

## **Chapter 129**

### **RENTAL REGISTRATION LAW**

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**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-26-2007 by L.L. No. 9-2007. Amendments noted where applicable.]**

## **§ 129-1. Legislative Intent.**

The Town Board of the Town of Patterson has determined that there exists in the Town of Patterson serious conditions arising from the renting of dwelling units that are substandard or that are in violation of the Multiple Residence Law, New York State Uniform Fire Prevention and Building Code or a violation of Patterson's Zoning Code, or other Chapters of the Patterson Town Code; that such dwelling units are inadequate in size, overcrowded and dangerous; that such dwelling units pose hazards to life, limb and property of residents of the Town and others; that such dwelling units tend to promote or encourage deterioration of the housing stock of the Town; that such dwelling units create blight, excessive vehicle traffic and parking problems; and that such dwelling units overburden municipal services. The Board finds that current Code provisions are inadequate to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Town will be enhanced by enactment of the regulations set forth in this Chapter, which regulations are remedial in nature and effect.

## **§ 129-2. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

**CODE ENFORCEMENT OFFICIAL** – The Building Inspector, or Code Enforcement Officer, or Fire Code Inspector of the Town of Patterson, or their delegates or assistants as may be appointed by the Patterson Town Board.

**DWELLING UNIT** – One or more rooms connected together, constituting a separate, independent housekeeping unit for one (1) individual person or one (1) family containing independent sanitary, cooking and sleeping facilities, physically separated from any other dwellings that may be in the same building, and having either separate access, or an access shared in common, to the outside.

**FAMILY** - Any number of individuals related by blood, marriage or adoption [or not more than three (3) individuals who are not so related], living together as a single housekeeping unit, using rooms and housekeeping facilities in common, having such meals as they may eat at home prepared and eaten together, and is permanent and stable. Three (3) or more individuals not so related shall not be considered as a family unless they can sufficiently demonstrate to the administrative officer charged with enforcement of this code that they:

- A. Share the entire dwelling unit
- B. Live and cook together as a single housekeeping unit
- C. Shares expenses for food, rent, utilities or other household expenses, and
- D. Is permanent and stable

**OWNER** – The individual, partnership or corporation that holds fee simple title and right of possession of a dwelling unit, or the underlying land. thereto.

**RENT** – A return, in money, property or other valuable consideration (including payment in kind or

for services or other thing of value) for use and occupancy or the right to use and occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

**RENTAL DWELLING UNIT** – A dwelling unit established, occupied, used or maintained for rental occupancy.

**RENTAL OCCUPANCY** – The occupancy or use of a dwelling unit by one (1) or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use.

**RENTAL OCCUPANCY PERMIT** - A permit issued for the rental occupancy of a dwelling unit which is issued in conformance with the requirements of this Chapter.

**§ 129-3. Applicability; more restrictive provisions to prevail.**

A. Scope. This Chapter shall apply to all rental dwelling units located within the Town, whether or not the use and occupancy thereof shall be lawfully permitted, or legally established under the applicable use regulations for the zoning district in which such rental dwelling unit is located, as set forth in Chapter 154, Zoning.

(1) An accessory apartment, as defined by Chapter 154, for which a special use permit issued by the Zoning Board of Appeals is in effect shall not be required to comply with the provisions of this Chapter.

B. Applicability. The provisions of this Chapter shall be deemed to supplement applicable state and local laws, ordinances, codes or regulations, and nothing in this Chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the town, county or state, or existing requirements of any other applicable state or local laws, ordinances, codes or regulations. In case of conflict between any provision of this Chapter and any applicable state or local laws, ordinances, codes or regulations, the more restrictive or stringent provision or requirement shall prevail.

**§ 129-4. Permit Required.**

It shall be unlawful and a violation of this Chapter for any person who owns a dwelling unit in the Town to establish, maintain, use, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without having first obtained a permit for such rental occupancy from the Code Enforcement Officer of the Town as hereinafter provided. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation pursuant to §129-15, herein.

**§ 129-5. Application for Permit.**

A. Application for a rental occupancy permit for a rental dwelling unit shall be made in writing to the Building Department on a form provided by the Building Department for that purpose.

B. Such application shall be filed in duplicate and shall contain:

(1) The name, address and telephone number, if any, of the owner of the dwelling unit intended for rental occupancy.

(2) The street address and tax map description (section, block and lot or lots) of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.

(3) A floor plan showing the number of rooms in the structure and in each proposed dwelling unit therein, the dimensions of each room, means of ingress and egress and a description of the present use or uses thereof, if any.

