



**Town of New Paltz
Building Inspector
845-255-0102**

Memo

To: Susan Zimet, Supervisor

From: Stacy Delarede, Building Inspector
CC: File
Date: 3/2/2012
Re: Rental Law

Susan,

Attached please find a draft copy of the proposed Rental Registration Law that I have been working on.

I ask that you review the proposal, prior to distribution to the Town Board so we can work out or clarify any issues you may have.

1 CHAPTER TBA

2
3 REGISTRATION AND MAINTENANCE REQUIREMENTS FOR VACANT RESIDENTIAL
4 PROPERTY AND RENTAL RESIDENTIAL PROPERTIES

5
6 **§ TBA-1 Title.**

7
8 This Chapter shall be entitled, "Chapter TBA, Registration and Maintenance of Vacant and Rental
9 One- and Two-Family Residential Properties."

10
11 **§ TBA-2 Legislative Findings, Intent.**

12
13 A. The Town Board of the Town New Paltz finds and determines that:

14
15 1. current economic conditions are causing an increase in the number of one and two family
16 residential properties in the Town that are owned by persons or business entities who do not
17 reside at or occupy the property, including lending institutions which foreclose on the property or
18 acquire a beneficial interest in the property from an owner unable or unwilling to continue
19 payments on a mortgage. Some of those properties are therefore vacant for extended periods of
20 time, and often maintained or managed by a third party, such as a property manager, who may
21 not be available to emergency responders or Town officials in the event of an emergency;

22
23 2. such properties are more likely to suffer deferred maintenance and neglect than owner
24 occupied residences;

25
26 3. the presence of such properties in the Town:

27
28 a. results, in an increasing number of cases, in properties not being maintained in
29 accordance with the requirements of state or local laws, or being maintained in a manner that
30 create conditions on the property that endanger the general public health, safety and welfare;

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

38 c. not only burdens the Town's emergency services, but the deterioration of such
39 buildings and structures imperils the safety of emergency responders, as well as those attracted
40 to such conditions.

41
42 4. current economic conditions also result in an increasing number of illegal or unauthorized
43 residential rental units in the Town, creating public health, safety and welfare concerns arising
44 from the rental of one and two-family residential buildings with dwelling units that may be
45 inadequate in size, overcrowded, not constructed or maintained in compliance with applicable
46 provisions of the New York State Uniform Fire Prevention and Building Code ("NYS Fire and
47 Building Code"), the New York State Multiple Residence Law ("Multiple Residence Law"), the
48 Town Zoning Law, or other applicable state or local laws.

49
50 5. such conditions contribute to parking and traffic problems, create water and sewer impacts that
51 may exceed design standards and health code requirements, and may require police, fire and
52 emergency service demands in excess of the anticipated demand of single family housing units,
53 thus overburdening municipal services;

- 1 6. the creation and maintenance of such substandard rental dwelling units creates dangerous
2 conditions for the occupants of such buildings, for police, and for fire and emergency service
3 workers responding to emergencies at those locations;
4
5 7. such conditions tend to promote or encourage deterioration of the housing in the vicinity of
6 such dwellings, and thereby create blighting and contribute to deteriorating property values; and
7
8 8. the Town Code currently lacks sufficient incentives for non-resident owners to properly
9 maintain rental or vacant property and to encourage tenants to avoid conduct deleterious to the
10 public health, safety and welfare, and that the Town lacks efficient and effective means of
11 enforcement to achieve compliance.
12

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

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

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

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

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

43 G. The Town Board recognizes the importance of agricultural uses and operations to the Town
44 and the regional economy, and encourages the preservation and operation of such agricultural
45 operations in the Town. Accordingly, it is not intended that this Chapter shall be applied to
46 agricultural uses within the Town, as such uses are defined in Chapter 140 of the Town Code.
47

48 H. The Town Board therefore finds that adoption of this Chapter will protect and safeguard the
49 public health, safety, welfare of the public, that adoption of the regulations set forth in the Chapter
50 will enhance the good order and governance of the Town of New Paltz will be enhanced by
51 enactment of the regulations set forth in this Chapter, and that such regulations are remedial in
52 nature and effect.
53

54 I. The purpose of this chapter is to establish a registry of all one and two family buildings that are
55 rented, offered for rent or which are vacant for an extended period of time, as defined herein,
56 enabling the Town to identify persons responsible for the proper care and management of such

1 property in order to ensure such property is maintained in compliance with local, state and federal
2 laws and regulations.

3
4 J. The provisions of this chapter shall apply to all property located in the Town of New Paltz
5 outside the boundaries of the Village of New Paltz, except agricultural uses or operations, as
6 defined by Chapter 140, located within the Town.

7
8 **§ TBA-3 Definitions.**

9
10 A. As used in this Chapter, these terms shall have the following meanings:

11
12 **ACTION or PROCEEDING**

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

14
15 **BUILDING**

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

19
20 **BUILDING DEPARTMENT**

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

24
25 **BUILDING CODE OR NYS FIRE AND BUILDING CODE**

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

28
29 **CONTACT INFORMATION**

30 The name, residential address and mailing address, business telephone number, home
31 telephone number, cell telephone number, fax number and e-mail address of a owner, managing
32 agent or individual required to provide contact information by this Chapter, and, if such owner is a
33 corporation or other business entity, and a managing agent authorized to accept service of
34 process on behalf of the entity is not designated at the time of registration, the name and address
35 of such entity and the name and residential and business address, together with the business
36 telephone number, cell phone number, fax number and e-mail address, of the president and of
37 the treasurer of such corporation or organization.

