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2
3 **TOWN OF NEW PALTZ**
4 **INTRODUCTORY LOCAL LAW**
5 **REGISTRATION AND MAINTENANCE OF VACANT AND RENTAL ONE- AND**
6 **TWO-FAMILY RESIDENTIAL PROPERTIES**

7 **§ TBA-1 Title.**

8
9 This Chapter shall be entitled, "Chapter TBA, Registration and Maintenance of Vacant and Rental
10 One- and Two-Family Residential Properties."

11
12 **§ TBA-2 Legislative Findings, Intent.**

13
14 A. The Town Board of the Town of New Paltz finds and determines that:

15
16 1. current economic conditions are causing an increase in the number of one and two family
17 residential properties in the Town that are owned by persons or business entities who do not reside at
18 or occupy the property, including lending institutions which foreclose on the property or acquire a
19 beneficial interest in the property from an owner unable or unwilling to continue payments on a
20 mortgage. Some of those properties are therefore vacant for extended periods of time, and others
21 are offered for rent, and are often maintained or managed by a third party acting under contract, such
22 as a property manager, who may not be available to emergency responders or Town officials in the
23 event of an emergency;

24
25 2. such properties are more likely to suffer deferred maintenance and neglect than owner occupied
26 residences;

27
28 3. the presence of such properties in the Town:

29
30 a. results, in an increasing number of cases, in properties not being maintained in
31 accordance with the requirements of state or local laws, or being maintained in a manner that create
32 conditions on the property that endanger the general public health, safety and welfare;

33
34 b. creates blighting conditions due to failure to comply with property management standards,
35 accumulations of trash, rubbish and debris that create a breeding ground for vermin and a gathering
36 place for persons engaging in illegal acts or nuisance activities, and that such blighting conditions
37 affect neighboring properties, causing a decline in property values, creating aesthetic nuisances that
38 contribute to a general decline in neighborhood and community aesthetics by reducing incentives for
39 adjoining owners to investment in maintaining their property, and may discourage buyers from
40 purchasing adjoining properties; and

41
42 c. not only burdens the Town's emergency services, but the deterioration of such buildings
43 and structures imperils the safety of emergency responders, as well as those individuals who are
44 attracted to such conditions.

45
46 4. current economic conditions also result in an increasing number of illegal or unauthorized
47 residential rental units in the Town, creating public health, safety and welfare concerns arising from
48 the rental of one and two-family residential buildings with dwelling units that may be inadequate in
49 size, overcrowded, not constructed or maintained in compliance with applicable provisions of the New
50 York State Uniform Fire Prevention and Building Code ("NYS Fire and Building Code"), the New York
51 State Multiple Residence Law ("Multiple Residence Law"), the Town Zoning Law, or other applicable
52 state or local laws.

53
54 5. such conditions contribute to parking and traffic problems, create water and sewer impacts that
55 may exceed design standards and health code requirements, and may require police, fire and

1 emergency service demands in excess of the anticipated demand of single family housing units, thus
2 overburdening municipal services;

3
4 6. the creation and maintenance of such substandard rental dwelling units creates dangerous
5 conditions for the occupants of such buildings, for police, and for fire and emergency service workers
6 responding to emergencies at those locations;

7
8 7. such conditions tend to promote or encourage deterioration of the housing in the vicinity of such
9 dwellings, and thereby create blighting and contribute to deteriorating property values; and

10
11 8. the Town Code currently lacks sufficient incentives for non-resident owners to properly maintain
12 rental or vacant property and to encourage tenants to avoid conduct deleterious to the public health,
13 safety and welfare, and that the Town lacks efficient and effective means of enforcement to achieve
14 compliance.

15
16 B. The Town of New Paltz has an interest in ensuring effective enforcement of applicable fire and
17 housing codes, including property management standards, for one- and two-family residential rental
18 properties, and in ensuring that the emergency service providers of the Town are effectively utilized to
19 protect the health and safety of those located in and near such rental residential properties, as well as
20 emergency service responders.

21
22 C. The Town finds and determines that it is in the public interest to establish and maintain a register
23 of the current owners of one and two family residential rental properties, to require that such owners
24 designate a responsible contact person for such properties and maintain current contact information
25 on file with the Town, and promptly inform the Town of any change in ownership of such properties.

26
27 D. The Town of New Paltz finds and determines that it is in the public interest to protect property
28 within the Town from blight caused by vacant buildings and that the owners of such buildings should
29 therefore be required to register such buildings and provide contact information for the owner or a
30 responsible person for such properties, and promptly inform the Town of any change in ownership of
31 such properties.

32
33 E. The Town of New Paltz finds that it is in the public interest to provide for a periodic inspection of
34 the condition of all vacant and rental one- and two-family residential property, and that the costs of
35 such registration and inspection requirements should be borne by the property owners who benefit
36 from them, and therefore determines that a registration fee should be charged to offset the increased
37 cost of inspections and enforcement related to one and two family buildings that are rented, offered
38 for rent, or which are vacant for an extended period of time.

39
40 F. The Town further finds and determines that it is in the public interest to establish and maintain
41 procedures for the inspection of such properties to ensure that they are maintained in compliance
42 with the property maintenance standards of the NYS Fire and Building Code and the NYS Multiple
43 Residence Law, and that vacant buildings are adequately secured.

44
45 G. Mindful of the costs of such inspections and the constitutional safeguards afforded property
46 owners, the Town finds that it is in the public interest to make provision for such inspections to be
47 conducted, at the owner's sole cost, by a NYS licensed architect, NYS licensed professional
48 engineer, or certified code enforcement professional, who shall certify to the Building Inspector that
49 the premises were inspected by such person and found to be in full compliance with all provisions of
50 the Code of the Town of New Paltz and the New York State Uniform Fire and Building Code
51 applicable to such use, In the alternative, a property owner may request that the Building Department
52 conduct such inspection, upon payment of such fee as the Town Board may establish from time to
53 time.

54
55 H. The Town Board recognizes the importance of agricultural uses and operations to the Town and
56 the regional economy, and encourages the preservation and operation of such agricultural operations

1 in the Town. Accordingly, it is not intended that this Chapter shall be applied to lawfully established
2 farmworker housing units within the Town.

