues. Below is a table summarizing which towns have implemented what kinds of policies.

**Table 3.4 – Summary of Municipal STR Regulations**

Municipality	Permits	Inspections	Max Days Annually	District Restrictions	Contact on Record	Hosted vs. Unhosted	Requires Taxation	Other
South Portland, ME	X	X		X		X		
Durango, CO	X			X		X	X	X
Nantucket, MA (Article 90)	X		X			X		X
Nantucket, MA (Current Proposal)	X	X						X
Stony Point				X				X
Tompkins County, NY							X	
Ithaca (Town)	X		X	X		X	X	
Cayuga Heights, NY	X		X			X	X	
Lake George (Village)				X				
Lake George (Town)	X	X		X	X			X
Inlet, NY	X	X		X	X			
Queensbury, NY (Existing)					X			
Queensbury, NY (Recommended)			X	X	X	X		X
North Elba/Lake Placid	X	***	X			X	X	X

\*\*\* North Elba/Lake Placid required inspections but following litigation has reduced inspections only to situations in which the Code Enforcement Officer believes there is a violation.

### 3.5. Policy Enforcement

Like many laws, these policies are only as effective as they are enforced. During a public presentation about STRs, Jamie Konkoski brought up the point that enforcement is



often the most difficult part of enacting STR policies, a sentiment that was shared by many others on the call.

Ideally, every prospective STR owner would be familiar with the requirements of any local ordinances and voluntarily apply for a permit, pay occupancy taxes, and conform with any other relevant policies. However, nothing is stopping a property owner from posting their home on a website like Airbnb or VRBO without going through the proper steps. Neither platform make an active effort to ensure that new postings comply with local regulations. In terms of public understanding of local policies, it may be difficult for property owners to understand what they can and cannot do regarding STRs. Requirements for things like building permits are relatively standard and expected in many jurisdictions, but STR policies are often newer and as shown in this report vary significantly between municipal approaches. These factors combined may lead an owner to approach STRs with a *don't ask permission, beg forgiveness* mentality.

This puts a large burden on local municipalities to track down STRs in their community and enforce violations of the local STR policy. An unrealistic option would be the local Code Enforcement Officer going house to house, inquiring if the owner rents the property as an STR. Of course, this would be immensely time-consuming and would have to be repeated periodically to capture changes, and owners are not always available. Another path would be the municipality logging into individual sites like Airbnb and VRBO to see what properties are available, but this is time-consuming and does not provide the information necessary for enforcement like address and the owner's direct contact information. Sites like *AirDNA* can provide a more comprehensive level of data for free and show any rental from the past year but are once again limited regarding specific address and owner info.

One tool that has evolved to address this problem is the software *Host Compliance* by Granicus. Unlike some other third-party programs whose target audience is investors, *Host Compliance* was developed for use by enforcement authorities. Similar software

products are offered by Harmari STR and GovOS. The program is not cheap, with the bill for the Village and Town of Lake George coming in at about \$7000 annually (Bailey and Barusch 2022). Despite the cost, many of the municipalities discussed in this report use *Host Compliance* or similar software, like Durango, South Portland, and Queensbury.

The cost of this software can be offset with permit fees. For the Town of Lake George, there were 114 STR permits, each with a \$100 permit fee (Bailey and Barusch 2022). A portion of those fees went to cover the cost of the software, with the remainder supporting the salary of the Code Enforcement Officer who manages the enforcement of STRs in the community. By using this software, the town can easily check for new STRs weekly, verifying if they have an active permit and are in compliance with local land use codes. If they are operating illegally, the information provided is adequate to find the owner to complete a permit or, if the STR is in a non-permitted zone, send a cease-and-desist letter. However, even with the software, there is still municipal effort required to adequately enforce. Although Host Compliance's team of analysts will flag non-compliant properties, the process of verifying a property address is manual and requires comparing a listing's photos to data from satellite images and real estate websites. In some cases, Host Compliance will require the assistance of local representatives to drive to the proposed location and verify in person if the property is correct.

Though this software is very accurate for determining locations, zoning districts, advertised occupancy, and annual nights rented a year, this software is unable to record information regarding conditions during an individual rental stay. For instance, it cannot capture whether a property was rented while *hosted* or *unhosted* since there is no information regarding the location of the owner during the visitors' stay. It can also not monitor the number of cars parked at the property or noise issues. There is a function on the Host Compliance software that allows anonymous complaints to be submitted by neighbors, but ultimately these violations will need to be monitored by local officers or other means.

Beyond the use of third-party software like this, there does not currently seem to be any universal means of enforcing STR ordinances across an entire municipality. Of course, property-specific violations like noise complaints, parking issues, and building code violations can be dealt with like any other property through traditional means like fines and house calls performed by local law enforcement officers. And just like any other building, enforcement of those requirements is imperfect but there are limits to how effectively a municipality can enforce local ordinances. In 2018, New York City's approach to enforcement made national news due to raids of illegal STRs carried out by the city police department, often impacting visitors who were not aware the apartment they had rented was an illegal listing (Barbanel 2018).

