

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
of Walden
Town
Village

Local Law No. 10 **of the year** 2014

A local law Amending Chapter 221 entitled “Rental Property, Registration of” of the Code of the Village of Walden.
(Insert Title)

Be it enacted by the Village Board
(Name of Legislative Body)

of the
County
City
of Walden as follows:
Town
Village

Section 1. Findings and Purpose:

The purpose of this Local Law is to revise Chapter 221 [Rental Property, Registration of] of the Code of the Village of Walden.

Section 2.

Section 221 entitled “Rental Property, Registration of” of the Code of the Village of Walden shall be deleted in its entirety and replaced with the following new Chapter 221 entitled “Rental Property, Registration of.” Underlining indicates text that has been added to the original law. Strike throughs indicate text that has been deleted from the original law. Language that has neither been underlined nor stricken through is language that was contained in the original law that is being carried over to the new law.

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 Building Department of the Village. In this way, the Village will be able to identify the persons responsible for the care and management of such properties, so it is in the best interest of their tenants and neighbors, to ensure that the housing stock meets New York State fire, health and safety standards and is otherwise in compliance with all local, state and federal regulations.

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 **more than** one ~~more than~~ residential unit that is 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 **Building Department** ~~Village Clerk on such forms as prescribed~~ **the Landlord Registry Form** 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.~~ **The Building Department will contact the new owner(s) and provide the Landlord Registry Form and see that it is filed within a period of 30 days from taking title to the property. It is the owner(s) responsibility to notify the Building Department within 10 working days of any changes to the information on the Landlord Registry Form and submit the changes to the Building Department.** Failure to comply with this provision shall constitute a violation of this chapter.

Section 221-4. Registry form and filing.

The annual filing deadline for the Landlord Registry Form shall be April 1st of each year. The Landlord Registry Form must be accompanied by the appropriate fee and submitted to the Building Department. If there are no changes required to be made to the Landlord Registry Form, a state of "no change" shall be submitted to the Building Department. Failure to comply with this provision shall constitute a violation of this chapter. ~~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, cell number, and facsimile number and e-mail address.
- (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 the Managing Agent, Operator of the Rental Property or ~~a local~~ responsible person over 21 years old, residing or doing business in Orange County, who shall be responsible for maintaining the ~~the care and management of such 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, 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.

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. Registration Fee.

- A. A non-refundable fee of \$25.00 per building plus \$10.00 per unit shall be paid upon filing of the Annual Registry For with the Village.

Section 221-6. Review of Annual Registry Form.

The Building Department of the Village of Walden, or its designee shall review each Landlord Registry Form for completeness an accuracy and shall make an onsite inspection of the rental property, by appointment, as provided by law, Chapter 121 of the Code of the Village of Walden.

Section 221-7. Penalties for offenses.

Any person or entity who shall violate any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punishable by a fine of not less than \$500 nor more than \$1,000 or subject to imprisonment for 15 days, or both. Each calendar week a violation shall continue shall constitute and be deemed a separate and distinct offense.

Section 3. SEORA

3.1 This local law is an unlisted action pursuant to the implementing regulations of the *Environmental Conservation Law* as set forth at *6 NYCRR 617 et.seq.* There are no other involved agencies, coordinated review is not required and Board of Trustees shall act as Lead Agency in connection with this local law.

Section 4. Severability

4.1 The invalidity or unenforceability of any particular provision of this local law shall not affect the validity or enforceability of other provisions of this local law, which such provisions shall continue to be both enforceable and valid.

Section 5. Effective Date

5.1 This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.