3
4 I. The Town Board therefore finds that adoption of this Chapter will protect and safeguard the public
5 health, safety, welfare of the public, that adoption of the regulations set forth in the Chapter will
6 enhance the good order and governance of the Town of New Paltz will be enhanced by enactment of
7 the regulations set forth in this Chapter, and that such regulations are remedial in nature and effect.

8
9 J. The purpose of this chapter is to establish a registry of all one and two family buildings that are
10 rented, offered for rent or which are vacant for an extended period of time, as defined herein,
11 enabling the Town to identify persons responsible for the proper care and management of such
12 property in order to ensure such property is maintained in compliance with local, state and federal
13 laws and regulations.

14
15 K. The provisions of this chapter shall apply to all property located in the Town of New Paltz outside
16 the boundaries of the Village of New Paltz, except lawfully established farmworker housing units
17 located within the Town.

18
19 **§ TBA-3 Definitions.**

20
21 A. As used in this Chapter, these terms shall have the following meanings:

22
23 **ACTION or PROCEEDING**

24 A legal action or proceeding instituted in a court of competent jurisdiction to enforce this Chapter.

25
26 **BUILDING**

27 Any structure having a roof supported by columns or walls used for, or intended to be used for, the
28 shelter or enclosure of persons, animals or property. As used in this Chapter, the term "Building" shall
29 include a structure erected for such purpose.

30
31 **BUILDING DEPARTMENT**

32 The Building Department of the Town of New Paltz, which includes, where appropriate, the Building
33 Inspector, Code Enforcement Officer or any other official charged by the Town Board with
34 administration or enforcement of the provisions of this Chapter.

35
36 **BUILDING CODE or NYS FIRE AND BUILDING CODE**

37 The Uniform Fire Prevention and Building Code of the State of New York, as amended from time to
38 time.

39
40 **CONTACT INFORMATION**

41 The name, residential address and mailing address, business telephone number, home telephone
42 number, cell telephone number, fax number and e-mail address of a owner, managing agent or
43 individual required to provide contact information by this Chapter, and, if such owner is a corporation
44 or other business entity, and a managing agent authorized to accept service of process on behalf of
45 the entity is not designated at the time of registration, the name and address of such entity and the
46 name and residential and business address, together with the business telephone number, cell phone
47 number, fax number and e-mail address, of the president and of the treasurer of such corporation or
48 organization.

49
50 **DWELLING UNIT**

51 A building or portion thereof providing complete housekeeping facilities for one family.

52
53 **FAMILY**

54 One person or two or more persons related by blood, marriage or adoption or not more than five
55 persons not necessarily related by blood, who live together in a single dwelling unit and maintain a
56 common household.

1
2 **ONE FAMILY OR TWO FAMILY DWELLING**

3 A building designed or used principally as the living quarters for one or two families. For purposes of
4 this Chapter, the term "dwelling" includes a building used as a "one-family dwelling" or "two-family
5 dwelling" and any accessory buildings located on the same lot or parcel of land, but shall be deemed
6 to exclude buildings or portions of buildings lawfully used for "multifamily dwelling"; "multiple
7 dwelling"; "dwelling group"; or "condominium unit"; and buildings lawfully used for "motel", "hotel", or
8 other accommodations used for more-or-less transient occupancy, whether or not units in such
9 buildings are rented or offered for rent. The use of a one- or two family dwelling as a
10 "boardinghouse", "rooming house", or "fraternity/sorority house"; as those terms are defined by
11 Chapter 140 of the Town Code, or as a similar use, is not permitted.
12

13 **OWNER**

14 Any individual or individuals, partnership, corporation, limited liability company or other organization,
15 whether for-profit or otherwise, in whose name record title to a property or building is held by deed,
16 contract of sale or judicial determination. Except for purposes of defining an "owner occupied
17 building", the term "Owner" shall include a mortgagee or vendee in possession, assignee of rents,
18 receiver, executor, trustee, lessee, agent or any other person, firm or corporation in control of the
19 property and with the power to exclude others.
20

21 **OWNER OCCUPIED BUILDING**

22 A building or structure that has one or two dwelling units is considered owner-occupied if at least one
23 of the natural persons in whose name record title to the property or building is held has established
24 and maintains his or her principal domicile in the building and resides therein. Upon request of the
25 Town of New Paltz, any owner who claims to occupy a dwelling unit in such building shall provide an
26 affidavit providing sufficient information to demonstrate the basis for his or her claim that the premises
27 are owner-occupied.
28

29 **QUALIFIED PROFESSIONAL**

30 An architect or professional engineer licensed by the State of New York.
31

32 **RENT**

33 Money, property or other valuable consideration (including payout in kind or services or other thing of
34 value) paid for the use and occupancy, or the right to the use and occupancy, of a residential rental
35 property, whether or not a legal relationship of landlord and tenant exists between the owner and the
36 occupant or occupants thereof.
37

38 **RESIDENCE or RESIDENTIAL DWELLING**

39 A building designed or used as a one- or two-family building. or any part of a building which contains
40 living and sleeping accommodations for permanent occupancy as a dwelling unit, but not a multi-
41 family building subject to the Multiple Residence Law, a residential condominium, or a lawfully
42 established residential use containing more than two dwelling units or intended for transient dwelling,
43 such as a hotel, motel, dormitory or hospital; or that part of a mixed-use building that is used for
44 nonresidential uses.
45

46 **RESIDENTIAL RENTAL PROPERTY**

47 A parcel or tract of land with a building containing a one or two family dwelling unit(s) with living,
48 kitchen, sanitary and sleeping facilities for a family, which unit(s) are rented by, or offered for lease or
49 rental by, an owner or owners who does not reside in one of the dwelling units on the property to any
50 individual(s) or any entity, whether rented by verbal contract or written contract (lease) for agreed
51 terms.
52

53 A Residential Rental Property shall not include a dwelling unit lawfully and validly established and
54 maintained by special use permit as an accessory apartment or accessory dwelling in accordance
55 with Section 140-19 of the Code of the Town of New Paltz.
56

1 TRANSIENT

2 A rental period of 29 days or less.

3
4 VACANT RESIDENTIAL BUILDING

5 A building containing one or two single family dwelling unit(s) with living, kitchen, sanitary and
6 sleeping facilities for a family, which is not occupied for more than six months, except in the case of a
7 building which is (A) occupied as a seasonal residence and maintained in accordance with the New
8 York State Property Maintenance Code, or (B) unoccupied due to damage caused by an act of God in
9 which case such building shall become vacant if unoccupied or unused for more than nine months. A
10 two-family residential building shall not be deemed vacant if one of the dwelling units is occupied.