## **CHAPTER 4: Analysis/Recommendations**

Tom Knipe, Deputy Director of Economic Development at the City of Ithaca put it, describes short-term rental regulation as a “menu of options.” As shown throughout the example communities, there are numerous kinds of STR policies, and each can be tweaked according to local needs. Although Adirondack communities share many similarities, there remain distinct differences that impossible to make one list of *best policies* that will apply equally to every place. Each community will need to think about what they are hoping to achieve by passing short-term rental ordinances.

There are countless questions that a community should ask itself when considering STR policies, including but not limited to those posed below:

- Where in the community are STRs a problem?
- Have STRs negatively impacted conventional lodging options in the community?
- What is the enforcement capacity of the municipality?
- Does the community have an existing land-use or zoning policy?
- Do existing ordinances already address STRs in some capacity?
- Are current STRs owned by community members, or by outside investors?
- Are STRs currently included in occupancy tax collection?
- How quickly is the number of STRs growing in the community?
- What are the other perceived threats to the local housing market?

Depending on the answers to these questions, various kinds of policy choices could be appropriate. For instance, if STRs have only been an issue in localized areas of a community, then perhaps using zoning districts to target specific areas is an effective strategy. If a community has a high number of owner-occupied STRs but is concerned about outside investors, maybe policies that differentiate *hosted* vs. *unhosted* are appropriate. If a jurisdiction doesn’t currently have zoning, then it may be limited to policies that include building inspections and tax collection. Rather than looking at the

policies themselves, it may be beneficial for a community to frame the discussion by what issues they hope to address and implement policies that may have an impact on that issue. If a community feels that traffic and noise are the primary issues, then it will need to look at a very different set of ordinances than a community where the main concern is out-of-town investors. The chart below aims to provide a glimpse of how that issue-driven discussion can be framed.

**Table 4.1 – Recommended regulation for different issues**

<b>Lack of Information/Enforcement</b>	<b>Loud Parties/Nuisances</b>	<b>Hurting Hotels/Motels</b>
Require Registration or Permits Fire Safety Inspections	Place minimum stay-limits Owner-occupancy requirements Limit to non-residential zones Parking mins/max	Treat STRs like a business County-Level bed tax Fire Safety Inspections
<b>Rising Home Prices</b>	<b>Loss of Long-term Housing</b>	<b>Too Many Investors</b>
Lower profitability Limit to specific zoning districts Limit density or #	Maximum days/year Owner-occupancy requirements Limit density or # Restrict to ADUs	Lower profitability Treat STRs like a business Local-ownership requirements Cap on # of properties/owner

This chart is not exhaustive and there may be other issues that a community is attempting to address. There is also a chance that a community is concerned with all these issues and more, in which case the solution may be a very comprehensive set of regulations that requires multiple revisions over the years. Some types of policies will apply to multiple issues, and it is important to consider the interplay between different elements of the final STR policy.

There may also be limits to what sort of regulations can be passed depending on existing land-use codes, enforcement capacity, and the public view of STRs. Importantly is the consideration that complete bans of STRs are often very unfavorable in the public eye and eliminate some of the benefits that STRs provide a community. Some of these topics will be explored in the following sections.

#### **4.1. Permit Requirements and Enforcement**

A majority of the studied municipalities rely on permits and the associated documents as the backbone of their STR ordinances. There are advantages to permits. One is the ability to monitor existing short-term rentals and have a method of monitoring the change in rentals throughout the community. Even without passing more comprehensive STR policies, having information on rentals is critical to understanding if there is a need for such ordinances. Of course, even simple monitoring takes staff time, so another advantage of permits is the ability to incorporate a permit fee, which can help cover the administrative costs. Where there are many STRs, like in Lake George, those fees may also contribute to the cost of monitoring software like *Host Compliance*. As shown by North Elba/Lake Placid, these fees can be set on a sliding scale depending on the size of the property. Different fee structures could be implemented for different types of STRs, like *hosted* and *unhosted*, lessening the burden on small-scale homeowners looking to supplement income versus for-profit STRs. Permits also allow a means of ensuring certain minimum standards for STRs, especially around fire and safety requirements. A major benefit of permits is also keeping track of what property is an STR and who owns the property, something critical for other policies like taxation. Some specific ordinances, like Durango's street-segment requirement, would not function without a permit system for record-keeping.

However, there are also significant drawbacks to requiring permits that a community must consider. First is that permits create significant paperwork and administrative burden. For a small community without full-time Code Enforcement Officers or planning staff, which is many Adirondack Towns, the extra work of handling permits may be excessive if permit fees cannot cover the cost of the additional staff time. Permits also only capture properties that are already amenable to operating by the local laws. Without third-party software, the most problematic STRs are more likely to ignore permit requirements and attempt to fly under the radar.

For this reason, permits and enforcement go hand-in-hand. As discussed in section 3.5, most communities have only had success enforcing STR ordinances when using expensive software like *Host Compliance*. Although it may make sense for a larger town like North Elba to spend thousands of dollars to purchase a license for the software, a smaller town like Lewis is likely operating with too tight of a budget to manage that expense. One solution may be pooling resources between towns to manage enforcement. Lake George Village and Town benefit from having the same Municipal Planner, who is subsequently able to monitor both municipalities. Perhaps this idea should be expanded on, and towns and villages in the park can opt into a county-based enforcement program. On an even bigger scale, perhaps a cross-county regional license with a full-time enforcement officer working specifically on STR policies could be a possibility.

