



The City of Buffalo Common Council

1413 City Hall
Buffalo, NY 14202

ADOPTED

AGENDA ITEM 25-524

Meeting: 04/01/25 02:00 PM

Department: Common Council

Category: Ordinances

Prepared By: Sean Depue

Initiator: Sean Depue

Sponsors: Bollman, Rivera, Halton-Pope, Nowakowski

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**Halton-Pope, Bollman, Nowakowski, Rivera, Everhart - Ord
Amend Chap 380 Short-Term Rental Housing**

HISTORY:

03/18/25	Common Council	REFERRED TO LEG
03/25/25	Legislation Committee	RECOMMENDED APP

RESULT: APPROVED

By: Councilmembers Halton-Pope, Bollman, Nowakowski, Rivera

ORDINANCE AMENDMENT

Chapter 380 Short-Term Rental Housing

The Common Council of the City of Buffalo does hereby ordain as follows:

That Chapter 380 of the Code of the City of Buffalo, adopted pursuant to law is hereby amended to read as follows:

380-7. Short-Term Rental License [and Certificate] Required.

A. Short-Term Rentals Allowed Within the City of Buffalo:

1. Owner Occupied Short-Term Rentals are allowed [as of right] with a Short-Term Rental Certificate throughout the City of Buffalo except in N-4-30, N-4-50, D-IL, D-IH, D-OS, D-OG, D-ON, D-R & C-R zoning districts.

2. Non-Owner-Occupied Short-Term Rentals are [not] allowed with a Short-Term Rental Certificate in [without a special use permit] N-2C, N-2E, N-1D, N-1C, N-1S, D-E, D-S, D-C, D-M, N-3C, & N-3E zoning districts.

Ownership interests in any business entity that has previously obtained a special use permit for a non-owner-occupied Short-Term Rental Certificate shall be disclosed by the applicant in their application filing.

Any limitations added pursuant to this amendment shall not apply retroactively to any individual or business entity that was lawfully operating a Short-Term Rental(s) prior to the enactment of this amendment, so long as there are no substantial changes to the Short-Term Rental's current operating model.

3. Owner-Occupied and Non-Owner-Occupied Short-Term Rentals are not allowed in N-4-30, N-4-50, D-R, D-IL, D-IH, D-OS, D-OG, D-ON, & C-R zoning districts.

Non-Owner-Occupied Short-Term Rentals are not allowed in N-2R and N-3R zones.

Potential applicants shall reserve the right to obtain Zoning Board of Appeals approval for a use variance if they seek to operate a Short-Term Rental within the above-listed zoning districts. If granted approval from the Zoning Board, such applications shall proceed to the Common Council for final review and determination on the special use permit.

[4. Non-Owner-Occupied Short-Term Rentals must first obtain a special use permit coupled with a Short-Term Rental certificate. The special use permit coupled with a Short-Term Rental certificate will be sufficient to grant such applicant a license to operate a Non-Owner-Occupied Short-Term Rental throughout the City of Buffalo, unless otherwise ineligible pursuant to Chapter 496 § 11.3.3 of the UDO.]

4. Short-Term Rentals are not allowed in multiple [residential dwelling units] unit dwellings such as apartment buildings, co-ops, condos, 3-family units and other similar properties. Multiple unit dwellings are subject to Lodging House licenses and are referenced in Article 6 of the Unified Development Ordinance (Chapter 496 of the City of Buffalo Code).

5. Properties may only be used for the purpose of Short-Term Rentals if the City has issued a Short-Term Rental Certificate. Properties used for the purpose of Short-Term Rentals shall be subject to an annual inspection to determine compliance with the housing code.

[7. Non-Owner-Occupied Short-Term Rental is only allowed as provided pursuant to Chapter 496 of the Unified Development Ordinance (UDO) Table 6A LODGING-Bed/Breakfast. A maximum of two (2) adults and one child per room shall be allowed at a time.]

6. No more than two (2) dwelling units per building may be used as Short-Term Rentals.

7. Occupancy limitations per Table 404.5 of the 2020 Property Maintenance Code of New York State.

8. Prior to the submission of a special use permit for a non-owner-occupied Short-Term Rental to the Common Council, the Department of Permit and Inspection Services shall determine whether any housing court proceedings have been commenced against the applicant with respect to the property in question or any other properties located within City limits, or whether there have been any housing court convictions rendered against the applicant. The Department shall enclose its findings with the application upon its submission to the Common Council.