11
12 **Article I – Rental Registration**

13
14 **§ TBA-4 Registration of property and Permit required.**

15
16 A. Every owner of a residential rental property, as defined by this Chapter, that exists on the date of
17 adoption of this Chapter, shall file a Landlord Registration Statement (“Statement”) with the Building
18 Department and obtain a Residential Rental Registration Permit within 60 days of the effective date of
19 this Chapter, An extension of time, not to exceed 120 days, may be granted by the Building Inspector
20 for good cause shown.

21
22 B. Every owner of a residential rental property, as defined by this Chapter, that is offered for rent or
23 lease, is rented or leased, or is to be occupied by someone other than the owner after the date of
24 adoption of this Chapter, shall file a Landlord Registration Statement with the Building Department
25 and obtain a Residential Rental Registration Permit prior to offering such premises to a tenant or
26 allowing occupancy of the property by someone other than the owner.

27
28 C. The Statement, in the form required by the Building Department, shall be filed together with such
29 fee as is required by resolution of the Town Board.

30
31 (1) The Landlord Registration Statement shall be reviewed by the Building Department within ten
32 business days of its submission to determine if it meets the requirements of this Chapter.

33
34 (2) Should the Building Department determine that the Statement is incomplete, inaccurate, defective
35 or untrue in any material respect, the Statement shall be rejected and returned to the owner or to the
36 owner's agent, if filed by the agent, with notice that the Statement is not in compliance with this
37 Chapter.

38
39 **§ TBA-5 Landlord Registration Statement; managing agent designation.**

40
41 A. The Landlord Registration Statement shall include at least the following information:

42
43 (1) The location of the premises, identified by street number and by the section, block and lot number
44 assigned to the premises on the Tax Map of the Town of New Paltz.

45
46 (2) The owner's contact information, as defined by this Chapter.

47
48 (3) Designation of a managing agent for the property, if any, or a responsible person, and the contact
49 information for such agent or person:

50
51 (a) In the event an owner does not reside or maintain an office for the conduct of its business
52 within fifteen miles of a boundary of the Town of New Paltz, the owner shall provide a
53 Management Agent Designation form (“Designation Form”) to the Building Department, which
54 shall designate the managing agent with legal authority and responsibility for such property,
55 including control of the maintenance and operation of such occupied property. The Form
56 shall provide the name and contact information of a natural person, 18 years of age or over,

1 who is either the agent or an employee or representative of such agent, and who resides
2 within fifteen miles of a Town boundary. The Designation Form shall be signed by the owner,
3 and shall designate such individual as the person upon whom process may be served on
4 behalf of the owner. The Designation Form shall include a written consent to such
5 designation signed by the designated managing agent.

6
7 (b) An owner who is a natural person and who meets the requirements of this subsection as
8 to the location of the residence or place of transacting business of a managing agent may
9 designate himself or herself as such managing agent.

10
11 (c) A corporation or limited liability company which is an owner of real property may designate
12 as its managing agent any officer of such corporation or company who meets the
13 requirements of this subsection as to location of the residence or the place of transacting
14 business of the managing agent.

15
16 (d) Any designation of managing agent shall remain in full force and effect until changed or
17 terminated as hereinafter provided.

18
19 (4) The Landlord Registration Statement shall include (1) a copy of the certificate of occupancy or
20 pre-existing certificate of occupancy for the property and (2) written certification from a licensed
21 architect, licensed professional engineer, or certified code enforcement officer stating that the
22 premises have been inspected by such person and found to be in full compliance with all provisions
23 of the Code of the Town of New Paltz and the New York State Uniform Fire and Building Code
24 applicable to such use. The certification shall include, but not be limited to, the number of bedrooms,
25 the square footage of each bedroom, and a description of every improvement indicated on the
26 survey. In lieu of the provision of a certification, the applicant may request that the Building Inspector
27 conduct a compliance inspection. If the owner has the inspection performed at his or her own cost
28 and expense, the owner shall not be assessed any inspection fee.

29
30 B. The Landlord Registration Statement and the Designation Form, if any, shall be signed by the
31 owner and his or her managing agent or designated responsible person, if any, or, if such owner is a
32 corporation or other organization, by the president or treasurer thereof, under oath and acknowledged
33 in the same manner required to record a deed. The owner shall attest to the following certification:
34

"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 any false statement of material fact 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."
--

35
36 C. The owner shall keep the Landlord Registration Statement and the Designation Form, if any,
37 current at all times, and shall promptly notify the Building Department, in writing, whenever any
38 information provided in the Landlord Registration Statement or the Designation Form on file is no
39 longer accurate or complete. An owner may terminate a Managing Agent Designation by filing a
40 new Designation Form, designating a new managing agent, with the Building Department.

41
42 The owner shall file an amended Landlord Registration Statement or Designation Form within 15
43 days of the date of any such change.

