

**PROPOSED LOCAL LAW 2016-1
REGISTRATION OF RENTAL HOUSING**

Section 1: Findings and Purpose.

The Town of Catharine Town Board hereby finds and declares that the rental of dwelling units constitutes a business, which influences upon the public health, safety and general welfare of the people of the Town of Catharine. The intent of this Local law is to promote the orderly and timely management and maintenance of rental dwelling units in order to protect the public health, safety and general welfare of the people of the Town of Catharine and to further achieve the following beneficial purposes:

- A. The protection of the character and stability of residential areas;
- B. The correction and prevention of housing conditions 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
- C. The preservation of the value of land and buildings throughout the Town of Catharine.

Section 2: Definitions.

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

AGENT – A person eighteen years of age or older, designated by the Owner on the registry form required pursuant to § 4 hereof as having the authority to make decisions regarding the management and maintenance of any Dwelling Unit leased by the Owner and located within the Town.

BUILDING - Any structure located in the Town and used or intended for supporting or sheltering any use or occupancy.

CODE -- New York State Uniform Fire Prevention and Building Code, as the same may be amended from time to time.

CODE ENFORCEMENT OFFICER - The Town of Catharine Code Enforcement Officer, as designated by the Town Board.

DEC – New York State Department of Environmental Conservation.

DOT – Federal Department of Transportation.

DWELLING UNIT -- A single unit within a Building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FIRE CHIEF- The chief of the fire department providing fire protection services for the Building at issue, or his/her designee.

NFPA – National Fire Protection Association.

OWNER -- Any Person holding a legal or equitable interest in a Building sufficient to permit such Person to create a leasehold or sub-leasehold interest in the Building and/or the Dwelling Units therein, and any person who creates or purports to create a leasehold or sub-leasehold interest in a Building and/or the Dwelling Units therein.

PERSON - An individual, partnership, corporation, limited liability company, and any other form of entity.

TOWN - the Town of Catharine, New York.

Section 3: Rental housing registry of owner; exemptions.

- A. In addition to any other applicable registration requirements, no Person shall allow to be occupied for rent, or rent to another for occupancy, any Dwelling Unit unless the Owner of the Building within which the Dwelling Unit is located first has registered the Building in accordance with the provisions of 4 of this Article.
- B. *Exemptions.* The provisions of this Article shall not apply to a municipal housing authority; hotels; motels; bed-and-breakfast establishments; hospitals and colleges, except for a Building containing a Dwelling Unit being rented for other than direct hospital or college use, nursing homes, or other Buildings which offer or provide medical or nursing services if such Buildings are subject to state or federal licensing or regulations concerning the safety of the users, patients or tenants: so-called “seasonal” or “short-term” rentals where the term of the rental is less than one month; single-family, Owner-occupied homes where no portion thereof is rented to Persons who are not part of the Owner’s household.

Section 4: Registration.

- A. Within ninety (90) days after the effective date of this Local Law, the Owner of any Building containing any Dwelling Unit that is occupied or available for occupancy on the effective date of this Local law shall file with the Code Enforcement Officer a registration form. The Owner of any Building containing any Dwelling Unit made available for occupancy after the effective date of this Local law shall file with the Town a registration form as herein provided prior to any occupancy. Such registration form shall be furnished by the Town and shall set forth the following information, in addition to other information required by the Fire Chief and/or Code Enforcement Officer:
 - (1) Name, principal residence address, principal business address, telephone number and email address of all Owners of the Building.

- (2) If the Owner is other than a natural person, the information required by (1) above for the individual(s) who are vested with the day-to-day control of the management and operations of the Owner.
- (4) The address, including street name and number, of the Building.
- (5) The number of Dwelling Units in the Building.
- (6) If applicable, the name of Owner's Agent, with the Agent's principal residence address, principal business address, phone number(s) and email address.
- (7) The type(s) of any fire protection system(s) located in the Building.
- (8) The type and amount of material in the Building considered hazardous by NFPA, DOT and/or DEC.

- B. It shall be the responsibility of the Owner to register any change of address, Agent or any other registration information, which occurs after the filing of the registration form, within sixty (60) days of the date of change by filing written notice of such change with the Code Enforcement Officer. For purposes of this section, a post office box shall not be accepted as the Owner's or Agent's address. The Building intended to be registered shall not be accepted as the Owner's or Agent's address unless it is the principal place of business or residence of the Owner or Agent. The Owner shall specify the address to which all notices, violations, and invoices for fees are to be delivered.
- C. If an Owner's principal place of business is not located within Schuyler County, or the Owner's principal place of residence is not located in Schuyler County, the Owner must designate on the registration form an Agent who resides in Schuyler County. Such Agent shall have all necessary authority to make decisions on the Owner's behalf regarding the management and maintenance of any Dwelling Unit leased by Owner, and any Building within which such Dwelling Unit(s) are located, and by designating such Agent on the registration form, Owner shall be estopped from denying such authority. The registration form shall further designate the Owner's Agent as the agent upon whom service of legal process and all notices may be served or delivered.
- D. Within sixty (60) days following the date of transfer of the legal or equitable title to any Building required to be registered by this Article, the new owner shall file with the Code Enforcement Officer a new registration form.

Section 5: Fees.

- A. There shall be no filing fee for an Owner filing a registration form within ninety (90) days after the effective date of this Article. An Owner who owned a Building at the effective date of this Article but failed to file a registration form within said ninety (90) day period

shall pay at the time of filing a registration form a fee of \$125 for each Building being registered.

- B. If the Owner was not the Owner of a Building at any point during said ninety (90) day period, there shall be no filing fee for said Owner provided the Owner files a registration form within sixty (60) days of acquiring legal or equitable title to the Building as required by § 4. If such an Owner files a registration form after the expiration of said sixty (60) day period, the Owner shall pay at the time of filing a registration fee of \$125 for each Building being registered.
- C. There shall be no filing fee for an Owner filing a notice of change to a registration form pursuant to § 4(A)(8).
- D. An Agent designated as such under this Local law shall be required to register with the Code Enforcement Officer as an Agent for each Building of the Owner for whom he is acting as Agent. The Agent shall be required to renew his registration annually. The Town reserves the right to and may decline to accept the registration of an Agent who has failed to satisfy his duties pursuant to this Local law in the preceding year. It shall be the duty of the Code Enforcement Officer to give notice to an Agent whose registration has been denied of the reason(s) for denial.

Section 6: Violations.

- A. A violation of any provision of this Local law shall be an offense punishable by a fine not to exceed \$1,000 and imprisonment for a term not to exceed fifteen (15) days, or both. For purposes of this Local law, each week's continued existence of a violation shall constitute a separate violation. For purposes of the preceding sentence, a "week" shall constitute any period of seven (7) consecutive days.
- B. The Code Enforcement Officer or a representative designated by the Code Enforcement Officer, as the case may be, is hereby authorized to issue appearance tickets pursuant to the Criminal Procedure Law in the enforcement of this or any related laws of the Town of Catharine.
- C. An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Local law. No such action or proceeding shall be commenced except upon resolution by the Town Board authorizing same.
- D. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation of this Local law, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, or otherwise available under applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether

prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section or in any other applicable law.

Section 7: Savings Clause; terms to control.

If any section or provision of this Local law shall be held unconstitutional, invalid or ineffective, such determination shall not be deemed to affect, impair or invalidate the remainder of this Local law. In the event of any inconsistency or conflict between any provision of this Local law and any other local law or ordinance, the provisions of this Local law shall control.