B. Additional Review Required in Local Historic Districts: When assessing short-term rental applications for owner-occupied or non-owner-occupied Short-Term rentals located in local historic districts, the following additional factors shall be weighed by the [Common Council] the Planning Board and written findings of facts on the following must be made before approving the use:

1. The intended use will be designed, maintained, and operated in a manner that complements the surrounding area, ensuring it does not hinder the development, use, or enjoyment of neighboring properties in any foreseeable way.
2. Utilizing the property as a short-term rental will not impose undue burdens on the property itself, the character of the community, or the historic district.
3. The applicant has shown compliance with local historic preservation guidelines relative to the maintenance and upkeep of the property.
4. The dwelling unit is situated outside of a single-family neighborhood. See UDO § 1.2.2 for definition.
5. Convenient living arrangements are available near the historic district, catering to the needs of visitors, such as hotels and other existing short-term rentals.

B.1 Failure to provide such [information] written findings shall be grounds to deny a short-term rental dwelling unit registration certificate.

C. The Department shall issue a short-term rental unit registration certificate to an owner who provides valid identification, proof of lawful ownership, an application furnished pursuant to § 380-11 that has been completed and signed under penalty of perjury, an affidavit of compliance furnished pursuant to § 380-12 that has been completed and signed under penalty of perjury and has satisfied all requisite conditions and stipulations required by this chapter.

380-8. Term.

Term. [A] Short-Term Rental [dwelling unit] certificates issued pursuant to this chapter shall expire [one (1) year after its issuance] on December 31st of each year, unless sooner revoked pursuant to § 380-17. Within 30 days prior to the expiration of a short-term rental [dwelling unit] certificate, the licensee shall receive a renewal invoice from the Department. The Short-Term Rental certificate shall be renewed upon payment of such invoice and inspection of the property. [owner shall make written application for a Short-term rental dwelling unit certificate in accordance with § 380-11 of this chapter. In no event shall a Short-term dwelling unit certificate be issued pursuant to this chapter remain in effect more than one (1) year. after the date of issuance unless further extended by the Commissioner for sufficient cause.]

380-9. Conditions.

Owners seeking to obtain a Short-Term Rental [dwelling unit] certificate for rental properties subject to this chapter must meet the following conditions:

- 1) The property must pass an exterior and interior rental unit inspection conducted by the Department of Permit and Inspection Services.
- 2) The property and/or the applicant(s) shall not be the subject of any outstanding housing code violations, housing court proceedings, and/or unpaid housing court judgments or fines with respect to the subject property and/or any other properties located within City boundaries.
- 3) Owner-occupied and Non-Owner-Occupied properties containing two (2) or fewer dwelling units must meet all applicable legal requirements as set forth in the New York State Uniform Fire Prevention & Building Code, City of Buffalo codes and Unified Development Ordinance (UDO) if the owner engages in the business of running a Short-Term Rental.
- 4) Carbon Monoxide and Smoke Detectors shall be installed per NYS Uniform Fire Prevention and Building Code.
- 5) Only approved areas shall be used for occupancy (no basements, attics, sunporches, garages).
- 6) No Public Assembly (Party Houses are not permitted).
- 7) Diagrams for exiting must be posted on the interior of each bedroom door.
- 8) Emergency contact numbers (owner, property manager) are required to be active and posted on-premises and filed with DPIS.
- 9) The owner must provide working fire extinguishers.
- 10) The owner must provide a shovel to be used in case of emergencies.

[11. Non-owner-occupied short-term rentals are required to maintain a 2-night minimum stay.]

- 11) The license to operate must be posted in a conspicuous location inside the short-term rental.
- 12) The property must comply with the City of Buffalo noise ordinance.

380- 10. Exemptions

Exemptions to provisions herein concerning lead paint in a property shall apply to properties constructed after 1978. The Department reserves the right to request a third-party verification of compliance concerning safety of the property.

380- 11. Application.