38
39 **DWELLING UNIT**

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

41
42 **FAMILY**

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

46
47 **ONE FAMILY OR TWO FAMILY DWELLING**

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

1
2 **OWNER**

3 Any individual or individuals, partnership, corporation, limited liability company or other
4 organization, whether for-profit or otherwise, in whose name record title to a property or building
5 is held by deed, contract of sale or judicial determination. Except for purposes of defining an
6 "owner occupied building", the term "Owner" shall include a mortgagee or vendee in possession,
7 assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or
8 corporation in control of the property and with the power to exclude others.
9

10 **OWNER OCCUPIED BUILDING**

11 A building or structure that has one or two dwelling units is considered owner-occupied if at least
12 one of the natural persons in whose name record title to the property or building is held has
13 established and maintains his or her principal residence in the building and resides therein. Upon
14 request of the Town of New Paltz, any owner who claims to occupy a dwelling unit in such
15 building shall provide an affidavit providing sufficient information to demonstrate the basis for his
16 or her claim that the premises are owner-occupied.
17

18 **RESIDENCE or RESIDENTIAL**

19 A building designed or used as a one- or two-family building, or any part of a building which
20 contains living and sleeping accommodations for permanent occupancy as a dwelling unit, but not
21 a multi-family building subject to the Multiple Residence Law, a residential condominium, or a
22 lawfully established residential use containing more than two dwelling units or intended for
23 transient dwelling, such as a hotel, motel, dormitory or hospital; or that part of a mixed-use
24 building that is used for nonresidential uses.
25

26 **RESIDENTIAL RENTAL PROPERTY**

27 A parcel or tract of land with a building containing one or two single family dwelling unit(s) with
28 living, kitchen, sanitary and sleeping facilities for a family, which units are rented by, or offered for
29 lease or rental by, an owner or owners who does not reside in one of the dwelling units on the
30 property to any individual(s) or any entity, whether rented by verbal contract or written contract
31 (lease) for agreed terms..
32

33 **VACANT RESIDENTIAL BUILDING**

34 A building containing one or two single family dwelling unit(s) with living, kitchen, sanitary and
35 sleeping facilities for a family, which is not occupied for more than six months, except in the case
36 of a building which is unoccupied due to damage caused by an act of God in which case such
37 building shall become vacant if unoccupied or unused for more than nine months. A two-family
38 residential building shall not be deemed vacant if one of the dwelling units is occupied.
39

40 **Article I – Rental Registration**

41
42 **§ TBA-4 Registration of property and Permit required.**

43
44 A. Every owner of a residential rental property, as defined by this Chapter, that exists on the date
45 of adoption of this Chapter, shall file a Landlord Registration Statement ("Statement") with the
46 Building Department and obtain a Residential Rental Registration Permit within 60 days of the
47 effective date of this Chapter,
48

49 B. Every owner of a residential rental property, as defined by this Chapter, that is offered for rent
50 or lease, is rented or leased, or is to be occupied by someone other than the owner after the date
51 of adoption of this Chapter, shall file a Landlord Registration Statement with the Building
52 Department and obtain a Residential Rental Registration Permit prior to offering such premises to
53 a tenant or allowing occupancy of the property by someone other than the owner.
54

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

1
2 (1) The Landlord Registration Statement shall be reviewed by the Building Department within ten
3 business days of its submission to determine if it meets the requirements of this Chapter.
4

5 (2) Should the Building Department determine that the Statement is incomplete, inaccurate,
6 defective or untrue in any material respect, the Statement shall be rejected and returned to the
7 owner or to the owner's agent, if filed by the agent, with notice that the Statement is not in
8 compliance with this Chapter.
9

10 **§ TBA-5 Landlord Registration Statement; managing agent designation.**
11

12 A. The Landlord Registration Statement shall include at least the following information:
13

14 (1) The location of the premises, identified by street number and by the section, block and lot
15 number assigned to the premises on the Tax Map of the Town of New Paltz.
16

17 (2) The owner's contact information, as defined by this Chapter.
18

19 (3) Designation of a managing agent for the property, if any, or a responsible person, and the
20 contact information for such agent or person:
21

22 (a) In the event an owner does not reside or maintain an office for the conduct of its
23 business within fifteen miles of a boundary of the Town of New Paltz, the owner shall
24 provide a Management Agent Designation form ("Designation Form") to the Building
25 Department, which shall designate the managing agent with legal authority and
26 responsibility for such property, including control of the maintenance and operation of
27 such occupied property. The Form shall provide the name and contact information of a
28 natural person, 18 years of age or over, who is either the agent or an employee or
29 representative of such agent, and who resides within fifteen miles of a Town boundary.
30 The Designation Form shall be signed by the owner, and shall designate such individual
31 as the person upon whom process may be served on behalf of the owner. The
32 Designation Form shall include a written consent to such designation signed by the
33 designated managing agent.
34

