**Local Law 7 of the Year 2026**
**A Local Law Amending the Regulation of Short-Term Rentals in the Town of Wilmington**

Be it enacted by the Town Board of the Town of Wilmington as follows:

**Section 1. Legislative Intent.**
The Town Council (hereinafter "town board") has recognized that it would be beneficial for the Town to control and regulate the use of short-term rentals within the Town of Wilmington. These amendments to the Town of Wilmington's Zoning Ordinance are intended, by placing amended limits on the number of short-term rentals allowed at any given time in the Town, to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods and rural areas where short-term rentals are operated, and to mitigate the adverse effects of short-term rentals on the community, particularly where those rentals are not accessory to the existing, principal residential use of properties. Rentals of entire properties where the property owner is not present have the potential for additional impacts to municipal services. These amendments are also intended to allow for relief from the terms and limits on the number of short-term rentals provided herein to property owners in the Town of Wilmington based upon unique circumstances.

**Section 2. Definitions.**
The Town of Wilmington defines "Short-Term Rental" as follows:

> A dwelling unit that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights, including any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, or accessory dwelling which is rented as a living quarters for any period of less than 30 consecutive nights. This definition excludes hotels, bed and breakfast establishments, boarding houses, and school and non-profit dormitories.

In addition, the following definitions shall be added to the town's Short-Term Rental Law:

> **Hosted short-term rental:** An accessory dwelling unit, as defined in the Zoning Ordinance of the Town of Wilmington, that is:
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> a) Operated as a short-term rental, and;
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> b) Located on a property that is the primary residence of an owner of the property, at which an owner of the property resides for at least 184 days per calendar year.
> Applicants for Hosted short-term rental permits shall provide a sworn statement that the applicant resides at the property for at least 184 days per calendar year and evidence such as a driver's license that the property is the applicant's primary residence.
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> **Unhosted short-term rental:** All other short-term rentals in the Town of Wilmington.

**Section 3. Amending Article VI (8) of Town's STR Regulations**

Article VI(8) of the Town of Wilmington's Local Law Regulating Short-Term Rentals is hereby amended to read as follows:

The following limits and exceptions shall apply to short-term rentals:

a) There shall be a limit of 125 unhosted short-term rental permits and 50 hosted short-term rental permits issued and in effect at any given time by the Town of Wilmington.

b) This restriction shall not apply to timely renewals of existing permits submitted within 14 days of the existing permit's expiration, or exceptions as provided herein.

c) Exceptions to the limits of short-term rental permits authorized by subparagraphs a and b above may be granted by the Zoning Board of Appeals upon a showing of a unique short-term or intermittent (i.e., seasonal) need for a short-term rental permit, or an exigent need to relieve a financial hardship. Any exceptions so granted shall only be granted pursuant to the following process:

    i. All applications must be in writing and must be filled with the Zoning Board of Appeals. All applications must specify the unique need or financial hardship which the applied-for exception would relieve and must also include:
    A legal description of the property;
    A map showing the property and adjacent properties; and
    Any other information deemed necessary by the Zoning Board of Appeals to make an informed decision.

    ii. The Zoning Board of Appeals shall review all applications for exceptions to the terms and limits described herein. Once the Zoning Board of Appeals deems an application complete, the Zoning Board of Appeals shall schedule a public hearing on that application within 45 days of the application being deemed complete. Following the public hearing, the Zoning Board of Appeals shall either grant, deny, or grant with conditions the application.

d) Exceptions to the limits provided in subparagraphs a and b above may only be found to exist where an applicant demonstrates a unique short-term or intermittent (i.e., seasonal) need for a short-term rental permit, or an exigent need to relieve a serious financial hardship. An exigent need to relieve a serious financial hardship shall only be found when the alleged hardship: one, is unique, and does not apply to a substantial portion of the zoning district in which the property is located, and; two, when the alleged hardship has not been self-created.

e) Special conditions may be imposed as part of the grant of an exception to the limits provided in subparagraphs a and b above, including, but not limited to: by limiting the duration of any permits so issued, or by requiring the periodic renewal of any permits so issued by the Zoning Board of Appeals after a subsequent demonstration of a unique short-term or intermittent (i.e., seasonal) need for a short-term rental permit, or a continuing need to relieve a serious personal financial hardship. Any such renewal shall only be granted following a public hearing.

f) Property owners whose short-term rentals do not fit within the town's definition of "hosted" rentals, but who believe their rentals should be categorized as hosted (e.g., property owners who operate rentals on real property that adjoins the real property on which their primary residence is located; property owners who infrequently rent out their primary residence on a short-term basis; and property owners who operate short-term rentals in apartments or suites that are within the same building as their primary residence) may apply to the Zoning Board of Appeals for a "hosted" permit, which may be granted by the Board upon a satisfactory demonstration by the property owners that the property (or adjoining property) is their primary residence consistent with the definition of Hosted short-term rental.

g) Short-term rentals treated as "exempt" by the Town of Wilmington prior to the adoption of this local law shall continue to be treated as "exempt" following the adoption of this local law.

**Section 4. Fees**

The annual permit application fee to operate an Unhosted Short-Term Rental in the Town of Wilmington shall be $400, plus $50 per bedroom.
The annual permit application fee to operate a Hosted Short-Term Rental in the Town of Wilmington shall be $300, plus $50 per bedroom.

**Section 5. Water Rates**

Unhosted Short-Term Rentals shall pay the commercial water rate determined by the Wilmington Town Board.

**Section 6. Superseding Clause**

The terms of this Local Law shall supersede any other ordinances or Local Laws in the Town of Wilmington to the extent applicable.

**Section 7. Date of Effect**

This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.