

# weekend rentals part one



Last weekend, I took my intern, Rob Siegel, on a ski trip to Vermont to reward him for some hard work. We rented an apartment for the weekend and noticed a Vermont Rental License sitting on the counter. Rob asked me if Hamptonites could similarly rent their homes

for weekends during the summer season. He thought that perhaps home ownership of single-family homes in Vermont and the Hamptons were similar.

In Vermont, homes are typically second homes, which are only used sporadically over the course of the season. As a result, in both Vermont and in the Hamptons, rentals probably would not interfere with the homeowner's intended use. Such rentals, occurring only on select weekends, would permit the homeowner to cover a property's carrying costs and over the course of a few years, the mortgage would be paid off and the homeowner would be left with a great asset for vacationing. Sound familiar?

New York does not provide a general rule for property rentals. Consequently, one must look to the most local level of government for guidance, but what is the most local level of government in the Hamptons? The Hamptons does not have a fixed and governed area, so the question is: Which local governments control the Hamptons? An area is either controlled by a Town or a Village. A County is broken down into smaller segments called Towns, and Towns have subdivisions called Hamlets and Villages. While Hamlets are governed by the rules of the Town, Villages are incorporated and have their own codes. So what are the Towns that comprise the Hamptons? For sure, the Towns of Southampton and East Hampton are included, but what about Brookhaven and Shelter Island? I guess that is a decision for the reader, but this article is limited to the Towns of Southampton and East Hampton. In this month's issue, I will address the laws for the Hamlets,

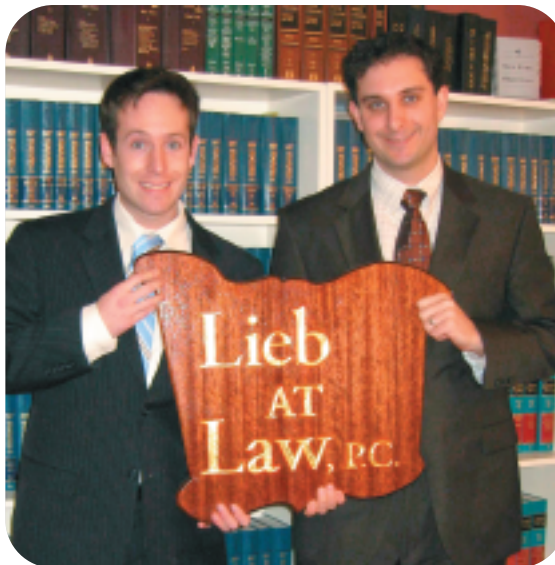
which are located in these Towns; next month I will address the weekend rental laws as they pertain to the Hampton's Villages.

There are 19 Hamlets in the Town of Southampton: Bridgehampton, East Quogue, Eastport, Flanders, Hampton Bays, North Sea, Northampton, Noyac, Quogue, Remsenburg, Riverside, Sagaponack, Shinnecock Hills, Speonk, Southampton, Tuckahoe, Water Mill, Westhampton, and Westhampton Beach. In these Hamlets, the Southampton Town Code §§ 330-107(B) and 270-1 prescribe that rentals for 29 days or less are prohibited. Therefore, weekend rentals, as Rob and I enjoyed in Vermont, are prohibited in the Town of Southampton.

There are six Hamlets in the Town of East Hampton: Amagansett, East Hampton North, Montauk, Northwest Harbor, Springs, and Wainscott. In these Hamlets, the East Hampton Town Code §§ 255-1-20; 255-11-62; and 255-11-64 prescribe that rentals for 14 days or less are not permitted. Moreover, the Code further disallows rentals longer than 14 days if a property is rented on three or more occasions during any six-month period. Therefore, weekend rentals are also prohibited in the Town of East Hampton. Nonetheless, in the Towns of Southampton and East Hampton, motels can legally offer weekend stays. Yet the requirements to have real property designated as a motel is quite stringent and it's unlikely that a single-family residence can qualify. However, these rules do not necessarily restrict weekend rentals of single-family residences in the Villages of East Hampton, North Haven, Quogue, Sag Harbor, Sagaponack, Southampton, Westhampton Beach,

and Westhampton Dunes.

Stay tuned for "Weekend Rentals, Part Two" in the next issue of *Homes of the Hamptons* to learn the laws regarding weekend rentals of single-family residences in each of the aforementioned Villages.



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