(4) A description of each dwelling unit intended to be established, used or occupied for rental occupancy in the premises, including the number of dwelling units, and the number of persons intended to be accommodated by and reside in each such dwelling unit.

(5) The name, address and telephone number, if any, of the managing agent or operator of each such intended rental dwelling unit.

(6) The name and address of the insurance company, if any, providing the fire and other hazard and public liability insurance for the owner of the premises, with a description of the type of insurance provided, policy limits for each coverage and the policy number and expiration date of such policy.

C. Such application shall be signed by the owner of the premises, and the statements of such owners therein contained shall be verified under oath.

D. Such application shall be accompanied by the following:

(1) A property survey of the premises drawn to a scale not greater than forty (40) feet to one (1) inch.

(2) If not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, drives and other physical features of the premises and the number, location and access of existing and proposed on-site vehicle parking facilities.

(3) A building permit application, properly prepared, for all proposed buildings, improvements and alterations to existing buildings on the premises, if any.

(4) A copy of the certificate of occupancy or certificate of existing use, if any.

E. In the case of a condominium unit, the application shall be accompanied by a scale drawing or floor plan of the condominium unit, in lieu of a survey or site plan.

F. Notwithstanding the above, no rental occupancy permit shall be required for a residential care facility established under New York State guidelines only with respect to housing of persons requiring such care, and excluding any housing provided for employees of such facility or other individuals.

**§ 129-6. Fees.**

A. Permit Application Fee. A non-refundable permit application fee shall be paid, upon filing an application for a rental occupancy permit, shall be established by resolution of the Town Board, and shall be set forth in the Schedule of Fees

**Recommended Permit Fees to be set by Resolution of the Town Board\*.**

<u>Type of Dwelling</u>	<u>Fee</u>
One Unit	\$ 75.00
Two Unit	\$150.00
Three Unit	\$225.00
Four Unit	\$300.00
More than Four Unit	\$300.00 plus \$50.00 for each unit in excess of four.

\*Not to be included in this Chapter.

B. The fee required by this section may be waived by the Town Board for any applicant which demonstrates that it is a not-for-profit housing development corporation organized under the laws of the State of New York, and that it is providing housing for senior citizens or other designated special populations subject to income guidelines established by either federal or state regulations.

C. Any commercial hotel or motel business operating exclusively and catering to transient clientele, that is, customers who customarily reside at such establishments for short durations of time for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel or motel operation, shall pay a fee of \$200.00 per application every three years. For the purposes of this Chapter, a “short duration of time” shall be defined as not more than 21 consecutive days. This section shall not apply to any commercial hotel or motel operation which provides permanent residences to its customers. For the purposes of this Chapter, “permanent residence” shall be defined as more than 21 consecutive days.

D. Permit Renewal Fee. A non-refundable permit renewal fee, equal in amount to the initial application fee, shall be paid upon filing an application for renewal.

#### **§ 129-7. Review of Application.**

The Code Enforcement Official shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units. If satisfied that the proposed rental dwelling unit or units, as well as the premises in which same are located, comply fully with all applicable laws of the state and local laws, ordinances, rules and regulations of the county and town, and that such rental dwelling unit or units would not create an unsafe or dangerous condition, or create an unsafe or substandard structure as defined in the Town Code or create a nuisance to adjoining or nearby property, the Code Enforcement Official shall issue the permit or permits applied for.

#### **§ 129-8. Term of Permit; Renewal.**

All permits issued pursuant to this Chapter shall be valid for a period of three (3) years from the date of issuance. The renewal applications shall contain substantially the same information required by § 129-5 of this Chapter upon forms to be furnished by the Building Department, and shall be subject to the payment of the renewal fees specified in §129-6 hereof.

#### **§ 129-9. Register of Permits.**

It shall be the duty of the Code Enforcement Official to maintain a register of permits issued pursuant to this Chapter. Such register shall be kept by street address, showing the name and address of the permittee, the number of rental dwelling units at such street address, the number of rooms in each such rental dwelling unit and the date of expiration of permit for such unit.

#### **§ 129-10. Additional Criteria for Granting of Permits.**

A. Smoke Detectors. No permit shall be issued or renewed until the Code Enforcement Official shall inspect the rental dwelling unit to determine that it is equipped with a functioning smoke detector device, in accordance with the New York State Uniform Fire Prevention and Building Code.

B. On-Site Parking. The premises shall provide on-site parking spaces for the structure in which the rental dwelling units are to be located, which shall be designed, constructed and in such number set forth in the Zoning Code.