#### **4.2. Taxing STRs**

Regardless of whether a short-term rental is someone's spare bedroom, or a mansion rented out every weekend of the year, they are almost always a means for the owner to generate income. For most businesses, like restaurants, retail stores, or hotels this means applying for local business licenses and paying the relevant sales or occupancy taxes on any revenue generated. Especially when one considers that STRs compete with conventional lodging for guests, it makes sense that they should be taxed equally. Though the owner of an STR may be reporting their income to the State and Internal Revenue Service, there is significant missed income for the local municipality and county when STRs are not treated like any other business.

As discussed in Section 3.2.4, the authority to collect occupancy tax in New York typically lies with the county. However, many counties either do not collect taxes from STRs or enforcement is lacking such that many owners do not pay the required tax. Calculations performed by Tom Knipe, the Deputy Director of Economic Development for the City of Ithaca estimate that Ithaca was missing out on \$286,448 annually without a 5%

local occupancy tax. Similarly, according to data from AirDNA, the average monthly revenue for an STR in the Town of Inlet from April 2021 to March 2022 was \$3,087. Only factoring for the 31 STRs that were rented more than 181 days in that time, that is on average \$95,967 a month or \$1,148,364 of revenue annually. If the county occupancy tax rate is 5%, that is \$57,418 of possible revenue only from those 31 STRs. Expanding that to include STRs with fewer rental nights or to include the entire county, there are hundreds of thousands of dollars of revenue available to municipalities that could be put towards both enforcement of STR policies and other issues in the communities.

Applying that analysis to the county level shows the large sum of money that may be missed without adequate tax policy and enforcement. According to data acquired by Adirondack Explorer, in 2021 Essex County Airbnbs generated \$20 million (Leon 2022). With Essex County's 5% tax, that means the county should have collected \$1 million from just Airbnb stays alone. For the budget of a rural county, that is a significant amount of revenue. Some people, like Jim Siplon of the Warren County Economic Development Corporation, see that potential revenue as funding that could go towards funding affordable housing to counter the negative impacts of the rentals.

Although it seems obvious that for-profit STR businesses should pay their fair share of taxes, there may be those who feel taxing homeowners who occasionally rent their space is excessive. The average resident may not fully understand how to properly pay occupancy tax, especially if they count the income as personal income on their state and federal taxes. Therefore, it may be reasonable to set a threshold that rentals below a certain frequency are exempt from filing occupancy tax. North Elba/Lake Placid has essentially done this, by not requiring rentals under 14 days a year to file for a permit. Since they do not file a permit, they are also not required to complete the Essex County occupancy tax form.

Unfortunately, it appears that Airbnb and other online platforms are unlikely to continue baking those local taxes into online bookings as they did in Tompkins County. Instead, the responsibility will fall to municipalities, counties, and individual owners to



ensure that any tax requirements are properly enforced. In theory, this should be no different than taxing any other business. Like Tompkins County, the effort may require slight modifications to the county tax code. In others, it may be a matter of enforcing existing tax policies. Requiring business licenses like Durango may also streamline the record-keeping process. Though this will take effort and coordination between multiple jurisdictions, the potential revenue, and the impact on equalizing the playing field between STRs and conventional lodging seems to be reason enough.

#### **4.3. STR Ordinances in the Zoning Code**

It is important to consider that short-term rentals are a property *use*. Just like using a property as a retail space, a theater, a factory, or a hotel, using a property as a short-term rental has characteristics and externalities that are different than conventional residential uses. For over a century, zoning codes have been the prevailing model for regulating the use of properties throughout the United States. The origin of zoning has its roots in controlling nuisances, like noise, traffic, and pollution. Though STRs may not contribute significantly to the pollution category, the case studies show that issues like noise and traffic are common in many communities hoping to address STRs. Zoning has also evolved to encompass other metrics relevant to STRs, like parking requirements, building size versus occupancy, and density requirements, and thus provides the framework to enact controls on STR properties.

It is no surprise then that many of the case study communities have enacted STR regulations through an amendment to the existing zoning ordinance. An advantage of this method is the ability to regulate STRs on the same standard as any other use in the jurisdiction, reducing legal challenges in some cases. As shown in many of the examples, this approach allows STRs to be more restricted in certain zoning districts, especially residential districts. This approach has been used in the Town and Village of Lake George and South Portland to concentrate STRs in commercial districts. The Town of Ithaca uses a similar approach to provide special permissions for lakeshore properties, in part to allow for

historic use as rentals but also to appease lakeshore owners who were against the new STR ordinance. The power of wrapping STR ordinances into zoning policy is apparent and should be considered as a possible avenue for communities considering policies.

However, zoning is not the only option. The Town of Queensbury passed STR regulations as a general town ordinance despite having an existing zoning code. For the existing regulations, this appears to have functioned adequately since the regulations treat all properties the same, regardless of location. The Queensbury ordinance also avoids many other regulations that are typically found in zoning codes, like the minimum lot size or the number of dwelling units on the property. However, this approach may make enacting some proposed changes to the existing policies difficult. As discussed in Section 3.3.4, among the recommended changes is to add additional requirements for STRs in residential districts, to protect the character of those neighborhoods. This is similar to the rationale for South Portland's ordinance, but since the Queensbury ordinance is not within the zoning it may be more difficult to restrict STRs in residential districts, and instead, they must find a blanket policy that balances the needs of the entire community.