44
45 D. If, after filing the Landlord Registration Statement pursuant to this Chapter, the owner of such
46 residential rental property transfers or conveys his/her right, title or interest therein to another person
47 or entity, the transferring owner shall

48
49 (1) advise the new owner, in writing, of the obligation to file a new Landlord Registration Statement
50 with the Building Department on taking title to the property, and

1
2 (2) file with the Building Department, within 15 days after such grant or transfer, a certified statement,
3 which shall contain the name and residence, and contact information of the successor to the owner's
4 interest, or, if such grantee, transferee or successor is a corporation or other organization, the contact
5 information of such entity. If the owner is unable to secure the foregoing information from the
6 successor, the owner shall immediately so notify the Building Department, in writing, of such inability.
7

8 E. If, after the filing of any Landlord Registration Statement with the Building Department pursuant to
9 this Chapter, any change, other than a designation of a different managing agent or different
10 ownership, occurs in any name, residence or contact information set forth in such statement, the
11 owner, shall promptly notify the Building Department, in writing, and within 15 calendar days after
12 such change file an amended Landlord Registration Statement that is accurate and complete.
13

14 F. The owner or managing agent shall keep a current record of all tenants, and their names and
15 addresses, who are renting, leasing or living in the premises for use in the event of an emergency.
16

17 G. A Landlord Registration Statement or Managing Agent Designation shall be deemed prima facie
18 proof of the truth of the statements therein in any action or proceeding instituted by the Town of New
19 Paltz or other agency against an owner or managing agent of a rental property in the Town of New
20 Paltz.
21

22 **§ TBA-6. Residential rental registration Permits.**

23

24 A. The Building Department shall issue a Residential Rental Registration Permit ("Permit") within ten
25 business day after receipt of a complete and valid Landlord Registration Statement; Managing Agent
26 Designation, if required; a certification of property compliance or satisfactory property inspection; and
27 payment of all required fees.
28

29 B. Provided the use remains in compliance with the requirements of this Chapter, the initial Permit
30 shall remain valid for: (1) three years from the first day of following the effective date of this Chapter;
31 or (2) for Permits issued after such date, the date on which the property was required to obtain a
32 permit, as determined by the Building Department. A renewal permit shall be renewed on its
33 expiration date. Subsequent permits shall be valid for three years from the renewal date, provided
34 the use and occupancy of the building and dwelling units do not change and the property is
35 maintained in compliance with this Chapter and all other applicable law.
36

37 C. No later than 30 days prior to the expiration date of a Permit, the owner shall apply to the Building
38 Department for renewal of the Permit, and either submit a certification of compliance or request an
39 inspection of the building and dwellings covered by the Permit by the Building Department.
40

41 D. A qualified professional, or the Building Department (or a duly authorized inspector), if requested
42 by the owner, shall make such inspection of the building and dwelling units covered by the Permit as
43 may be necessary to verify compliance with the provisions of this section. A compliance inspection
44 shall be conducted not later than 30 days after the initial filing of the Landlord Registration Statement,
45 and of any application for renewal of a permit. In the event a qualified professional, or the Building
46 Department, if requested by the owner, is unable, for good cause shown, to conduct an inspection
47 within the time provided by this Section, the Building Inspector shall have discretion to issue a
48 temporary Permit, which shall be effective for no more than six months from the date of issuance or
49 10 days from the date of a subsequent inspection, whichever occurs first.
50

51 E. If the building and dwellings substantially comply with the laws, ordinances and rules specified in
52 this Chapter and any other applicable law, ordinance or rules applicable to occupancy and safety of
53 the building and dwellings, the Building Department may renew the Permit for an additional three-year
54 period, upon payment of the renewal fee for such Permit and compliance with all other requirements
55 of this Chapter.
56

1 F. If a building or dwelling is found to be in violation of any applicable law, ordinance or rules
2 applicable to occupancy and safety of the building and dwellings, the Building Department shall
3 provide a copy of the inspection report and Notice of Deficiency to be sent to the owner of the building
4 in the manner provided for the issuance of notices/inspection report orders by the Building
5 Department:

6
7 (1) Informing them of outstanding violations of laws, ordinances and rules and specifying the law,
8 ordinance or rule involved; and

9
10 (2) Directing them to correct the violations as provided by law within a time specified therein.

11
12 G. Whenever violations of the NYS Uniform Fire and Building Code, Zoning Law or any other
13 applicable law, ordinance or rule are discovered and those violations affect the structure's substantial
14 compliance with any applicable law so as to endanger the public health, safety or welfare, the existing
15 Permit, if any, shall become null and void, and the dwelling unit and/or the dwelling shall be deemed a
16 structure unfit for human habitation. The Building Department shall notify the owner in writing that the
17 continued occupancy or use of the building is forbidden unless and until a new Permit can be lawfully
18 issued. On receipt of notice that the dwelling unit or dwelling is deemed to be a structure unfit for
19 human habitation, the building shall not be occupied or used unless a new Permit is issued by the
20 Building Department.

21
22 H. In the event that the owner of a residential rental property has been cited for violations of
23 applicable laws, ordinances or rules, and the Permit issued for such property lapses due to failure to
24 correct violations within the time provided in a Notice of Deficiency issued pursuant to Paragraph F of
25 this Section, or a Permit becomes void pursuant to Paragraph G of this Section, the owner of the
26 residential rental property must correct such violations, and thereafter secure a new Permit in order to
27 resume the use.

28
29 I. A Permit shall expire on transfer of ownership unless the new owner files a new Landlord
30 Registration Statement within 30 days of such transfer, in which case the Building Department shall
31 issue an amended Permit with the name of the new owner for the remaining period of validity.

32
33 I. Fees: applications for Permits.

34
35 (1) Application fee(s) for issuance and renewal of permits and for any required inspections shall be
36 determined by resolution adopted by the Town Board, and contained in the Town Fee Schedule.

37
38 (2) Initial issuance and/or renewals or conditional approval of a Permit shall require payment
39 specified in accordance with the provisions set forth in this Chapter and shall be made to the Building
40 Department with such application. The failure to submit the required payment in full with such
41 application shall render the application incomplete.

42
43 (3) All application fees, and other fees incurred by the Town in review of an application, shall be paid
44 in full to the Town prior to issuance or renewal of any Permit.

45
46 **§ TBA-7 Violation of Permit Requirement.**

47
48 A. It shall be a violation of this Chapter for an owner to offer any building or structure for rent as a
49 one- or two-family dwelling, or to rent any building, or to allow any building to be occupied for such
50 purpose, other than by the owner of the property, without possessing a valid Permit duly issued
51 pursuant to this Chapter. A copy of the Permit shall be annexed to the tenant's copy of any lease for
52 a dwelling unit within a residential rental building.