35 (b) The owner or managing agent shall keep a current record of all tenants, and their
36 names and addresses, who are renting, leasing or living in the premises.
37

38 (c) An owner who is a natural person and who meets the requirements of this subsection
39 as to the location of the residence or place of transacting business of a managing agent
40 may designate himself or herself as such managing agent.
41

42 (d) A corporation or limited liability company which is an owner of real property may
43 designate as its managing agent any officer of such corporation or company who meets
44 the requirements of this subsection as to location of the residence or the place of
45 transacting business of the managing agent.
46

47 (e) Any designation of managing agent made pursuant to this section shall remain in full
48 force and effect until changed or terminated as hereinafter provided.
49

50 (f) The owner is required to keep this designation information current at all time. An
51 owner may terminate a Managing Agent Designation by filing with the Building
52 Department a written statement, under oath, designating a new managing agent made in
53 conformity with the provisions of this Chapter.
54

55 B. The Landlord Registration Statement and Designation Form, if any, shall be signed by the
56 owner and his or her managing agent or designated responsible person, if any, or, if such owner

1 is a corporation or other organization, by the president or treasurer thereof, under oath and
2 acknowledged in the same manner required to record a deed. The owner shall attest to the
3 following certification:
4

"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."

5
6
7 C. The owner shall notify the Building Department, in writing, whenever any information provided
8 in the Landlord Registration Statement is no longer accurate or complete. The owner shall file an
9 amended Landlord Registration Statement within 15 days of the date of any such change.

10
11 D. If, after filing the Landlord Registration Statement pursuant to this Chapter, the owner of such
12 residential rental property transfers or conveys his/her right, title or interest therein to another
13 person or entity, the transferring owner shall

14
15 (1) advise the new owner, in writing, of the obligation to file a new Landlord Registration
16 Statement with the Building Department on taking title to the property, and

17
18 (2) file with the Building Department, within 15 days after such grant or transfer, a written
19 statement, under oath, which shall contain the name and residence, and contact information of
20 the successor to the owner's interest, or, if such grantee, transferee or successor is a corporation
21 or other organization, the contact information of such entity. If the owner is unable to secure the
22 foregoing information from the successor, the owner shall immediately so notify the Building
23 Department, in writing, of such inability.
24

25 E. If, after the filing of any Landlord Registration Statement with the Building Department pursuant
26 to this Chapter, any change, other than a designation of a different managing agent or different
27 ownership, occurs in any name, residence or contact information set forth in such statement, the
28 owner, within 15 calendar days after such change, shall notify the Building Department, in writing,
29 under oath, setting forth the particulars of such change as necessary to ensure that the Landlord
30 Registration Statement on file is accurate and complete.
31

32 G. A Landlord Registration Statement or Managing Agent Designation shall be deemed prima
33 facie proof of the truth of the statements therein in any action or proceeding instituted by the
34 Town of New Paltz or other agency against an owner or managing agent of a rental property in
35 the Town of New Paltz.
36

37 **§ TBA-6. Residential rental registration Permits.**
38

39 A. The Building Department shall issue a Residential Rental Registration Permit ("Permit") within
40 ten business day after receipt of a complete and valid Landlord Registration Statement,;
41 Managing Agent Designation, if required; a satisfactory property inspection; and payment of all
42 required fees.
43

44 B. The initial Permit shall remain valid for: (1) three years from the first day of January following
45 the effective date of this Chapter; or (2) for Permits issued after such date, the date on which the
46 property was required to obtain a permit, as determined by the Building Department. A permit
47 shall be renewed on its expiration date. Subsequent permits shall be valid for three years from
48 the renewal date, provided the use and occupancy of the building and dwelling units do not
49 change and the property is maintained in compliance with this Chapter and all other applicable
50 law.

1
2 C. No later than 30 days prior to the expiration date of a Permit, the owner shall apply to the
3 Building Department for renewal of the Permit and request an inspection of the building and
4 dwellings covered by the Permit, or the Building Department may, on its own initiative, cause an
5 inspection to be made of the dwelling.
6

7 D. The Building Department (or a duly authorized inspector) shall then make such inspection of
8 the building and dwelling units covered by the Permit as may be necessary to verify compliance
9 with the provisions of this section. Specifically, a compliance inspection shall be conducted by
10 the Building Department (or a duly authorized inspector) not later than 30 days after the initial
11 filing of the Landlord Registration Statement, and of any application for renewal of a permit.
12 Should an owner (and/or agent, employee, authorized representative, or operator) decline
13 consent to inspection(s) that the Building Department (or an authorized inspector) believes are
14 necessary for proper enforcement of this provision, the Building Inspector is hereby authorized to
15 apply for an administrative search warrant to permit such inspection(s). In the event the Building
16 Department is unable to conduct an inspection within the time provided by this Section, the
17 Building Inspector shall have discretion to issue a temporary rental permit, which shall be
18 effective for no more than six months from the date of issuance or 10 days from the date of a
19 subsequent inspection, whichever occurs first.
20

21 E. If the building and dwellings substantially comply with the laws, ordinances and rules specified
22 in this Chapter and any other applicable law, ordinance or rules, the Building Department may
23 issue a new Permit for an additional three-year period, upon payment of the fee for such Permit
24 and compliance with all other requirements of this Chapter.
25

