Monroe County Legislature

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County Executive Bello,

The New York State Legislature passed a new law to improve oversight of short-term rentals and ensure these rentals follow rules like hotels and motels. Governor Hochul signed the law last December. A chapter amendment signed in February (Chapter 99 of the Laws of 2025 – S.820/A.5686) finalized how counties are meant to carry it out.

This law — written with support from NYSAC, the Association of Towns, the NYS Conference of Mayors, and New York State Hospitality & Tourism[1] — requires short-term rental platforms to collect and send the state's 4% sales tax and the local sales tax. Counties can also choose to include short-term rentals in their hotel occupancy tax by updating their local laws.

The law gives counties the option to create a countywide short-term rental registry. Counties that want to opt out of the registry must do so by December 31, 2025, according to Real Property Tax Law §447-c(3)(b).

The registry is important because it activates several tools that counties do not get otherwise. Sales-tax collection will happen statewide no matter what. But counties that adopt the registry gain access to occupancy-tax enforcement, stronger compliance from platforms, and detailed quarterly reports. That reporting must include unit locations, number of nights booked, guest counts, and taxes collected — information that is essential for understanding how short-term rentals affect local housing conditions.

Monroe County already appears to have an agreement with Airbnb, announced on March 1, 2018,[2] allowing Airbnb to collect and remit the County's 6% hotel occupancy tax. It

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[1] (2024, December 23). *Hinchey, Fahy Deliver First-of-its-Kind Short-Term Rental Law for New York*. New York State Senate. https://www.nysenate.gov/newsroom/press-releases/2024/michelle-hinchey/hinchey-fahy-deliver-first-its-kind-short-term-rental

[2] McDermott , M. M. (2018, March 1). Airbnb to begin collecting occupancy tax for Monroe County. *Democrat and Chronicle*. https://www.democratandchronicle.com/story/news/2018/03/01/airbnb-begin-collecting-occupancy-tax-monroe-county/384655002/

does not appear the Legislature ever voted on this agreement or any subsequent ones. (Monroe County also claims it has an agreement with VRBO.)

If Monroe County opts into the state registry, we would benefit in two major ways. First, it would create a fair and consistent system in which all platforms operating here must follow the same tax-collection rules as hotels and motels. Right now, we rely on voluntary agreements, meaning other platforms may not be collecting or remitting anything at all. By excluding portions of the short-term rental market, we are likely leaving revenue on the table — and counties that opt out must continue negotiating piecemeal deals with no reliable way to verify whether the amounts remitted are complete or accurate.

Second, opting in would unlock the state's far more comprehensive reporting requirements. The state registry requires quarterly reports from all platforms, including exact unit addresses, nights booked, guest counts, and taxes collected. At a time when housing affordability and inventory are major concerns, having this level of data is essential for understanding how short-term rentals affect our housing market and for making sound revenue and policy decisions.

Despite these benefits, the Administration is asking the Legislature to opt out of the state law. This request was submitted without going through the normal committee process. Instead, the opt-out legislation was introduced as a Matter of Urgency and moved directly to a vote.

The opt-out law we are being asked to approve contains only minimal disclosure obligations for booking platforms: a list of URLs for entire-home listings and an annual, ZIP-code-level summary of how many such units exist and how many nights they were occupied. Even these limited disclosures do not have to be filed if the platform simply provides the County with a link or other means to view or download the information. This loophole leaves the County with almost no reliable, standardized, or auditable data.

The transmittal letter states the County's voluntary agreements with Airbnb and VRBO would terminate yet NYSAC has clarified that existing agreements like this are not affected by the new state law.[3] Additionally, the County claims a registry would be burdensome and costly, but counties may charge reasonable fees to short-term rental platforms to cover the administrative costs of operating the registry. In other words, the registry does not have to create a new expense for county taxpayers.

Our first opportunity to ask questions will be at a closed Democratic Caucus meeting on Tuesday, December 2 — a meeting the public cannot attend and one that several legislators, including myself, cannot attend because of conflicts. Yet we are expected to vote on December 9.

Therefore, with urgency, I ask the following:

• **Has the Legislature ever voted to authorize any agreements with short-term rental platforms related to tax collection?** What is the legal basis for excluding the Legislature from such a significant policy decision involving county revenue?

• **Please provide all agreements and amendments** between Monroe County and any short-term rental platforms to date.

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[3] (2025, March 28). *Short-Term Rental (STR) Legislation Implementation Frequently Asked Questions*. NYSAC. https://www.nysac.org/media/dhchq0e0/str-faq-3-28-25.pdf

• **Please provide all payment data, reports, and any other materials** submitted by short-term rental platforms under those agreements.

• **Please provide all communications and records of meetings between the County and Nicholas Morelle and other lobbyists for Airbnb** since the state law was enacted. State records show Ostroff Associates, Inc. where Morelle is listed as one of 16 lobbyists on the account, directly lobbied Monroe County officials repeatedly this year.

Given the financial stakes and the impact on housing, affordability, and fair regulation, the Legislature should not be asked to make this decision without full transparency. Opting out would have long-term consequences for revenue collection and for our ability to understand short-term rental activity in Monroe County. Before any vote is taken, both legislators and the public deserve clear answers and complete information.

Sincerely,

Rachel Barnhart – Legislator District 17