It should be considered that many Adirondack communities do not currently have a zoning code beyond the limited zoning of the Adirondack Park Agency (APA). An online assessment of the Adirondack Towns and Villages that are wholly or partially within the Adirondack Park revealed that only 58 definitively have active zoning ordinances. The remaining municipalities either don't have zoning ordinances or existing zoning codes could not be found online. Many of the towns without zoning are sparsely populated or lack a significant hamlet center, and thus may not be communities in which STRs are problematic. Communities like Long Lake and Keene do have significant hamlets and are notable tourist destinations but lack any zoning code. They likely have other means of land-use control, like site-plan or subdivision review, but these cannot deal with the nuanced issues of STRs. Should these towns want to enact policies regarding STRs, they may be limited in the kinds of regulations that can be enacted as a general ordinance independent of a formal zoning

ordinance. In 2021, the Town Supervisor of St. Armand, north of Saranac Lake, publicly stated that he felt that enacting a zoning policy for the town would be critical in the face of growing STRs. “I think the time is nigh because if we don’t do something, especially with Airbnb and short-term rentals, I see a lot of problems,” said Supervisor Winemiller on this topic (Cerbone 2021).

Passing comprehensive zoning reform takes time and effort that not every community may have available, and in that time STRs will continue to have an outsized impact throughout the Adirondacks. Due to the advantages, communities with existing and up-to-date zoning should consider taking advantage of the comprehensive nature of zoning to implement the desired STR policies. However, for those communities lacking zoning, STR policies will be limited to general ordinances that lack the nuance afforded by zoning codes. To those communities, the STR issue may be another factor in passing official zoning legislation.

#### **4.4. Avoiding Complete Bans**

As discussed in sections 2.1 – 2.5, short-term rentals do have the potential to impart positive impacts on a community. In addition to the potential tax revenue, they increase the number and diversity of visitors to a region supporting local businesses. They of course are also seen as a benefit for many homeowners who wish to supplement their income by renting out portions of their property or their home when they are not present. Completely banning or over-restricting STRs may not only incite severe protest from a portion of residents but would also eliminate these positive benefits.

There is also the issue that enforcing a complete ban will mean expenses on staff time and likely a costly subscription to one of the various monitoring platforms. Host Compliance costs Nashville, TN \$250,000 annually for a four-year contract, and Garden Grove, CA pays \$16,000 annually, not including staff hours (Council 2020). Garden Grove has a complete ban on STRs, so except for any revenues from fines on illegal STRs the city

loses that money to prevent STRs. However, Nashville was able to recoup that price of monitoring by increasing the STR tax revenue from \$4.1 million to almost \$7 million following the implementation of Host Compliance. With this in mind, jurisdictions should not be asking “how do we eliminate short-term rentals,” but rather they should consider how to reduce the negative externalities of STRs.

#### **4.5. Working Regionally With the APA**

The Adirondacks are a distinct region not only because of shared traits like natural amenities and cultural identity but also because the region is legally defined by the boundary of the Adirondack Park. The Adirondack Park Agency (APA) has legal authority over land-use issues within the park but has limited exercise of that power mostly to density zoning and protection of environmentally sensitive areas. But if STRs are viewed as a land-use issue then it could be seen as a topic that the APA should be concerned about, whether through support of local communities or enactment of new regional policies. A move towards addressing housing concerns like STRs would be in line with the growing sentiment within the APA that the housing shortage is something it should work towards solving. The most recent member of the APA, Benita Law-Diao, was asked in an interview with North Country Public Radio what she believes is the most important issue in the Adirondacks right now. Her response was that she’d “like to work in collaboration with local government and stakeholders to understand what impediments there are to building affordable housing” (Russell 2022). There are many ways that the APA could be more involved in housing, and specifically in the impact that STRs have on available housing.

As discussed, programs like *Host Compliance* are integral to accurately enforcing many available STR policies. However, the cost for the service and the cost to maintain staff to work with the companies is significant, especially for smaller communities. Warren County has attempted to implement a county-wide *Host Compliance* license, though according to Lake George Director of Planning, Dan Barusch, there is currently a lack of

communication between the county and communities regarding how that data is used. It does show the possibility that an agency like the APA could purchase a license for monitoring software on behalf of communities, and work with them to provide information regarding number of active STRs and violations. The APA could hire a dedicated staff member with a focus on STRs, including working with local communities on developing policies and working with the monitoring software. There would still be a need for local enforcement but having a designated regional staff person would reduce the administrative burden to the towns and villages.

In addition to monitoring, the APA may also have authority to pass STR policies directly that apply to the entire 6-million acres of the Park. Similar to the existing zoning policies regarding density of structures, enacting laws at the APA level would mean that every community in the Park would have some level of control over STRs regardless of local ordinances. However, a blanket law that applies to the entire region would not allow for the nuance that every communities requires, and may lack fall short of what some communities need. This approach would also likely be wildly unpopular throughout the park and would likely result in significant public push-back. There is a history of negative feelings towards the APA from residents throughout the park who feel that the agency unfairly controls the use of their property without significant public input. More than at the community level, enactment of STR policies by the APA would need to be very carefully executed in order to find the balance between adequate regulation and public opinion.