26 F. If a building or dwelling is found to be in violation of any applicable law, ordinance or rule, the
27 Building Department shall provide a copy of the inspection report and notice of deficiencies to be
28 sent to the owner of the building in the manner provided for the issuance of notices/inspection
29 report orders by Building Department:
30

31 (1) Informing them of outstanding violations of laws, ordinances and rules and specifying the law,
32 ordinance or rule involved; and
33

34 (2) Directing them to correct the violations as provided by law within a time specified therein.
35

36 G. Whenever violations of the NYS Uniform Fire and Building Code, Zoning Law or any other
37 applicable law, ordinance or rule are discovered and those violations affect the structure's
38 substantial compliance with any applicable law so as to endanger the public health, safety or
39 welfare, the existing Permit, if any, shall become null and void, and the dwelling unit and/or the
40 dwelling shall be deemed a structure unfit for human habitation. The Building Department shall
41 notify the owner that the continued occupancy or use of the building is forbidden unless and until
42 a new Permit can be lawfully issued. On receipt of notice that the dwelling unit or dwelling is
43 deemed to be a structure unfit for human habitation, the building shall not be occupied or used
44 unless a new Permit is issued by the Building Department.
45

46 H. In the event that the owner of a residential rental property has been cited for violations of
47 applicable laws, ordinances or rules, and the Permit issued for such property lapses due to failure
48 to correct violations within the time provided in a notice of deficiency issued pursuant to
49 Paragraph F of this Section, or a Permit becomes void pursuant to Paragraph G of this Section,
50 the owner of the residential rental property must correct such violations, and thereafter secure a
51 new Permit.
52

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

1
2 I. Fees: applications for Permits.
3

4 (1) Application fee(s) for issuance and renewal of permits and for require inspections shall be
5 determined by resolution adopted by the Town Board, and contained in the Town Fee Schedule.
6

7 (2) Initial issuance and/or renewals or conditional approval of a Permit shall require payment
8 specified in accordance with the provisions set forth as required by this Chapter and shall be
9 made to the Building Department with such application.

10
11 (3) All application and other fees incurred by the Town shall be paid in full to the Town prior to
12 issuance or renewal of any Permit.
13

14 **§ TBA-7 Violation of Permit Requirement.**
15

16 A. It shall be a violation of this Chapter for an owner to offer any building for rent, or to rent any
17 building, or to allow any building to be occupied, other than by the owner of the property, without
18 possessing a valid Permit duly issued pursuant to this Chapter. A copy of the Permit shall be
19 annexed to the tenant's copy of any lease for a dwelling unit within a residential rental building.
20

21 B. It shall be a violation of this Chapter for an owner fail to maintain any residential rental building
22 in accordance with the requirements of this Chapter and the conditions of any Permit duly issued
23 pursuant to this Chapter.
24

25 C. It shall be a violation of this Chapter for an owner to fail to maintain the Landlord Registration
26 Statement or agent designation in compliance with the requirements of this Chapter during all
27 times that the owner rents a residential rental property, or offers such property for rent.
28

29 D. It shall be a violation of this Chapter for an owner to fail to provide, maintain, or disable a
30 carbon monoxide detector or a smoke detector required by law. When such detectors are
31 required to be installed in or immediately adjacent to sleeping rooms, they shall be hardwired.
32

33 **Article II – Vacant Residential Buildings**
34

35 **§ TBA-8 Registration Required,**
36

37 All vacant residential buildings (VRBs), as defined by this Chapter, shall be registered with the
38 Building Department. This Article shall apply to all property located in the Town of New Paltz
39 outside the boundaries of the Village of New Paltz on which a VRB is situated.
40

41 **§ TBA-9 Registration of vacant residential buildings required.**
42

43 A. Registration. The owner of a building that is vacant on the date of adoption of this Chapter
44 shall register the property with the Building Department within 30 days of the effective date of this
45 Chapter. Any owner of a building which becomes vacant after the adoption of this Chapter shall
46 register the building when it becomes vacant.
47

48 B. Registration Form. The registration form shall be known as the "Vacant Building Registration
49 Statement," which shall be a form provided by the Building Department, signed by the owner
50 under oath and shall be [submitted with the requisite fee as set forth in the fee schedule of the
51 Town of New Paltz,] and shall include, but not be limited to, the following information:
52

53 (1) A description of the premises by street number and section block and lot number;

54 (2) The owner's name and contact information, as defined by this Chapter; and

55 (3) Statement of owner's intent of future use of property and efforts being made to have the
56 property reoccupied;

1 (4).

2
3 C. Posting of sign. The Building Inspector may, in his or her discretion, after consultation with the
4 Town Police Department and agencies responsible for providing emergency services within the
5 Town, require the posting of appropriate signage to alert emergency responders that the building
6 or structure is vacant.

7
8 D. Fees; renewal; refunds.

9
10 (1) The initial and renewal fees for a vacant building registration statement shall be established by
11 the Town Board of the Town of New Paltz .

12
13 (2) Registration shall be renewed at the end of each six-month period following the initial
14 registration if the building remains vacant.