53
54 B. It shall be a violation of this Chapter for an owner fail to maintain any residential rental building in
55 accordance with the requirements of this Chapter and the conditions of any Permit duly issued
56 pursuant to this Chapter.

1
2 C. It shall be a violation of this Chapter for an owner to fail to maintain the Landlord Registration
3 Statement or Agent Designation on file with the Building Department in compliance with the
4 requirements of this Chapter during all times that the owner rents a residential rental property, or
5 offers such property for rent.

6
7 D. It shall be a violation of this Chapter for an owner to fail to provide, maintain, or disable a carbon
8 monoxide detector or a smoke detector required by law. When such detectors are installed in or
9 immediately adjacent to sleeping rooms, they shall be hardwired.

10
11 **Article II – Vacant Residential Buildings**

12
13 **§ TBA-8 Registration Required,**

14
15 All vacant residential buildings (VRBs), as defined by this Chapter, shall be registered with the
16 Building Department. This Article shall apply to all property located in the Town of New Paltz outside
17 the boundaries of the Village of New Paltz on which a VRB is situated.

18
19 **§ TBA-9 Registration of vacant residential buildings required.**

20
21 A. Registration. The owner of a building that is vacant on the date of adoption of this Chapter shall
22 register the property with the Building Department within 30 days of the effective date of this Chapter.
23 Any owner of a building which becomes vacant after the adoption of this Chapter shall register the
24 building when it becomes vacant.

25
26 B. Registration Form. The registration form shall be known as the "Vacant Building Registration
27 Statement," which shall be a form provided by the Building Department, signed by the owner under
28 oath and shall be [submitted with the requisite fee as set forth in the fee schedule of the Town of New
29 Paltz,] and shall include, but not be limited to, the following information:

- 30
31 (1) A description of the premises by street number and section block and lot number;
32 (2) The owner's name and contact information, as defined by this Chapter; and
33 (3) Statement of owner's intent of future use of property and efforts being made to have the property
34 reoccupied;
35 (4) .

36
37 C. Posting of sign. The Building Inspector may, in his or her discretion, after consultation with the
38 Town Police Department and agencies responsible for providing emergency services within the
39 Town, require the posting of appropriate signage to alert emergency responders that the building or
40 structure is vacant.

41
42 D. Fees; renewal; refunds.

43
44 (1) The initial and renewal fees for a vacant building registration statement shall be established by the
45 Town Board of the Town of New Paltz. The failure to submit the required payment in full with such
46 application shall render the application incomplete.

47
48 (2) Registration shall be renewed at the end of each six-month period following the initial registration
49 if the building remains vacant.

50
51 (3) The initial registration and renewal fees for a Vacant Building Registration Statement may be
52 reduced by 50% in the sole and reasonable discretion of the Building Inspector upon a finding that the
53 property has been maintained in accordance with the requirements of this Chapter, and the owner is
54 actively marketing the VRB for sale or rent, as evidenced by one or more of the following factors:

- 55
56 (a) The property is listed for sale or rent with a licensed real estate broker;

- 1 (b) The property is included on the Multiple Listing Service;
2 (c) The property is listed for sale or rent at fair market value. In determining fair market value,
3 the Building Inspector shall consult with the Town Assessor and shall take into account the
4 property owner's purchase price and costs of improvement; and
5 (d) The property is posted with a standard-sized real estate sign advertising the property for
6 sale or rent which is readable from a public way.
7

8 (4) A vacant building shall be exempt from the payment of registration and renewal fees if, the
9 property has been maintained in accordance with the requirements of this Chapter, and, in the sole
10 reasonable discretion of the Building Inspector, the property is the subject of any one or more of the
11 following:

- 12
13 (a) A valid open building permit exists and being pursued with diligence;
14 (b) A pending land use application, including site plan, subdivision or special permit, which
15 application is being pursued with diligence, and which does not have outstanding fees
16 accrued in excess of 60 days from the date an invoice for payment was issued to the owner
17 by the Town;
18 (c) A pending application to a governmental agency or body is being pursued with diligence
19 for an approval pertaining to the physical improvement of the property, and which does not
20 have outstanding fees accrued in excess of 60 days from the date an invoice for payment
21 was issued to the owner by said agency or body; or
22 (d) Utilization of the building by the Town of New Paltz on a temporary basis not to exceed six
23 months for Town purposes including, but not limited to, fire training.
24

25 (5) In the event the owner of a registered VRB offers the property for rent, and is thereby required to
26 register the property as a residential rental property pursuant to Article 1 in addition to submitting
27 registration as a VRB pursuant to this chapter, the owner shall not be required to pay both the
28 residential rental registration fee and the vacant building registration fee. In such case, the owner
29 shall be required to only pay the amount of the greater fee.
30

31 D. Designation of managing agent

32
33 (1) In the event the owner of a VRB does not reside within a fifteen-mile radius of the Town of New
34 Paltz, the owner shall designate a managing agent for the VRB who resides within fifteen miles of a
35 boundary the Town of New Paltz and who shall be a natural person at least 18 years of age. The
36 managing agent shall be responsible for and in control of the maintenance and operation of the VRB
37 and shall be designated as the person upon whom process may be served on behalf of the owner.
38 The owner shall provide the Building Department with the name and contact information of the
39 designated managing agent of the VRB.
40

41 (2) The owner shall keep the name and contact information of the managing agent current and, when
42 there is a change in the managing agent or the contact information for the managing agent, the owner
43 shall update such information by amending the VRB registration statement within 15 days from the
44 date of any such change.
45

46 E. Notification of changes to vacant building registration statement.

47
48 (1) If, after the filing of any Vacant Building Registration Statement with the Building Department
49 pursuant to this Chapter, any change, other than a designation of a different managing agent or
50 different ownership, occurs in any name, residence or contact information set forth in such statement,
51 the owner, within 15 calendar days after such change, shall file an amended Vacant Building
52 Registration Statement with the Building Department so that the Statement on file is accurate and
53 complete.
54

55 (2) If, after filing the VRB registration statement pursuant to this Chapter, the owner of such VRB
56 transfers or conveys to another his/her right, title or interest therein, such owner shall file with the

