

weekend rentals part two



Last issue, I addressed the local laws that govern minimum periods allowed for rentals of single family residences in the respective Hamlets of the Towns of Southampton and East Hampton. In such, I wanted to know if Hamptonites could legally rent their estates for weekends over the summer while reaping a great financial return. Unfortunately, I learned that weekend rentals were prohibited within the Hamlets of both the Towns of Southampton and East Hampton. In this issue, I will delve further into this topic and take a general look into the local laws that control the rental periods for single family residences in the respective Incorporated Villages that exist within the aforementioned Towns.

While Rob and I were away on our ski trip in Vermont, we left another great Law Clerk from our firm, Jason Hake, back in New York to man the office. However, upon our return, Jason was intrigued with our discussions. He was brought-up in this area and wanted to know if the rules applied differently in the Incorporated Villages as opposed to the Towns. Therefore, Jason asked if he could contribute to this article by researching the minimum requirements for rentals of single family residences in the Incorporated Villages existing within Southampton and East Hampton.

As it turns out, there are seven Incorporated Villages within the Town of Southampton: Southampton; Northhaven; Quogue; Sagaponack; Westhampton Beach; Westhampton Dunes; and Sag Harbor (this Village is located within both the Towns of Southampton and East Hampton). Moreover, these Villages are their own incorporated entities, and as a result, they are governed by their own Codes, as opposed to unincorporated Hamlets that are governed by the Town's Code. Furthermore, when talking zoning laws, the most local municipality's laws control. For example, the Sagaponack Village Code §245-15 provides that seasonal rentals for a period of less than one week are

prohibited. Consequently, Sagaponack rentals can be for a shorter period than the Hamlets of the Town of Southampton, which must be longer than 29 days. Westhampton Dunes also shares the same one week period as Sagaponack. Moreover, the Village of Quogue forbids transient rentals at §149-12 of its Code. Yet, the Code neglects to define the term of art "transient rentals" and consequently the minimum period is unknown. In fact, the remainder of the Villages of the Town of Southampton do not have explicit minimum rental period requirements. Nonetheless, applications for rental periods are required and typically include a proposed occupancy period for potential tenants. Consequently, minimum tenancy periods are regulated in a tailored application process.

There are two Villages in the Town of East Hampton: East Hampton and Sag Harbor (which is also shared with the Town of Southampton as explained above). The East Hampton Village Code §278-1 provides that rentals of single-family residences for a period of less than one month are prohibited. Therefore, weekend rentals, of the type that Rob and I enjoyed in Vermont, are prohibited.

The moral of this article is that when you are confronted with a decision as to whether you should lease a single family residence in any of the above mentioned Villages, it is imperative that you navigate through the Village's Code. Further, as previously mentioned, it is also important to make the distinction between whether you are bound by a Town's or a Village's regulations, as the most localized law governs zoning.

In the next issue of Homes of the Hamptons, I will explore the process and requirements involved in obtaining a rental permit for the Towns of Southampton and East Hampton, and will then further investigate the same process and requirements for the Incorporated Villages that exist in each of the aforementioned Towns. In the meantime, if you want to learn and discuss other concepts of Long Island Realty, see my blog at: lirealty.blogspot.com.



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