15
16 (3) The initial registration and renewal fees for a Vacant Building Registration Statement may be
17 reduced by 50% in the sole and reasonable discretion of the Building Inspector upon a finding
18 that the property has been maintained in accordance with the requirements of this Chapter, and
19 the owner is actively marketing the VRB for sale or rent, as evidenced by one or more of the
20 following factors:

21
22 (a) The property is listed for sale or rent with a licensed real estate broker;

23 (b) The property is included on the Multiple Listing Service;

24 (c) The property is listed for sale or rent at fair market value. In determining fair market
25 value, the Building Inspector shall consult with the Town Assessor and shall take into
26 account the property owner's purchase price and costs of improvement; and

27 (d) The property is posted with a standard-sized real estate sign advertising the property
28 for sale or rent which is readable from a public way.

29
30 (4) A vacant building shall be exempt from the payment of registration and renewal fees if, the
31 property has been maintained in accordance with the requirements of this Chapter, and, in the
32 sole reasonable discretion of the Building Inspector, the property is the subject of any one or
33 more of the following:

34
35 (a) A valid open building permit exists and being pursued with diligence;

36 (b) A pending land use application, including site plan, subdivision or special permit,
37 which application is being pursued with diligence, and which does not have outstanding
38 fees accrued in excess of 60 days from the date an invoice for payment was issued to the
39 owner by the Town;

40 (c) A pending application to a governmental agency or body is being pursued with
41 diligence for an approval pertaining to the physical improvement of the property, and
42 which does not have outstanding fees accrued in excess of 60 days from the date an
43 invoice for payment was issued to the owner by said agency or body; or

44 (d) Utilization of the building by the Town of New Paltz on a temporary basis not to
45 exceed six months for Town purposes including, but not limited to, fire training.

46
47 (5) In the event the owner of a registered VRB offers the property for rent, and is thereby required
48 to register the property as a residential rental property pursuant to Article 1 in addition to
49 submitting registration as a VRB pursuant to this chapter, the owner shall not be required to pay
50 both the residential rental registration fee and the vacant building registration fee. In such case,
51 the owner shall be required to only pay the amount of the greater fee.

52
53 D. Designation of managing agent. Same as residential rental requirement

54
55 (1) In the event the owner of a VRB does not reside within a fifteen-mile radius of the Town of
56 New Paltz, the owner shall designate a managing agent for the VRB who resides within fifteen

1 miles of a boundary the Town of New Paltz and who shall be a natural person at least 18 years of
2 age. The managing agent shall be responsible for and in control of the maintenance and
3 operation of the VRB and shall be designated as the person upon whom process may be served
4 on behalf of the owner. The owner shall provide the Building Department with the name and
5 contact information of the designated managing agent of the VRB.

6
7 (2) The owner shall keep the name and contact information of the managing agent current and,
8 when there is a change in the managing agent or the contact information for the managing agent,
9 the owner shall update such information by amending the VRB registration statement within 15
10 days from the date of any such change.

11
12 E. Notification of changes to vacant building registration statement.

13
14 (1) If, after the filing of any Vacant Building Registration Statement with the Building Department
15 pursuant to this Chapter, any change, other than a designation of a different managing agent or
16 different ownership, occurs in any name, residence or contact information set forth in such
17 statement, the owner, within 15 calendar days after such change, shall notify the Building
18 Department, in writing, under oath, setting forth the particulars of such change as necessary to
19 ensure that the Vacant Building Registration Statement on file is accurate and complete.

20
21 (2) If, after filing the VRB registration statement pursuant to this Chapter, the owner of such VRB
22 transfers or conveys to another his/her right, title or interest therein, such owner shall file with the
23 Building Department of the Town of New Paltz, within 15 days after such grant or transfer, a
24 written statement, under oath, which shall contain the name, mailing address, physical address,
25 e-mail address, telephone number, and fax number of the grantee, transferee or other successor
26 to the owner or, if such grantee, transferee or successor is a corporation or other organization,
27 the owner shall also provide the name of the chief corporate officer. If the owner is unable to
28 secure the foregoing information from the grantee, transferee or purchaser, then the owner shall
29 immediately so notify the Building Department of the Town of New Paltz, in writing, of such
30 inability.

31
32 F. Inspections; protecting building from illegal activities and unsafe conditions. The Building
33 Department (or an authorized inspector) shall conduct an exterior inspection of each registered
34 VRB at least once every six months, or more frequently as the Building Department determines to
35 be required, to monitor for violations of applicable law and building codes, unsafe conditions or
36 property maintenance conditions which may contribute to blight. The Building Inspector shall
37 promptly notify the owner upon the finding of any violations, unsafe conditions or property
38 maintenance conditions which may contribute to blight. Upon receipt of such notice, which shall
39 be evidenced by transmission of the notice by fax or email to the fax number or email address
40 provided by the owner, the owner shall immediately take action to secure the building and remedy
41 such conditions identified in the notice, and complete such work within 10 days of such notice, or
42 such time as the Building Inspector may consent to in writing.

43
44
45 **§ TBA – 10 Securing Vacant Structures, prevention of ingress and egress required**

46
47 A. All VRBs shall be maintained by the owner so as to prevent unauthorized access into the
48 building.