1 Building Department of the Town of New Paltz, within 15 days after such grant or transfer, a written
2 statement, under oath, which shall contain the name, mailing address, physical address, e-mail
3 address, telephone number, and fax number of the grantee, transferee or other successor to the
4 owner or, if such grantee, transferee or successor is a corporation or other organization, the owner
5 shall also provide the name of the chief corporate officer. If the owner is unable to secure the
6 foregoing information from the grantee, transferee or purchaser, then the owner shall immediately so
7 notify the Building Department of the Town of New Paltz, in writing, of such inability.
8

9 F. Inspections; protecting building from illegal activities and unsafe conditions. The Building
10 Department (or an authorized inspector) shall conduct an exterior inspection of each registered VRB
11 at least once every six months, or more frequently as the Building Department determines to be
12 required, to monitor for violations of applicable law and building codes, unsafe conditions or property
13 maintenance conditions which may contribute to blight. The Building Inspector shall promptly notify
14 the owner upon the finding of any violations, unsafe conditions or property maintenance conditions
15 which may contribute to blight. Upon receipt of such notice, which shall be evidenced by transmission
16 of the notice by fax or email to the fax number or email address provided by the owner, the owner
17 shall immediately take action to secure the building and remedy such conditions identified in the
18 notice, and complete such work within 10 days of such notice, or such time as the Building Inspector
19 may consent to in writing.
20

21 **§ TBA – 10 Securing Vacant Structures, prevention of ingress and egress required**

22

23 A. All VRBs shall be maintained by the owner so as to prevent unauthorized access into the building.
24

25 A. Where any door, window or other means of ingress into or egress from a VRB has become broken
26 or open, the property owner shall promptly make repairs and the Building Department may order the
27 building or structure repaired so as to comply with the requirements of securing or boarding up as set
28 forth below.
29

30 B.,When the Building Department determines openings must be secured to prevent unauthorized
31 access into the building and protect the public health, safety and welfare, all openings, except for one
32 securely locked door, shall be secured by removing all broken glass from doors or windows of said
33 building or structure and then securely covering such opening by installing suitable material, at least
34 1/2 inch thick so as to prevent to prevent entry. Such work shall be installed in a neat and
35 workmanlike manner and painted in a color and quality of paint acceptable to the Building
36 Department.
37

38 C. All garbage, debris and combustible or flammable material shall be removed from a vacant
39 building and the premises on which such building is located, and all violations of the NYS Property
40 Management Code and NYS Fire Code shall be promptly remedied. If a vacant building will not be
41 heated between October and April, all water lines shall be drained or otherwise protected to prevent
42 damage due to freezing.
43

44 **§ TBA - 11 Disconnection of utilities.**

45

46 In the event that that the Building Department determines, in its sole discretion, that utility service to a
47 VRB present a danger to the health, safety and welfare of the public or to adjoining property, the
48 owner shall promptly cause such utilities to be disconnected or discontinued at the curb or property
49 line.
50

51 **§ TBA - 12- Inspection of Vacant Building, Authority to order removal of violations.**

52

53 Either with the consent of the owner or the owner's agent, or pursuant to a search warrant lawfully
54 issued by a court of competent jurisdiction if such consent is denied, the Building Inspector and/or
55 Code Enforcement Officer shall have the authority to enter and inspect property on which a VRB is
56 located, inspect the structure, and order the removal by the owner, agent, operator or occupant of any

1 and all violations of state law or the Code of the Town of New Paltz that exist on the property,
2 including buildings, structures and structural appurtenances, that may endanger the public health,
3 safety and welfare or may create blighting conditions and depreciate property values in the
4 neighborhood of the vacant building due to the condition of the building or the premises.

5
6 **§ TBA - 13 Authorization for Town to cure violations; reimbursement of funds expended;
7 penalty assessment.**

8
9 A. In the event that the owner fails to cure such violations with the time designated by the Building
10 Department, and the Building Department determines that it is in the public interest to cause the
11 violations to be remedied in a reasonable time, the Building Department may give notice to the owner
12 that the Town will enter and perform such work as necessary to cure such violations by following the
13 procedure for such work set forth in Chapter 56, Unsafe Buildings.

14
15 B. The actual cost to the Town of any work done pursuant to this Article, plus the actual costs for
16 inspection, reasonable and necessary professional or legal costs incurred by the Town in connection
17 with the work, and other additional costs in connection therewith shall be certified by the Building
18 Inspector to the Town Board.

19
20 C. The owner shall be provided notice by certified mail directed to the address given in the Vacant
21 Building Registration Statement, if any, or the address on the current tax roll of the Town, of when the
22 Building Inspector's certified statement of costs will be audited by the Town Board, and shall have the
23 right to appear before the Town Board at that time and appeal the reasonableness and necessity of
24 the work or the amount certified costs incurred by the Town to do the work.

25
26 D. Upon audit and approval of the certified amount of costs expended or incurred by the Town for
27 such work, any amount not paid within 60 days of service of an audited and certified statement of
28 costs upon the owner of record shall become and be a lien upon the property on which said work
29 was performed by the Town, and the total amount thereof shall be added to or become a part of the
30 next annual assessment roll at the time and in the manner prescribed by the laws of the State of New
31 York and subject to all the provisions thereof.

32
33 Article 4 – General Provisions

34
35 **§TBA – 14 Enforcement.**

36
37 A. This Chapter may be enforced by the Building Inspector, the Code Enforcement Officer, or any
38 other official or representative of the Town of New Paltz duly designated by the Town Board (the
39 "Enforcement Official").

40
41 B. The Enforcement Official is authorized to issue a Notice and Order to Remedy Violation for any
42 violation of any provision of this Chapter and to commence in any court of competent jurisdiction a
43 prosecution for such violation and arrange for the issuance of process pursuant to the Criminal
44 Procedure Law to secure the attendance of the accused.

45
46 C. The Enforcement Official is authorized to include as a condition in any Notice and Order to
47 Remedy Violation a direction that the person to whom such notice and order is directed to cure any
48 specified condition that creates a danger to the health, safety or welfare of the public or of persons
49 occupying a structure.