#### **4.6. Innovative Solutions**

A well-written ordinance will eliminate many negative externalities and the most problematic issues while permitting the benefits of STRs to continue. Communities should work to not just copy the ordinance of another jurisdiction, but rather think innovatively about how they can craft a nuanced ordinance that brings the most benefits and upsets the fewest people.

Take the positive impact that STRs have on off-season visitation. Most Adirondack communities experience the most visitation from May – September, and maybe in the winter if they are tied to snow-based recreation. In the fall, spring, and portions of the winter visitation drop off, leading businesses to close or reduce hours temporarily. This in turn creates unsteady job markets for employees and diminished amenities for locals. However, STRs provide cheap options for those looking for an escape to the Adirondacks, not just for good weather but for a chance to be in a different environment than usual. Especially in the off-season, STRs may be cheaper than hotels due to the increased number of vacant seasonal homes, or those hotels may close due to the higher overhead costs. Banning or over-restricting these STRs that operate in the off-season would eliminate the economic boost during a much-needed time of year.

Conversely, summertime is a very popular time in the Adirondacks, and demand for rentals is high. This is good for local businesses, but also good for STR owners looking to make a profit. The chart below shows the estimated monthly revenue of an STR in Lake George according to AirDNA data. An STR makes nearly three times as much in August as it does in January. An investor looking at purchasing property in the Adirondacks can absorb the lower revenue in the winter knowing that in the summer the profits will increase dramatically.



**Figure 4.1 – Seasonal Change of STR Revenue in Lake George**

*Source: (Airdna.com)*

If a community is looking to control for-profit investment STRs, it may be wise to restrict the ability to generate huge summer-time profits. Similar to how Queensbury places minimum night requirements in the summer but relieves that restriction the rest of the year, a community facing significant investment pressure might benefit from having stricter restrictions during the most profitable time of year. By eliminating this summer profit, investors may not be able to justify the purchase of an additional property.

However, two benefits remain if restrictions are reduced in the off-season. First is the continued boost to off-season visitation. Though some STRs may leave the market, homes that are not purely profit-driven, such as owner-occupied properties, can still collect supplemental revenue in the off-season. Important, especially for the politics of passing STR ordinances, this seasonal model is less likely to upset season homeowners – a group that is significant in many Adirondack communities. This category of owners was a core opposition to the Town of Ithaca ordinance since they had grown accustomed to renting their homes when they were either at their primary residences or away in the winter. By considering a more nuanced season STR policy, some benefits remain while the issue of investors is mitigated.

Another positive impact of STRs is the leverage they have had on the rehabilitation of long-underutilized properties, especially downtown mixed-use buildings. As discussed in section 2.5, an example of this is the Remington Block in Chestertown, NY. This building received a significant rehabilitation in the early 2010s, restoring the exterior of a historic building and creating space for a successful restaurant on the main street. The second story of the building has been converted into an up-scale STR. Though many community members likely would have preferred a long-term apartment be built upstairs, the property owners are likely receiving more revenue with the STR model. The fact that the building was not rehabilitated until a time when STRs had become common suggests that the expected additional revenue from the short-term rental model made the project possible. Without that ability, the building may have continued to sit in disrepair. Similarly, in the

recent Tupper Lake Downtown Revitalization effort, some of the proposed mixed-use projects feature short-term rentals on the upper floors of the downtown buildings (Village of Tupper Lake 2022). Interestingly, one of these projects proposes two market-rate apartments in addition to the short-term rental. This shows that property developers want a diverse portfolio and that they may not want to only develop STRs.



**Illustration 4.1 – 87 Park Street, Tupper Lake**

*Source: (Village of Tupper Lake 2022)*

Property rehabilitation is critical to the health of the historic downtowns of the Adirondacks. Any project that creates an appealing-looking building and productive first-floor commercial space is critical to the well-being of a downtown area. These examples show that STRs have the benefit of encouraging developers to rehabilitate these spaces that often have been vacant or underutilized for years. By banning STRs, the ability of developers to feel assured of positive returns may decline. However, downtowns need more than just commercial uses and STRs. True mixed-use means long-term residences and small-scale office space as well. A way to balance the impact of STRs on downtown development may be to apply a cap to how much space in a building can be dedicated to STRs. Similar measures have been implemented in zoning laws to control residential uses in mixed-use



districts, like capping non-commercial uses at 50% of the building area or restricting non-commercial use to the upper floors of the building. Similarly, a local STR ordinance may include a requirement that a building can be no more than 33% of the floor area. Or that in multi-unit buildings, only one unit can be an STR for everyone's long-term unit. In this way, developers can still keep diverse and profitable uses in their development estimates while preventing a complete overrun of STRs. Even outside downtown areas, a similar ordinance could limit STRs to properties with more than one unit on the premises, with the other unit set aside for owner-occupancy or long-term rental.

#### **4.7. Additional Thoughts**

One way to handle the issue of second-home ownership might be requiring minimum ownership before a property can be used as an STR. This kind of requirement would likely prevent investors but would permit long-term snowbirds to rent their homes. By setting a minimum ownership period, a majority of second-home owners could rent out the house while not occupied, increasing the overall number of visitors to the community, but would deter people from buying a second home *because* they can pay for it with the STR income. Proof of ownership could be tied to the deed or title for the property, showing the owner's name and date of transfer. Since these are documents maintained by the county, they are easily accessible and easy to verify. There could be exceptions for properties transferred between relatives or other special situations if the municipality felt it was necessary.