- A. Application Short-Term Rental [Dwelling Unit] Certificate. The owner of each dwelling unit existing on the effective date of this chapter shall make written application to the Commissioner for a Short-Term Rental [dwelling unit] certificate. Such application shall be made on a form furnished by the Commissioner and shall set forth, at minimum, information listed in § 380-11(B).
 - B. Each application shall include the following:
 - 1) The owner's name, principal residence address, principal business address and telephone number.
 - 2) For an Owner-Occupied Short-Term Rental certificate, proof of owner occupancy shall mean a driver's license coupled with two forms of official mail in the name of the applicant, addressed to the property for which the license is requested. A Short-Term Rental Certificate is sufficient to obtain to operate, unless otherwise ineligible pursuant to the following:
 - a. Non-conventional home e.g. adaptive reuse properties never used as residential in the past.
 - b. Property is subject to tenant agreement governed by law, e.g., HOA agreements.
 - 3) For a Non-Owner-Occupied Short-Term Rental certificate, applicants shall provide evidence of residency within the City of Buffalo. If the owner does not reside in the City of Buffalo then the owner must designate an agent or managing company.
- Proof of residency for an applicant filing for a Non-Owner-Occupied Short-Term Rental certificate shall be the same as the requirements for an Owner-Occupied applicant.
- 4) If the owner is an association, limited liability partnership, joint tenancy, tenancy in common or tenancy by the entirety, then each and every owner or general partner shall be indicated on the application and register an address in accordance with § 380-11(B)(1).
 - 5) If the owner is a corporation, the principal place of business of the corporation must be provided and the name, title and residence address of all officers, directors, managing or general agents must be included.

6) If the owner has designated an agent or managing company, then the name, principal residence address, principal business address and telephone number of such agent or managing company must be included in addition to that of the owner. [If the owner does not reside within the County of Erie (New York) or County of Niagara (New York), the owner must designate an agent or managing company whose residence or principal place of business is located in the County of Erie (New York) and include all information required herein] The designated agent or property managing company must meet the residency or place of business requirements set forth in §265-2 of the City Charter.

7) It shall be the responsibility of the owner to properly register any change of address, agent or any other information which occurs after the filing of the application.

8) For purposes of this section, a post office box shall not be accepted as the owner's address or the owner's agent's address. Further, the building intended to be licensed shall not be accepted as the owner's address unless it is the principal place of business or residence of the owner.

9) The owner shall specify the address to which all notices of violation issued pursuant to §380-20 of this chapter, and other violations of the housing codes, and invoices for fees are to be forwarded.

10) If the property was constructed prior to 1978; the owner shall certify that: the owner is aware of the possibility of lead in the property; that the owner is aware of federal disclosure requirements concerning property that may contain lead and has complied with federal disclosure requirements. [and that the owner is familiar with the use of lead safe work practices that must be utilized during painting, renovation, or repair of the property. Said certification will be made available for completion on the City of Buffalo webpage and in the Department of Permit and Inspection Services at City Hall.]

11) In the case of a Non-Owner-Occupied Short-Term Rental where the applicant does not own the property that a license is sought for, written proof from the owner of the property shall be provided, stating that the applicant may utilize the property as a non-owner-occupied short-term rental.

C. The Commissioner may request other information from time to time which may be necessary to administer, enforce, and ensure compliance with the provisions of this chapter and the housing code.

D. Failure to provide any information required by §§ 380-11(B) or (C) or to meet the conditions set forth in §380-9 shall be grounds to deny a [rental dwelling unit registration] Short-Term Rental certificate.

Section 1: Insofar as the provisions of this Ordinance Amendment are inconsistent with the provisions of any other Ordinance Amendment or act, the provisions of this Ordinance Amendment shall be controlling.

Section 2: This Ordinance Amendment shall take effect once it is duly ratified pursuant to City Charter § 3-19.

Section 3: It is hereby certified, pursuant to Section 3-19 of the Code of the City of Buffalo that immediate passage of this ordinance is necessary

APPROVED AS TO FORM ONLY:

Melissa Sanchez

Melissa Sanchez, Esq.
 ASSISTANT CORPORATION
 COUNSEL IV

NOTE: Underlined words are new content; words in brackets ([]) are to be deleted