50
51 D. Any person who fails to comply with the directives in a Notice and Order to Remedy Violation
52 issued by the Enforcement Official within the time limit stated thereon, shall be deemed to have
53 committed a separate offense against this Chapter and shall also thereafter be liable for any such
54 violation or the penalty therefor.

55

1 E. The Enforcement Official may thereafter enforce compliance with this Chapter by instituting a
2 criminal proceeding in a court of competent jurisdiction for fines and/or injunctive relief, or to impose
3 civil penalties for violations of this Chapter, or both.
4

5 F. A Notice of Violation, Summons or Appearance Ticket for any violation of this Chapter may be
6 served on the owner or on the designated managing agent, if an owner had designated a managing
7 agent pursuant to Section TBA-9.D. of this Chapter. Such designation shall constitute agreement by
8 the owner that process may be served on the managing agent of the non-owner-occupied property
9 with equal force and effect as if served on the owner. In the event that the owner has not filed a
10 statement required by this Chapter, such Notice, Summons or Appearance Ticket shall be served by
11 any method of service authorized by the New York Civil Practice Law and Rules.
12

13 G. The reasonable and necessary costs and expenses incurred by the Town, including but not
14 limited to contractor charges, reasonable attorney, engineering and consultant fees, employee
15 salaries and administrative costs, associated with the enforcement of this Chapter, including an action
16 to enjoin the occupancy of a building or structure in violation of this Chapter, or to compel the cure,
17 correction, removal or prevention of any condition existing in violation of the provisions of this
18 Chapter, shall be charged to the owner of such real property
19

20 H. If costs and expenses are not paid in full within thirty (30) days of service of a duly audited
21 voucher upon the owner by certified mail to the address on the Town assessment roll, the charge and
22 costs shall be assessed and levied against and constitute a lien on the real property upon which it is
23 levied until paid or otherwise satisfied and discharged, and shall be collected in the same manner and
24 at the same time as other Town real property taxes.
25

26 **§ TBA - 15 Penalties for offenses.**
27

28 A. For purposes of this section, each week's continued violation of a requirement of this Chapter shall
29 constitute a separate additional violation. With respect to the residential rental registration
30 requirements of this Chapter, any violation of said requirements with respect to a property containing
31 more than one dwelling unit shall be a separate violation for each dwelling unit on the property in
32 violation.
33

34 B. A violation of this Chapter is hereby declared to be a violation within the meaning of the Penal Law
35 of the State of New York, and each separate violation shall be punishable by (i) a fine not exceeding
36 \$350 for each dwelling unit in violation, or imprisonment for a period not to exceed fifteen days, or
37 both, for conviction of a first offense; (ii) for conviction of a second offense, both of which were
38 committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700
39 for each dwelling unit in violation, or imprisonment for a period not to exceed fifteen days, or both;
40 and (iii) upon conviction for a third or subsequent offense, all of which were committed within a period
41 of five years, punishable by a fine not less than \$700 nor more than \$1,000 for each dwelling unit in
42 violation, or imprisonment for a period not to exceed fifteen days, or both. However, for the purpose of
43 conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter shall be
44 deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors
45 shall apply to such violations. Each week's continued violation shall constitute a separate additional
46 violation.
47

48 C. In addition to the penalties provided for in this Chapter, above, the Town shall not issue a building
49 permit or other permit, any temporary certificate of occupancy, certificate of occupancy or variance for
50 any property for which a violation of this chapter has been served until said violation has been finally
51 determined to be cured or otherwise resolved to the satisfaction of the Town.
52

53 D. In addition to the penalties provided for in this Section, above, any person violating this Chapter
54 shall be subject to a civil penalty enforceable and collectible by the Town, in an amount not exceeding
55 (i) \$1,000.00 for each dwelling unit in violation for a first offense, and for each and every offense
56 arising from the initial violation; (ii) for a second offense committed within five (5) years next following

1 a first violation, by a civil penalty enforceable and collectible by the Town not exceeding \$2,000.00 for
2 each dwelling unit in violation; (iii) for each subsequent offense, by a civil penalty enforceable and
3 collectible by the Town not exceeding \$3,500.00 for each dwelling unit in violation. For purposes of
4 imposing a civil penalty, each and every week that such violation continues with respect to each such
5 dwelling unit in violation shall constitute a separate and additional violation.

6
7 E. In addition to the penalties above provided, the Town Board may also maintain an action or
8 proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or
9 to restrain by injunction the violation of this chapter.

10
11 F. No penalty provided for by this Chapter shall be deemed exclusive. The Building Inspector shall
12 have discretion to seek one or more of the penalties provided herein in a court of competent
13 jurisdiction.

14
15 **§ TBA-16 Revocation or suspension of Permit.**

16
17 A. Compliance with the provisions of this Chapter shall be a continuing condition of any Permit,
18 building permit or certificate of occupancy issued by the Building Department pursuant to this
19 Chapter, Chapter 78 or Chapter 140, and is deemed incorporated therein whether expressly in writing
20 or not.

21
22 B. In the event that the Building Department finds and determines that any requirement of this
23 Chapter has been violated, any such Permit issued by the Building Department may be revoked or
24 suspended by the Building Department for cause, after notice to the owner and after an opportunity
25 for the owner to be heard by the Building Department. Suspended permits may not be reinstated until
26 a violation is cured, any penalties are paid to the Town, and the Town is reimbursed for the
27 reasonable and necessary enforcement costs it incurred.

28
29 **§ TBA-17 Responsible parties.**

30
31 A. The owner, as defined by this Chapter, of a residential rental property or a VRB subject to the
32 provisions of this Chapter is the party deemed responsible for compliance with the legal requirements
33 of this Chapter. A "person" is defined, for purposes of this section, to include living persons or entities
34 with the jural identity of a person, i.e., corporations, partnerships, LLCs, etc.

35
36 B. Date of ownership is the recording date for a deed of conveyance, gift, devise (executors or
37 administrator's deeds), the date of making and/or filing court orders transferring title, and the date of
38 execution of non-record-title instruments of conveyance, as indicated. Where an instrument of
39 conveyance is unrecorded, the grantor (seller), as the record-title owner, is deemed the owner for
40 purposes of this Chapter unless or until the deed is recorded, at which time the grantee (buyer) will be
41 deemed the record-title owner.