49
50 A. Where any door, window or other means of ingress into or egress from a VRB has become
51 broken or open, the property owner shall promptly make repairs and the Building Department
52 may order the building or structure repaired so as to comply with the requirements of securing or
53 boarding up as set forth below.

54
55 B.,When the Building Department determines openings must be secured to prevent unauthorized
56 access into the building and protect the public health, safety and welfare, all openings, except for

1 one securely locked door, shall be secured by removing all broken glass from doors or windows
2 of said building or structure and then securely covering such opening by installing suitable
3 material, at least 1/2 inch thick so as to prevent to prevent entry. Such work shall be installed in a
4 neat and workmanlike manner and painted in a color and quality of paint acceptable to the
5 Building Department.

6
7 C. All garbage, debris and combustible or flammable material shall be removed from a vacant
8 building and the premises on which such building is located, and all violations of the NYS
9 Property Management Code and NYS Fire Code shall be promptly remedied.

10
11 **§ TBA - 11 Disconnection of utilities.**

12
13 In the event that that the Building Department determines, in its sole discretion, that utility service
14 to a VRB present a danger to the health, safety and welfare of the public or to adjoining property,
15 the owner shall promptly cause such utilities to be disconnected or discontinued at the curb or
16 property line.

17
18 **§ TBA - 12- Inspection of Vacant Building, Authority to order removal of violations.**

19
20 Either with the consent of the owner or the owner's agent, or pursuant to a search warrant
21 lawfully issued by a court of competent jurisdiction if such consent is denied, the Building
22 Inspector and/or Code Enforcement Officer shall have the authority to enter and inspect property
23 on which a VRB is located, inspect the structure, and order the removal by the owner, agent,
24 operator or occupant of any and all violations of state law or the Code of the Town of New Paltz
25 that exist on the property, including buildings, structures and structural appurtenances, that may
26 endanger the public health, safety and welfare or may depreciate property values in the
27 neighborhood of the vacant building due to the condition of the building or the premises.

28
29 **§ TBA - 13 Authorization for Town to cure violations; reimbursement of funds expended;
30 penalty assessment.**

31
32 A. In the event that the owner fails to cure such violations with the time designated by the
33 Building Department, and the Building Department determines that it is in the public interest to
34 cause the violations to be remedied in a reasonable time, the Building Department may give
35 notice to the owner that the Town will enter and perform such work as necessary to cure such
36 violations by following the procedure for such work set forth in Chapter 56, Unsafe Buildings.

37
38 B. The actual cost to the Town of any work done pursuant to this Article, plus the actual costs for
39 inspection, reasonable and necessary professional or legal costs incurred by the Town in
40 connection with the work, and other additional costs in connection therewith shall be certified by
41 the Building Inspector to the Town Board.

42
43 C. The owner shall be provided notice by certified mail directed to the address given in the
44 Vacant Building Registration Statement, if any, or the address on the current tax roll of the Town,
45 of when the Building Inspector's certified statement of costs will be audited by the Town Board,
46 and shall have the right to appear before the Town Board at that time and appeal the
47 reasonableness and necessity of the work or the amount certified costs incurred by the Town to
48 do the work.

49
50 D. Upon audit and approval of the certified amount of costs expended or incurred by the Town
51 for such work, any amount not paid within 60 days of service of an audited and certified statement
52 of costs upon the owner of record shall become and be a lien upon the property on which said
53 work was performed by the Town, and the total amount thereof shall be added to or become a
54 part of the next annual assessment roll at the time and in the manner prescribed by the laws of
55 the State of New York and subject to all the provisions thereof.

56

1 Article 4 – General Provisions

2
3 **§TBA – 14 Enforcement.**

4
5 A. This Chapter may be enforced by the Building Inspector, the Code Enforcement Officer, or
6 any other official or representative of the Town of New Paltz duly designated by the Town Board
7 (the "Enforcement Official").

8
9 B. The Enforcement Official is authorized to issue a Notice and Order to Remedy Violation for
10 any violation of any provision of this Chapter and to commence in any court of competent
11 jurisdiction a prosecution for such violation and arrange for the issuance of process pursuant to
12 the Criminal Procedure Law to secure the attendance of the accused.

13
14 C. The Enforcement Official is authorized to include as a condition in any Notice and Order to
15 Remedy Violation a direction that the person to whom such notice and order is directed to cure
16 any specified condition that creates a danger to the health, safety or welfare of the public or of
17 persons occupying a structure.

18
19 D. Any person who fails to comply with the directives in a Notice and Order to Remedy Violation
20 issued by the Enforcement Official within the time limit stated thereon, shall be deemed to have
21 committed a separate offense against this Chapter and shall also thereafter be liable for any such
22 violation or the penalty therefor.

23
24 E. The Enforcement Official may thereafter enforce compliance with this Chapter by instituting a
25 criminal proceeding in a court of competent jurisdiction for fines and/or injunctive relief, or to
26 impose civil penalties for violations of this Chapter, or both.