C. No rental dwelling unit shall consists of one (1) room only, and no rental permit shall be issued for a rental dwelling unit consisting of one (1) room only, unless such room shall provide a minimum clear floor area of one hundred (100) square feet.

D. Each rental dwelling unit shall contain at least one bathroom area containing a shower, toilet and sink, and shall provide independent kitchen facilities.

#### **§ 129-11. Inspections.**

The Code Enforcement Official is authorized to make, or cause to be made, inspections, from time to time, to determine the condition of rental dwelling units and to safeguard the health, safety, morals and welfare of the public. The Code Enforcement Official is authorized to enter, upon consent of the owner or occupant, any rental dwelling unit and the premises in which same is located, at any reasonable time during daylight hours, or at such other times as may be necessary in an emergency without consent of the owner or occupant for the purpose of performing his duties under this Chapter. It shall be a condition of each rental occupancy permit, expressly stated therein, that the Code Enforcement Official shall have the right to inspect each permitted rental dwelling unit during the term of the permit, in accordance herewith, for the purpose of performing his duties under this Chapter.

#### **§ 129-12. Application for Search Warrant Authorized.**

The Code Enforcement Official is authorized to make application to the Justice Court of the Town of Patterson or any 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 covered by this Chapter where the owner or occupant refuses or fails, after due notice by certified mail, to allow an inspection of the rental dwelling unit or premises, and where there is reasonable cause to believe that a violation of this Chapter or a violation of the Multiple Residence Law, New York State Uniform Fire Prevention and Building Code or a violation of this Chapter or other Chapters of the Patterson Town Code has occurred. The application for a search warrant shall, in all respects, comply with the applicable laws of the State of New York.

#### **§ 129-13. Duty to Maintain.**

It shall be a condition of each permit issued pursuant to this Chapter, that the permit holder shall continuously maintain the rental unit in compliance with all applicable Codes and Regulations.

#### **§ 129-14. Unlawful Acts.**

A. It shall be unlawful and a violation of this Chapter for any person to:

(1) Permit any tenant or other person to take up residence by a rental occupancy in any dwelling unit without the owner's first having completed and filed with the Building Department a rental registration form, and a permit thereto has been issued by the Building Department in accordance with this Chapter.

(2) List, solicit, advertise or offer, exhibit or show to any person, a rental dwelling unit located within the Town of Patterson, for the purpose of bringing about the rental thereof, where no currently effective permit has been issued with respect to such rental dwelling unit by the Code Enforcement Official of the Town, as herein provided.

(3) Accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Town of Patterson where no currently effective permit has been issued with respect to such rental dwelling unit by the Code Enforcement Official of the Town, as herein provided.

(4) Fail to comply with any provisions of this Chapter.

B. In the event that a person convicted of a violation of Subsection (A) of this section shall have been a real estate broker or sales person licensed by the State of New York at the time such violation was committed, it shall be the duty of the Town Clerk to transmit a record of such conviction to the Division of Licensing Services of the Department of State and to make complaint thereto against such licensee on behalf of the Town, pursuant to the provisions of Article 12-a of the Real Property Law.

#### **§ 129-15. Penalties for Offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this Chapter or permits any such violation or fails to comply with any of the requirements of this Chapter shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each week's continued violation shall constitute a separate additional violation.

B. Complaints of violations. Whenever a violation of this Chapter occurs, any person may file a complaint in regard thereto. All such complaints filed by an individual must be in writing and filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. This Section shall not relieve the Building Department from investigating or acting upon any violation of which they personally observe or become aware of in the course of performance of their duties.

C. Accountability. For every violation of the provisions of this Chapter, the owner, agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or

assists in such violation or who maintains any structures or premises in which any such violation exists shall also be punishable according to the provisions of this Chapter.

D. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town and a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Chapter.

#### **§ 129-16. Administration.**

This Chapter shall be enforced by the Code Enforcement Official as defined by this Chapter.

#### **§ 129-17. Severability.**

If any clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.

#### **§ 129-18. Implementation.**

This Chapter shall be effective upon filing with the Secretary of State.

A. No violation of this Chapter shall be charged prior to the effective date of this Chapter, and no violation of this Chapter regarding failure to obtain a permit will be charged against a person or entity which:

- (1) Has filed the necessary application in proper form and in good faith, with all required information and attachments, on or before the effective date of this Chapter, and
- (2) Has not received a final determination on the application for reasons beyond the control of the applicant.