42
43 **§ TBA - 18. Inspections.**

44
45 A. The Building Department (or an authorized inspector) shall make or cause to be made
46 inspection(s) after proper notice has been provided or as requested to determine the conditions of
47 dwellings, buildings, dwelling units, and premises in order to safeguard the safety, health and welfare
48 of the public under the provisions of this Code.

49
50 B. The Building Department (or an authorized inspector) is hereby authorized to enter any dwelling
51 unit, building, or premises at any reasonable time for the purpose of performing his or her duties
52 under this code, Such entry shall be with the consent of the owner or managing agent if the property
53 is unoccupied, or upon consent of the occupant if the dwelling unit, building, or premises is occupied.

54
55 The Building Inspector shall request that the owner, operator or occupant of every dwelling unit,
56 building, or premises, or the person in charge thereof, give the Building Department representative (or

1 an authorized inspector) free access thereto and to all parts of the premises on which it is located at
2 all reasonable times for the purpose of performing his duties under this code.

3
4 (1) Access by owner or operator. Every occupant of a dwelling unit shall give the owner or operator
5 thereof or his agent or employee access to any part of such dwelling unit or its premises at
6 reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as
7 are necessary to comply with the provisions of this code.

8
9 (2) Application for search warrant. Should an owner (and/or agent, employee, authorized
10 representative, or operator) decline consent to inspection(s) believed to be necessary by the Building
11 Department representative (or an authorized inspector) for proper enforcement of this provision, and
12 the Building Inspector has reasonable cause to believe that a violation of this chapter has occurred,
13 including the requirement that property be maintained in accordance with all applicable laws,
14 regulations and codes, the Building Department (or an authorized inspector) is hereby authorized to
15 apply to the Town Justice Court, or any other court of competent jurisdiction, for an administrative
16 search warrant (pursuant to such legal requirements as may apply) to permit such inspection(s). The
17 application for a search warrant shall in all respects comply with the applicable laws of the State of
18 New York.

19
20 Upon the issuance of said warrant by the Town of New Paltz Justice Court and/or Judge of
21 competent jurisdiction, the Building Department (or a duly authorized inspector) shall conduct the
22 inspection as per the conduct and procedures provided for by § 690 et seq. of the Civil Practice Law
23 and Rules.

24
25 (3) Coordination of enforcement. Inspection of premises and the issuing of orders in connection
26 therewith under the provisions of this Code shall be the exclusive responsibility of the officials of the
27 Building Department charged with responsibility of enforcing this Chapter.

28
29 **§ TBA - 19 Fees; applications, permits, inspections.**

30
31 A. The Town Board of the Town of New Paltz shall establish by resolution the fee to be charged,
32 collected and received for issuance or renewal of permits or for inspections required by this Chapter.

33
34 B. In the event that the circumstances of an application are such that the Building Inspector
35 determines that code compliance, engineering, or legal advice from the Building Departments
36 consultants is required in order to take appropriate action on a permit, the reasonable and necessary
37 costs incurred by the Building Department for such services, and any other fees or costs incurred by
38 the Town, shall be paid in full to the Town prior to issuance or renewal of any Permit.

39
40 **§ TBA - 20. Article 78 Proceeding**

41
42 Any person aggrieved by an order, decision or determination of the Building Department with respect
43 to this Chapter may have such order, decision or determination reviewed by Supreme Court, Ulster
44 County in the manner provided by CPLR Article 78, provided such proceeding is brought within 30
45 days of the date such order, decision or determination is filed in the office of the Town Clerk.

46
47 **§ TBA - 21 Effect on other laws.**

48
49 A. Nothing in this Chapter shall be deemed to preempt New York State laws that are applicable to
50 the rental of residential or commercial property or the application of other Town of New Paltz laws
51 and ordinances and the Code to the premises, including inspection of the premises.

52
53 B. The provisions of this chapter shall be deemed to supplement applicable state and local laws,
54 ordinances, codes and regulations; and nothing in this chapter shall be deemed to abolish, impair,
55 supersede or replace existing rights and remedies of the Town, county or state or existing
56 requirements of any other applicable state or local laws, ordinances, codes or regulations.

1
2 C. In case of conflict between any provision of this chapter and any applicable state or local law,
3 ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.
4

5 D. Any determination made or permit issued pursuant to this Chapter does not make legal any action
6 or statement of facts that is otherwise illegal under any other applicable legislation. For the purposes
7 of the issuance of appearance tickets pursuant to the New York State Criminal Procedure Law and
8 the Town of New Paltz Town Code, a violation of this Chapter shall be deemed a violation of a
9 Building Code.

10
11 **§ TBA-22 No Duty or Liability for Damages Created.**
12

13 The Town, its employees, and contractors acting pursuant to this Chapter shall not assume any
14 special duty to owners, occupants or any other person with respect to Residential Rental Property or
15 Vacant Property. Nothing in this Chapter is intended to create or permit such duty, or otherwise
16 create any duty to any individual or entity, and this Chapter shall not be construed to hold the Town
17 responsible for any damages to persons or property by reason of inspections made pursuant to an
18 application for a Permit, or the failure to make inspections pursuant to an application for Permit, or the
19 issuance of or the failure to issue a Permit.
20

21 **§ TBA-23 Confidentiality.**
22

23 Contact information provided pursuant to the requirements of this Chapter in connection with an
24 application for a residential rental permit under this Chapter is provided solely for the purpose of
25 contacting the owner or managing agent, and shall be deemed personal and private in nature. The
26 release or disclosure of said information pursuant to public request shall be deemed to constitute an
27 unwarranted invasion of personal privacy under New York State Public Officers Law, Article 6, §§ 84
28 through 90, and is not authorized.
29

30 **§ TBA - 24 Severability.**
31

32 If any clause, sentence, paragraph, section or part of any section shall be adjudged by any court of
33 competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder
34 thereof, but shall be confined in its operation to the clause, sentence, paragraphs, section or part
35 thereof directly involved in the controversy and in which such judgment shall have been rendered.