

VILLAGE OF WALDEN

Proposed Local Law 4 of 2014

Chapter 221

RENTAL PROPERTY, REGISTRATION OF

Section 221-1. Legislative intent.

The Board of Trustees of the Village of Walden determines that it is in the best interests of the health, safety and general welfare of the citizens of the Village to require owners of residential rental properties within the Village of Walden to annually register their properties with the Village. In this way, the Village will be able to identify the persons responsible for the care and management of such properties to ensure that the housing stock meets safety standards and is otherwise in compliance with all local, state and federal regulations. Additionally, the Board of Trustees determines that it is also in the best interest of the health, safety and general welfare of the citizens of the Village of Walden to make owners of rental units more responsible for the health, safety and welfare of tenants and neighbors and further seeks to provide such owners with options for the designation of managing operators and agents.

Section 221-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them:

BUILDING - Any structure with a roof supported by columns or enclosed by walls.

DWELLING - A building or portion thereof arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises.

OWNER - Any individual, partnership, corporation, joint venture, association or similar type of organization in whose name title to premises are vested.

PREMISES - A building, dwelling and/or grounds.

RENTAL PROPERTY - Includes all buildings containing one or more residential units that are either rented, leased, let or hired out for occupancy. This definition includes buildings that are attached by one or more common walls to other dwellings and to buildings that contain at least one dwelling unit but are primarily used for office, retail, or other commercial purposes.

Section 221-3. Registration of ownership of rental property.

Registration. Every owner of rental property as defined herein shall be required to register such property with the Village Clerk on such forms as prescribed within 30 days from the effective date of this chapter. A new form shall be filed whenever there is a change of ownership of a rental property, and it shall be the responsibility of the new owner(s) to see that such form is filed within a period of 30 days from taking title to the property. ~~Additionally, the owner of the rental property shall be obligated to obtain from the Village a Notification Sticker, which sticker shall contain the contact information for the Village of Walden Building Department, and to conspicuously display the sticker within the premises being rented.~~

Failure to comply with this provision shall constitute a violation of this chapter.

Section 221-4. Registry form and filing.

The owner of each property that is subject to the provisions of this chapter shall file a registry form within 30 days of the effective date of this chapter. Thereafter, the annual filing deadline shall be January 31 of each year. Failure to comply by the deadline shall constitute an offense.

A. The registry form shall require the following information:

- (1) The property address, the tax map parcel number for the property and the number of residential dwelling units in each building.
- (2) The owner's name, mailing address, street address, telephone number and facsimile number.
- (3) The name(s), title(s), address(es) and telephone number(s) of any responsible person(s) of the company, corporation, partnership or other similar business entity if the ownership is held in such form.
- (4) The name, address and telephone number of a local responsible person over 21 years old, residing or doing business in Orange County, who shall be responsible for the care and management of such property, who shall be authorized by the owner to accept legal process on behalf of the owner when the owner resides or has its principal place of business outside of Orange County.
- (5) ~~The number of rooms in the rental property, the dimensions of each room and a description of the present use or uses thereof, if any.~~

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

(7) The name, address and telephone number of the managing agent or operator of each rental property who is authorized to provide immediate access to the entire building, who is designated to be responsible for maintaining the property in compliance with all State and Village Codes and who is further designated to accept service of process in any proceeding relating to this property. The Village Clerk shall be notified within 10 working days of any change in this information. Such managing agent or operator must be one of the following:

- a. the owner of the property, providing the owner lives in the Village of Walden or within a 10 miles radius of the Village of Walden; or
- b. a responsible person over the age of 21 who resides in the Village of Walden or within a 10 miles radius of the Village of Walden; or
- c. a responsible person over the age of 21 who resides on site in the subject premises.

D. The Village Board shall have the power, in its sole discretion, to exempt property owners from the requirements of this section 221-4(7) where strict application of the requirements imposed herein would cause extraordinary hardship to a property owner and where such exemption would not result in any adverse impact on the health, safety or welfare of the citizens of the Village of Walden. For good cause shown, may exempt Landlords from compliance with this Section. [NEED TO EMBELISH]

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(8) ~~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 rental property with a description of the type of insurance provided, policy limits for each coverage and the policy number and expiration date of such policy.~~

B. The registry form shall be signed by the owner and his/her designee and witnessed by a notary public and shall contain the following declaration: "I certify that all information contained in this statement is true and correct to the best of my knowledge and belief. I understand that the willful making of false statements of material facts herein will subject me to the provisions of law relevant to the making and filing of false instruments and shall constitute a violation of this chapter."

- C. It shall be the obligation of each owner to timely notify the Village Clerk whenever the information provided in the annual registry form has become outdated or for any reason is no longer accurate. It shall be the responsibility of each owner to recertify the aforementioned information annually.

Section 221-5. Fees.

- A. Registration Fee. A non-refundable registration fee of ~~\$10025.00~~ per building plus \$10.00 per unit shall be paid upon filing of the initial registration form with the Village.
- B. Permit renewal fee. A non-refundable permit renewal fee of ~~\$10025.00~~ per building ~~plus \$10.00 per unit~~ shall be paid upon filing of the renewal registry form.

Section 221-6. Review of registry form.

The Building Department of the Village of Walden, or its designee shall review each registry form for completeness and accuracy and shall make an onsite inspection of the rental property as provided by law. If satisfied that the proposed rental property, as well as the premises on which the same are located, comply fully with all applicable laws, rules and regulations of the State, County and Village, including local laws and ordinances, and that such rental property would not create an unsafe or dangerous condition or create an unsafe or substandard structure or create a nuisance to adjoining and nearby properties, the Building Department or its designee shall issue the permit or permits applied for.

Section 221-7. Filing of annual registry form.

- A. As provided in Section 221-4, registry forms must be filed annually and the filing deadline shall be ~~January 31st~~ April 1st of each year. Failure to comply by the deadline shall constitute an offense.
- B. Registry renewal.
 - a. A renewal registry form must contain the same information required for the initial application as provided for in this Article; must be accompanied by the appropriate fee and must be submitted to the Village Clerk. [See Section 221-5(B)]. If there are no changes required to be made to the renewal registry form, a statement of “no change” shall be submitted to the Village Clerk.
 - b. Registry renewal forms shall be reviewed by the Building Department in accordance with the criteria contained in this Article and, if the decision is made not to renew, the applicant shall be notified of the reason(s) therefore by written notice from the Building Department mailed to the applicant by

regular and certified mail, return receipt requested. An applicant has 10 working days from the date of such written notice to request a hearing before the Village Board as hereinafter provided. All requests for hearings must be in writing, directed to the Village Clerk, ~~and accompanied by a fee of \$100.00~~. If the applicant requests such a hearing the applicant shall be issued a temporary permit by the Building Department which shall expire 60 days after the decision by the Village Board.

- c. If a hearing is requested, the hearing shall be conducted within 30 days after the receipt of the request therefore. The hearing shall be public and the applicant may be represented by counsel and shall be able to call witnesses on its behalf. The Village Board in its discretion may rescind the decision not to renew for good cause shown. The Village Board shall issue a written decision within 20 days after the hearing and the Village Clerk shall provide the applicant a copy of this decision within 5 business day of its issuance.

Section 221-8. Penalties for offenses.

A violation of any provision of this Article shall constitute an offense within the meaning of the Penal Law of the State of New York punishable as provided for in this Article. A fine of no less than \$500.00 for a first offense and/or up to 15 days in jail shall be imposed and a fine of no less than \$1,000.00 and/or up to 15 days in jail shall be imposed for any second or subsequent offense.