27
28 F. A Notice of Violation, Summons or Appearance Ticket for any violation of this Chapter may be
29 served on the owner or the designated managing agent, if an owner had designated a managing
30 agent pursuant to Section TBA-** of this Chapter. Such designation shall constitute agreement
31 by the owner that process may be served on the managing agent of the non-owner-occupied
32 property with equal force and effect as if served on the owner. In the event that the owner has
33 not filed a statement required by this Chapter, such Notice, Summons or Appearance Ticket shall
34 be served by any method of service authorized by the New York Civil Practice Law and Rules.

35
36 G. The reasonable and necessary costs and expenses incurred by the Town, including but not
37 limited to contractor charges, reasonable attorney, engineering and consultant fees, employee
38 salaries and administrative costs, associated with the enforcement of this Chapter, including an
39 action to enjoin the occupancy of a building or structure in violation of this Chapter, or to compel
40 the cure, correction, removal or prevention of any condition existing in violation of the provisions
41 of this Chapter, shall be charged to the owner of such real property

42
43 H. If costs and expenses are not paid in full within thirty (30) days of service of a duly audited
44 voucher upon the owner by certified mail to the address on the Town assessment roll, the charge
45 and costs shall be assessed and levied against and constitute a lien on the real property upon
46 which it is levied until paid or otherwise satisfied and discharged, and shall be collected in the
47 same manner and at the same time as other Town real property taxes.

48
49 **§ TBA - 15 - ** Penalties for offenses.**

50
51 A. For purposes of this section, each week's continued violation of a requirement of this Chapter
52 shall constitute a separate additional violation. With respect to the residential rental registration
53 requirements of this Chapter, any violation of said requirements with respect to a property
54 containing more than one dwelling unit shall be a separate violation for each dwelling unit on the
55 property in violation.

1 B. A violation of this Chapter is hereby declared to be an offense, within the meaning of the Penal
2 Law of the State of New York, and each separate violation shall be punishable by a fine not
3 exceeding \$350 for each dwelling unit in violation, or imprisonment for a period not to exceed six
4 months, or both, for conviction of a first offense; for conviction of a second offense, both of which
5 were committed within a period of five years, punishable by a fine not less than \$350 nor more
6 than \$700 for each dwelling unit in violation, or imprisonment for a period not to exceed six
7 months, or both; and upon conviction for a third or subsequent offense, all of which were
8 committed within a period of five years, punishable by a fine not less than \$700 nor more than
9 \$1,000 for each dwelling unit in violation, or imprisonment for a period not to exceed six months,
10 or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers
11 generally, violations of this Chapter shall be deemed misdemeanors, and, for such purpose only,
12 all provisions of law relating to misdemeanors shall apply to such violations. Each week's
13 continued violation shall constitute a separate additional violation.
14

15 C. In addition to the penalties provided for in this Chapter, above, the Town shall not issue a
16 building or other permit, any temporary certificate of occupancy, certificate of occupancy or
17 variance for any property for which a violation of this chapter has been served until said violation
18 has been finally determined to be cured or otherwise to the satisfaction of the Town.
19

20 D. In addition to the penalties provided for in this Section, above, any person violating this
21 Chapter shall be subject to a civil penalty enforceable and collectible by the Town, in an amount
22 not exceeding \$1,000.00 for each dwelling unit in violation for a first offense, and for each and
23 every offense arising from the initial violation; for a second violation committed within five (5)
24 years next following a first violation, by a civil penalty enforceable and collectible by the Town not
25 exceeding \$2,000.00 for each dwelling unit in violation; for each subsequent violation, by a civil
26 penalty enforceable and collectible by the Town not exceeding \$3,500.00 for each dwelling unit in
27 violation. For purposes of imposing a civil penalty, each and every week that such violation
28 continues with respect to each such dwelling unit in violation shall constitute a separate and
29 additional violation.
30

31 E. In addition to the penalties above provided, the Town Board may also maintain an action or
32 proceeding in the name of the Town in a court of competent jurisdiction to compel compliance
33 with or to restrain by injunction the violation of this chapter.
34

35 F. No penalty provided for by this Chapter shall be deemed exclusive. The Building Inspector
36 shall have discretion to seek one or more of the penalties provided herein in a court of competent
37 jurisdiction.
38

39 **§ TBA-16 Revocation or suspension of Permit.**

40

41 A. Compliance with the provisions of this Chapter shall be a continuing condition of any Permit,
42 building permit or certificate of occupancy issued by the Building Department pursuant to this
43 Chapter, Chapter 78 or Chapter 140, and is deemed incorporated therein whether expressly in
44 writing or not.
45

46 B. In the event that the Building Department finds and determines that any requirement of this
47 Chapter has been violated, any such Permit issued by the Building Department may be revoked
48 or suspended by the Building Department for cause, after notice to the owner and after an
49 opportunity for the owner to be heard by the Building Department. Suspended permits may not
50 be reinstated until a violation is cured, any penalties are paid to the Town, and the Town is
51 reimbursed for the reasonable and necessary enforcement costs it incurred..
52

53 **§ TBA-17 Responsible parties.**

54

55 A. The owner of a residential rental property or a VRB subject to the provisions of this Chapter is
56 the party deemed responsible for compliance with the legal requirements of this Chapter. Owners