The use of street segments and density requirements used by Durango may be effective to maintain neighborhood character. However, the first-come-first-serve nature may upset property owners who are later to sign-up for a permit and could open a municipality up to lawsuits about unequal treatment. A combination of different policies, especially those that limit the annual limit for rentals or set residency requirements may have a similar impact on spreading STRs throughout a community without forcing the issue.

Another issue that may alleviate the pressure on the housing market, allow unique lodging options with STRs, and permit property owners to supplement their income would be clearer permissions for accessory dwelling units. Some Adirondack communities address ADUs in their zoning codes, but many are silent on the topic. Some ordinances, like Cayuga Heights's, will consider an STR *hosted* on the condition that the owner is on the property, not necessarily in the dwelling unit. This arrangement allows for the appeal of STRs, which is that they are often rentals of entire dwelling units but allow an ordinance to either require or encourage owner-occupied situations. ADUs have the bonus of generally increasing the number of dwelling units in a community, which can have the advantage of alleviating the shortage of long-term housing options.

Lastly, any local law should be the reflection of local needs and perspectives. Municipal officials should listen to their community members in addition to looking at just data and economic impact. However, listening to the community is always easier said than done, and public outreach is difficult. As shown in Nantucket, STR laws can have the largest disruption to non-residents, whether they are second-home owners or investors (Taylor 2021). This situation is not unlike the Adirondacks, where seasonal residents represent a large portion of the property owners. It will be up to the local representatives to judge how to weigh the opinion of a part-time resident to those year-round residents who maintain the community that visitors find so attractive.

## **Conclusion**

Short-term rentals are a growing presence in the Adirondacks and barring drastic action to ban them throughout the region are here to stay. In the Adirondacks, the importance of tourism to many local economies means that complete bans could have rippling effects on local businesses and property owners. However, as shown through the case studies there are no clear “best practices” for how a community should regulate STRS. Before rashly passing strict restrictions on STRs, a community should first determine if they are even a significant issue in their community and what kinds of STRs are being operated. Not every community faces the same pressure as Lake Placid, and in many communities, a majority of STRs may be local homeowners looking to make extra income. Community members should be consulted, and local capacity to enforce laws analyzed before any ordinance is passed. Only then should a community invest the time and effort into determining the right combination of policies that addresses their biggest issues while allowing those positive impacts to persist.

Many factors could not be adequately explored at the regional level in this report that a local community may be able to determine. With better regional real estate data, the true impact that STRs have on housing could be determined by comparing the increase in home and rental prices in areas with more STRs compared to areas with fewer STRs. Without that regional data, local communities may be in a position to discuss home sales and the intentions of buyers with local real estate professionals to better understand the local impact of STRs on home prices. The purchase price of real estate is not the only value that those writing these ordinances should consider. It is important to acknowledge the group that may suffer the most from short-term rentals – those dependent on long-term rentals to stay in the region. Although income from STRs can help some homeowners afford their homes by supplementing mortgage costs, STRs do nothing to help individuals who must rely on long-term rentals and are not in a position to purchase a home. Instead, the opposite is true. It is

accepted throughout the region that STRs both decrease the availability of and the price of long-term rentals. Many of these renters are the people who work the restaurants and stores that visitors come for or are employed by key community services like schools and local government. Many of these residents are here year-round but are unable to save to buy a home within their community.

Short-term rental policies are the focus of municipalities beyond only the Adirondacks, and over the next few years there is bound to be a growing set of example ordinances. At the same time, as more municipalities place limits on STRs there are bound to be numerous law-suits levied against local governments working to protect the interests of their residents. How these inevitable legal battles resolves will have incredible impact on the ability of governments to regulate STRs. Beyond the work being done by local municipalities, states have begun questioning how to deal with STRs. Currently Bills A6003 and S5665 are in committee in the New York State Assembly and Senate (Fahy 2021). This is the third iteration of a bill to be presented to the New York State legislature. Among the numerous requirements posed in the bill, it would at the state level define short-term rentals, require taxation collected through the hosting platforms, require hosts to register their rental with the Department of State. Whether or not this bill passes it shows that there is momentum to enact change to the way short-term rentals are governed.

