

VILLAGE OF AIRMONT

LOCAL LAW #__ of 2015 Amending Section 150, titled Property Registration, adding and subtracting language,

A LOCAL LAW TO AMEND section 150 of the Village Code of the Village of Airmont adding and subtracting language.

BE IT ENACTED by the Village Board of the Village of Airmont as follows:

Replace sections, 150-1 Title, 150-2 Legislative Intent, 150-3 Definitions, 150-4 Registration Requirements, 150-5 Enforcement, 150-6 Failure to Comply, 150-7 Penalties for Offenses, and 150-8 Non-payment of Penalties with:

TITLE:§ 150-1. Purpose.

BODY:

A. This chapter shall be known as the Residential Rental Registry Law of the Village of Airmont.

B. The Village Board of the Village of Airmont recognizes that the rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the Village of Airmont. The state and local framework for regulation of multi - family or multiple dwelling buildings is in many and various respects not applicable to one and two family dwellings which are offered and utilized as non - owner occupied residential Rental Dwelling Units. The intent of this chapter is to create a registry relating to the offering for rental of dwelling units in one and two family residential buildings, so as to facilitate the enforcement of NY Building and Fire Codes as well as the Village of Airmont Code in relation thereto in order to protect the public health, safety and welfare of the people of the Village of Airmont and to achieve the following beneficial purposes:

1. The protection of the character and stability of residential areas;

2. The correction and prevention of housing conditions/violations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and

3. The preservation of the value of land and buildings throughout the Village.

TITLE: § 150-2. Definitions.

BODY:

For use in this article only, the following words and phrases shall have the meanings respectively ascribed to them by this section:

IMMEDIATE FAMILY MEMBER

Defined as a parent, child, or sibling.

LANDLORD and OWNER

Any person who owns any legally cognizable interest in any rental property, including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company.

OWNER-OCCUPIED

SINGLE FAMILY RESIDENCES - For any rental property to be considered owner-occupied, the owner must prove that all individual title owners (including immediate family members) or all owners, partners, or shareholders of a corporation or other legally organized entity, actually have their principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of all individual owners, all partners, or all shareholders.

TWO FAMILY RESIDENCES - The primary residential living unit of the owner is located within the rental property.

At the request of the Village of Airmont, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner-occupied.

PROPERTY MAINTENANCE

The cleanliness and proper working order and upkeep of all areas and facilities of the rental unit, rental property or complex used by the tenants and the public.

RENTAL PROPERTY

Any house, structure, building or complex which contains a residential rental unit other than owner-occupied houses, structures or buildings.

RENTAL UNIT

Includes that portion of a house, building or structure rented or offered for rent, for living and dwelling purposes to an individual or family units.

RESIDE

To live or dwell permanently or continuously for more than 14 days. Said days need not be consecutive, but must occur within a reasonably short period of time to evidence an intent to utilize the rental unit as the person's primary place of residence.

TENANTS

Those persons who have leased the rental unit from the owner, regardless of the type of tenancy under which they occupy the rental unit.

TITLE: § 150-3. Registration of rental dwellings; applicability.

BODY:

A. Every owner of a one-family dwelling unit or a two-family dwelling unit in the Village of Airmont, as defined in this chapter, who is engaged in rental occupancy of such premises shall register within 90 days of the effective date of this article on a form approved by the Village of Airmont.

B. It shall be unlawful and a violation of this article for any person or entity who owns or operates a dwelling unit within the Village of Airmont to maintain, use, lease, rent or suffer or permit occupancy as a rental occupancy after the effective date of this chapter without having registered said dwelling with the Building Department, except as provided herein.

C. For the purposes of this article "rent" shall mean a return to the owner or lessor of money, property or other valuable consideration for use or occupancy of a dwelling unit.

D. This article shall not apply to hotels and motels when operating for their intended purpose within the meaning of state law and local zoning laws; hospitals, congregate care housing for seniors, assisted living for seniors, nursing homes and similar living arrangements; apartment houses, registered multiple dwellings, garden apartments, public housing owned and operated by governmental agencies; registered boarding houses and registered rooming houses.

TITLE: § 150-4. Registration exemptions.

BODY:

A. This article shall not be construed to require the registration of any residential rental premises in Village of Airmont so long as the owner of record maintains a bona fide occupancy of a dwelling unit on such premises.

B. The occupancy of a room or rooms by an owner of record without self-contained living, cooking, sleeping and sanitary facilities shall not constitute sufficient bona fide occupancy to qualify for the exemption in this section.

C. In no case may more than one residential rental premises qualify for the exemption in this section by any one owner of record.

D. Unless Owner-Occupied, A corporation or any other organized legal entity shall not be eligible for an exemption under this article.

TITLE: § 150-5. Registry form, filing, and fee.