1 are persons with record title of residential rental properties by deed conveyance, gift, devise,
2 court order, or otherwise (including, without limitation, by non-record-title instruments of
3 conveyance and transfer, including, without limitation, installment lease purchase option
4 agreements, installment land contracts, and wrap-around contracts with deed transfer upon
5 fulfillment of conditions stated). A "person" is defined, for purposes of this section, to include living
6 persons or entities with the jural identity of a person, i.e., corporations, partnerships, LLCs, etc.
7

8 B. Date of ownership is the recording date for a deed of conveyance, gift, devise (executors or
9 administrator's deeds), the date of making and/or filing court orders transferring title, and the date
10 of execution of non-record-title instruments of conveyance, as indicated. Where an instrument of
11 conveyance is unrecorded, the grantor (seller), prior record-title owner, is deemed the owner for
12 purposes of this chapter unless or until the deed is recorded, at which time the grantee (buyer)
13 will be deemed the record-title owner.
14

15 **§ TBA - 18. Inspections.**
16

17 A. The Building Department (or an authorized inspector) shall make or cause to be made
18 inspection(s) after proper notice has been provided or as requested to determine the conditions of
19 dwellings, buildings, multiple dwellings, dwelling units, and premises in order to safeguard the
20 safety, health and welfare of the public under the provisions of this code.
21

22 B. The Building Department (or an authorized inspector) authorized inspector) is hereby
23 authorized to enter any dwelling unit, building, or premises at any reasonable time for the purpose
24 of performing his duties under this code. The owner, operator or occupant of every dwelling unit,
25 building, or premises, or the person in charge thereof, shall give the Building Department
26 representative (or an authorized inspector) free access thereto and to all parts of the premises on
27 which it is located at all reasonable times for the purpose of performing his duties under this code.
28 Should an owner (and/or agent, employee, authorized representative, or operator) decline
29 consent to inspection(s) believed to be necessary by the Building Department representative (or
30 an authorized inspector) for proper enforcement of this provision, the Building Department (or an
31 authorized inspector) shall be authorized to apply for an administrative search warrant (pursuant
32 to such legal requirements as may apply) to permit such inspection(s).
33

34 (1) Access by owner or operator. Every occupant of a dwelling unit shall give the owner or
35 operator thereof or his agent or employee access to any part of such dwelling unit or its premises
36 at reasonable times for the purpose of making such inspections, maintenance, repairs or
37 alterations as are necessary to comply with the provisions of this code.
38

39 (2) Application for search warrant. If, in the opinion of any official of the Building Department
40 responsible for enforcement of this Chapter), said official has been unreasonably or unlawfully
41 refused entry into the premises and/or property for purposes of inspection(s), prompt application
42 may be made to the Town Justice Court or any other court of competent jurisdiction, for an
43 administrative search warrant. Upon the issuance of said warrant by the Town of New Paltz
44 Justice Court and/or Judge of competent jurisdiction, the Building Department (or a duly
45 authorized inspector) shall conduct the inspection as per the conduct and procedures provided for
46 by § 690 et seq. of the Civil Practice Law and Rules.
47

48 (3) Coordination of enforcement. Inspection of premises and the issuing of orders in connection
49 therewith under the provisions of this Code shall be the exclusive responsibility of the officials of
50 the Building Department charged with responsibility of enforcing this Chapter.
51

52 **§ TBA - 19 Fees; applications, permits, inspections.**
53

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

1
2 B. The fees required pursuant to the provisions of this Chapter shall be paid in advance upon
3 submission of an application for issuance or renewal of a Permit, and the failure to submit the
4 required payment in full with such application shall render the application incomplete.
5

6 C. In the event that the circumstances of an application are such that the Building Inspector
7 determines that code compliance, engineering, or legal advice from the Building Departments
8 consultants is required in order to take appropriate action on a permit, the reasonable and
9 necessary costs incurred by the Building Department for such services, and any other fees or
10 costs incurred by the Town, shall be paid in full to the Town prior to issuance or renewal of any
11 Permit.
12

13 **§ TBA - 20**. Article 78 Proceeding**
14

15 Any person aggrieved by an order, decision or determination of the Building Department with
16 respect to this Chapter may have such order, decision or determination reviewed by Supreme
17 Court, Ulster County in the manner provided by CPLR Article 78, provided such proceeding is
18 brought within 30 days of the date such order, decision or determination is filed in the office of the
19 Town Clerk.
20

21 **§ TBA - 21 Effect on other laws.**
22

23 Nothing in this Chapter shall be deemed to preempt the laws of the State of New York for the
24 rental of residential or commercial property or the application of other Town of New Paltz laws
25 and ordinances and the Code to the premises, including inspection of the premises.
26

27 **§ TBA-22 No Duty or Liability for Damages Created.**
28

29 The Town, its employees, and contractors acting pursuant to this Chapter shall not assume any
30 special duty to owners, occupants or any other person with respect to Residential Rental Property
31 or Vacant Property. Nothing in this Chapter is intended to create or permit such duty, or
32 otherwise create any duty to any individual or entity, and this Chapter shall not be construed to
33 hold the Town responsible for any damages to persons or property by reason of inspections
34 made pursuant to an application for a Permit, or the failure to make inspections pursuant to an
35 application for Permit, or the issuance of or the failure to issue a Permit.
36

37 **§ TBA - 21 Severability.**
38

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