

LOCAL LAW # 3-2013 (REGISTRATION OF RENTAL HOUSING)

Be it enacted by the Town Board of Springwater in the County of Livingston on April 1, 2013

Section # 1 FINDINGS AND INTENT

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

- (A). The protection of the character and stability of residential areas within the community;
- (B). The correction and prevention of housing conditions that adversely affect or are likely to affect the life, safety, general welfare, and health, including the physical, mental and social well-being of persons occupying such dwellings; and
- (C). The preservation of the value of properties and buildings throughout the Town of Springwater.

Section # 2 DEFINITIONS

AGENT- A person 18 years or older or an entity designated by the Owner on registry form who by such Owner designation shall have the authority to make decisions regarding the management and maintenance of any dwelling units owned by the Owner (as defined below) and within the Town of Springwater.

BUILDING- All structures containing one or more dwelling units rented or being offered for rental within the town.

CODE- The New York State Uniform Fire Prevention and Building Code, as amended.

CODE OFFICER- The officer or other designated authority charged with the administration of this law.

DEPARTMENT- The Town of Springwater Office of Code Enforcement.

DWELLING UNIT- Any residential accommodation which is arranged, designed, and used or, if vacant, intended for use, exclusively as a domicile or residence of one or more persons.

OWNER- The Owner or Owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee, or Agent.

PERSON- An individual or any entity which lawfully can be the fee Owner of real property.

TOWN - The Town of Springwater, County of Livingston, State of New York.

Section # 3 RENTAL HOUSING REGISTRY OF OWNER, INSPECTIONS, AND EXEMPTIONS:

A. In addition to any registry requirements pursuant to the New York Multiple Residence Law, no person shall allow to be occupied, or rent to another for occupancy, any dwelling unit unless the Owner has first registered the building with the Town, in accordance to section 4 of this Law.

B. Any apartment that is presently vacant must be inspected by the Office of Code Enforcement prior to rental to ensure compliance with New York State Uniform Fire Prevention and Building Code for the rental units.

C. Exemptions- The provisions of this Law shall not apply to municipal housing authorities, hotels, motels, bed and breakfast establishments, or nursing homes, if such buildings are subject to state and/or federal licensing or regulations concerning the safety of the users or tenants. In addition, the provisions of this Law shall not apply to single family residential structures that are Owner occupied.

D. All buildings subject to this Law shall be inspected by the Office of Code Enforcement at least every twenty-four (24) months.

Section # 4 REGISTRATION

A. Within ninety (90) days after effective date of this law, the Owner or Owners of each building existing with one or more dwelling units shall file with the Town of Springwater Clerk, a registry form. The Owner of each building constructed or modified to one or more Dwelling Units after this effective date must file a registry form prior to occupancy of such Dwelling Unit. The registry application shall set forth the following information, in addition to other information required by the Office of Code Enforcement or other agencies within the Town, which from time to time may be necessary to administer, enforce, and insure compliance to this law:

(1) Name, principal residence address, principal business address, telephone number, and e-mail address, if available, of each Owner of record. If the Owner is an association, partnership, limited liability partnership, joint tenant, tenant in common, tenant by the entirety, or other entity, information as set forth above as to of each and every Owner, partner, or general partner shall be provided;

(2) If the Owner is a corporation or a limited liability company, the principal place of business of the corporation, the names, titles, and residence addresses of all officers, directors, managing or general Agents must be provided;

(3) The street address of each building;

(4) The number of dwelling units in each building;

(5) If applicable, the required information must be provided for the Owner-designated Agent;

(6) The type(s) of any fire protection located within each building;

(7) It shall be the responsibility of the Owner to properly register any and all changes of address, Agent, or any other registration information that may occur after filing of the registry. This must be done within (30) days of said change.

(8) For the purposes of this section, a post office box shall not be accepted as the Owner's or Agent's address. Further, the building that is being registered shall not be accepted as the Owner's or Agent's address unless it is the principal place of business or the residence of the Owner or Agent.

(9) (A) The owner shall specify the address to which all notices, violations, and any invoices for fees are to be delivered.

(B). All inspections by the office of Code Enforcement must be requested at least (7) days in advance. A fee of fifty dollars (\$50.00) will be charged for each inspection.

(C). If said Owner's principal place of business is not located within Livingston County, or is located within Livingston County but none of the business's officers, directors, or members reside in said county, or the Owner's principal residence is not located within said county, the Owner must designate on the registry form a natural person 18 years of age or older who resides in Livingston County as the Agent whom the Owner authorizes to make decisions regarding management and maintenance of the building and upon whom service of legal process and all notices may be served or delivered. The Owner's designation of an Agent shall authorize and empower the Agent to make all decisions on behalf of the Owner.

(D). Within sixty (60) days of the date of transfer of the title to any building subject to this law, the new Owner shall file a new registry form.

Section # 5 FEES

A. There shall be no filing fee for any Owner filing a registry form within ninety (90) days after the effective date of this Law.

B. Thereafter, an Owner who owned a building during said ninety (90) day period but failed to file a registry form during such period shall pay at the time of filing a registry fee of one hundred twenty-five dollars (\$125.00) for each building registered.

C. There shall be no filing fee for Owners filing an amended registry form pursuant to section 4.A.7 of this Law.

Section # 6 VIOLATIONS

In addition to any other remedies available under law, any Owner failing to comply with the requirements of this Law must apply for a probationary certification. In the event that the Owner fails to apply for and obtain a probationary certification, the Office of Code Enforcement may cause to be posted conspicuously on any or all of the Owner's buildings containing rental dwellings units a "Do Not Occupy" stating substantially as follows: These premises are

uncertified pursuant to (Local Law # 3-2013), of the Town of Springwater and the use and occupancy of the building is prohibited effective thirty (30) days from the date of this notice, and therefore no person shall enter the building except for the purpose of making repairs, maintenance, and security until the Owner registers it in accordance to (Local Law #3-2013).

Section # 7 PENALTIES FOR VIOLATIONS

The violation of any provision of this Local Law is an offense and shall subject the Person violating the same to a fine not to exceed \$500.00 or to imprisonment for a term not to exceed 15 days, or both.

Section # 8 CONTINUED VIOLATION

Each day of continued violation shall constitute a separate and distinct offense.

Section # 9 SEVERABILITY

If any provision of this Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remaining terms, parts, provisions, sections and paragraphs.

Section # 10 EFFECTIVE DATE

This Law shall become effective upon filing with the New York Department of State.