## APPENDIX A

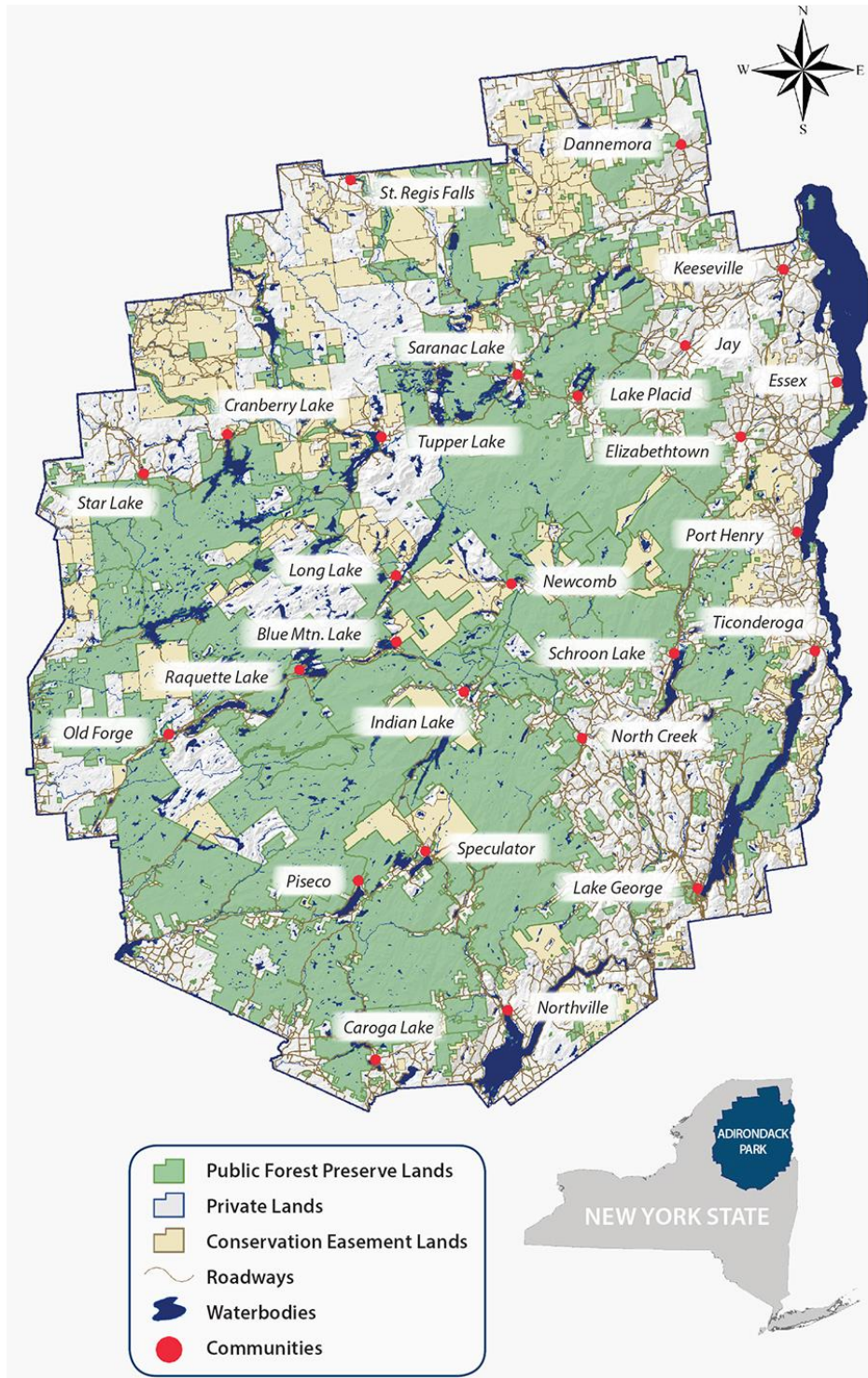
### Definitions:

- **Accessory Dwelling Unit (ADU)** – Typically a legal dwelling unit with a sleeping area, food preparation area, and a bathroom that is independent of the main dwelling unit on the property. ADUs may or may not be attached to the main structure on the property but are usually distinctly smaller than the main dwelling unit. Local municipalities often have specific definitions and regulations regarding ADUs.
- **Adirondack Park Agency (APA)** – A government Agency established by New York State in 1972 to oversee land use within the Adirondack State Park. Most known for the APA Land-Use Classifications which act like zoning districts focused on regulating the density of development outside of designated hamlet zones.
- **Adirondack Park/Adirondack Mountains** – A rural and mountainous region in northern New York State with numerous lakes and large tracts of uninterrupted forest. The region has a long history of tourism and vacation homes. Approximately 6 million acres of this region are within the Adirondack State Park, a mix of private and protected state-owned land. Lands within the Adirondack State Park are subject to additional zoning requirements as set forth by the Adirondack Park Agency.
- **The Blue Line** – A term for the boundary of the Adirondack Park, based on the original map of the Adirondack Park on which the land was demarcated with a blue-colored line. Places are often referred to as being *inside* or *outside* the Blue Line.
- **Conventional Lodging** – Commercial businesses like hotels, motels, formal campgrounds, bed and breakfasts, hostels, and boarding houses provide lodging on a nightly basis to travelers and other transient occupants for monetary compensation. These businesses are typically subject to licensing, tax, and health-safety requirements as set by State and Local Governments.
- **Hosted STR** – A short-term rental that is rented typically while the owner is simultaneously occupying the property or adjacent property. This may include a bedroom, dwelling unit in an owner-occupied multi-unit building, an ADU, or other dwelling units on the property.