BODY:

A. It shall be the responsibility of the owner of each residential rental premises which is subject to the provisions of this chapter to timely file a registry application form with the Building Department for each premises, which form shall require the following information:

(1) The name, address and telephone number and email address of the owner of record of the residential rental premises intended for rental occupancy.

(2) The street address and Tax Map description of the premise containing the dwelling unit(s).

(3) A description and location of the premises, including number of rooms, exits and stories, bathrooms and kitchens, and a sketch of each floor layout with dimensions, as well as lot size, drawn to scale.

(4) Designation of an agent for notification and service of process where required by this chapter.

(5) A statement of the owner attesting to the truth of matters asserted in the application and that to the best of the owner's knowledge no violations of Village, Town, or State laws exist on the premises being registered.

(6) Such additional information as the Building Department or the Board of Trustees deems appropriate to the carrying out of the requirements and intent of this chapter.

B. The application shall be reviewed by the Building Department or his designee for adequacy. Should the Building Department determine that said application is incomplete, defective or untruthful for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed to comply with the filing provisions of this chapter.

C. It shall be the responsibility of each owner to timely notify the Building Department whenever the information provided in the registry application has become outdated or for any reason is no longer accurate.

D. Every approved application shall be valid for two years and shall be given a registry number by the Building Department which shall be valid for two years from the date of issuance. A copy of the

approved application with the approval stamp of the Building Department, in original ink, issued to the property owner after satisfactory inspection of residential occupancy, shall be necessary to lawfully rent any residential premises in the Village of Airmont.

E. The Board of Trustees shall set the application and/or inspection fee by resolution which may be amended from time to time.

TITLE: § 150-6. Designation of agent by owner.

BODY:

A. Every owner who rents a residential rental premises which is subject to the provisions of this article and who does not maintain a bona fide residence in the County of Rockland, shall designate an agent who maintains a bona fide residence in the County of Rockland. Such designation shall be indicated in the space provided by the owner on the registry application form as provided herein.

B. A designated agent of an owner may be served with a notice of violation or order of violation or an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law, as if actually served upon the owner.

C. No owner who designates an agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process upon his designated agent.

TITLE: § 150-7. Inspection requirements.

BODY:

A. The Building Inspector or his authorized agent shall make provisions for the biennial inspection of each residential rental premises which is subject to the provisions of this chapter and shall notify each owner/landlord of each rental premises as to the time and place of such inspection. The inspection shall be for the purposes of determining compliance with Chapter 150 of the Village Code and other applicable laws and shall expressly include in each instance the determination of the presence of functioning and proper placement of

smoke and carbon monoxide detectors as well as fire extinguishers pursuant to the provisions of State law and this Code.

B. Any inspection report issued pursuant to Subsection A of this section which reveals the presence of a violation of this chapter of the Village Code shall be remedied by the owner within 10 days of the issuance of such report. Failure to bring any dwelling into conformance with such report within 10 days of the issuance of such report shall constitute a violation of this chapter.

TITLE: § 150-8. Application for search warrants.

BODY:

At the request of the Inspecting Officer, the Village Attorney is authorized to make application to Village of Airmont Court or any other court of competent jurisdiction for the issuance of a search warrant, to be executed by a police officer, in order to conduct an inspection of any premises believed to be subject to the registry jurisdiction of this article. The Inspecting Officer may seek a search warrant whenever the owner or occupant fails to allow inspection of any rental dwelling unit where there is reasonable cause to believe that a violation of this article or a violation of the New York Uniform Fire Prevention and Building Code or of any code of the Village of Airmont has occurred after due notice has been sent by ordinary United States mail. The application for a search warrant shall in all respects comply with applicable laws of the State of New York.

TITLE: § 150-9. Public Access to Records.

BODY:

Nothing in this article shall prevent any member of the public, prospective tenant or any resident of the Village of Airmont from determining whether any particular rental property has been registered pursuant to this article. The general public shall have full access to said landlord registration statements upon filing of the proper Freedom of Information Act application.

TITLE: § 150-10. Penalties for offenses.

BODY:

A. Any person or entity that shall violate any of the provisions of this article or who fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by:

(1) A fine of not less than \$500 and not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, upon conviction of a first offense.

(2) A fine of not less than \$1,000 nor more than \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for a conviction of the second of two offenses, both of which were committed within a period of five years.

(3) A fine of not less than \$3,000 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for a conviction of the third of three offenses, all of which were committed within a period of five years.

B. Each week a violation continues shall be deemed a separate offense subjecting the offender to additional weekly fines in the amount equaling the original fine.

C. The Board of Trustees may amend the penalties by resolution.

Title: § 150-11. Nonpayment of penalties.

Body:

Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served as provided by law, then the property covered by this article will be assessed for the unpaid penalties and shall be collected in the same manner and time as Village taxes.

Effective Date:

This local law shall take effect immediately upon its filing with the Secretary of State or otherwise provided by Law.