- **Investment Property** – A short-term rental that is established by the owner, whether an individual or corporation, with the primary purpose to be a revenue stream. This can be distinguished from owner-occupied or second/vacation homes, where the STR function is secondary to the owner’s personal use of the property.
- **Local Government** – County, Town, City, or Village government depending on the context.
- **Long-term Rental** – A dwelling unit that is rented for an extended period, typically exceeding one month at a time, in exchange for monetary or other compensation.
- **Off-season** – Term used to describe times of the year in a community when there are fewer visitors, thus less demand for lodging and other services. This varies depending on the community, but for many Adirondack communities, November/December and March-May are considered the *off-season*.
- **Second/Vacation Home** – A property owned by an individual or collection of individuals for personal use for a portion of the calendar year. The owner’s legal and primary residence is a different property.
- **Short-Term Rental (STR)**– A dwelling unit that is rented for monetary or other compensation for a distinctly shorter period than a traditional long-term lease may include. This period is typically considered less than one month, though the legal definition of “short-term” will vary according to the municipality. Hotels, motels, formal campgrounds, bed and breakfasts, boarding houses, and other conventional commercial lodging options are typically not included.
- **Snowbird** – A term used to describe typically retirees who live during the warm months of the year in the northern portions of the country, but who live in warmer regions during the winter.
- **Vacation Rental** – See Short-Term Rental
- **Unhosted STR** – A short-term rental that is rented without the owner present on or adjacent to the property.

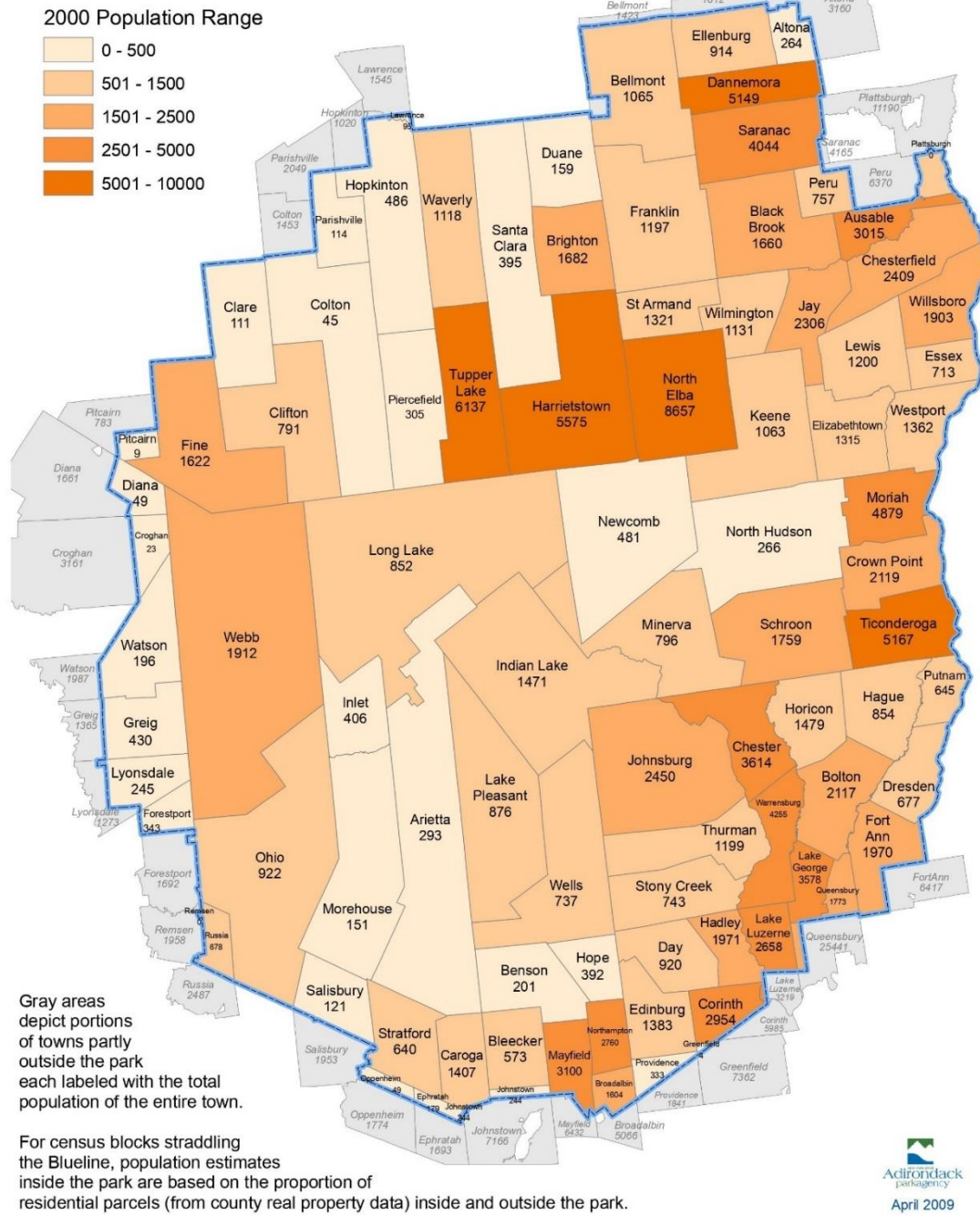
APPENDIX B

Maps of the Adirondacks



Map of the Adirondacks with Population Centers Hamlets (Adirondack Council 2022b)

## 2000 Census Population of Towns Within the Adirondack Park With Estimates for Census Blocks Straddling the Park Boundary



***Adirondack Towns with Population Estimates, circa. 2000 (Adirondack Park Agency 2009)***



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