

(Use this form to file a local law with the Secretary of State.)

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

~~County~~
~~City~~
Town of New Paltz
~~Village~~

Local Law No. of the year 2021

A Local Law to Amend the Code of the Town of New Paltz to Add a New Chapter 110, “Rental and Vacant Residential Properties” to the Code of the Town of New Paltz.

Be it enacted by the Town Board of the

~~County~~
~~City~~
Town of New Paltz as follow:
~~Village~~

Be it enacted by the Town Board of the Town of New Paltz as follows:

Section 1. AMENDMENT

The Code of the Town of New Paltz is hereby amended to add a new Chapter 110, “Rental and Vacant Residential Properties” to read as follows:

§110-1 **Title.**

This Chapter shall be entitled “Rental and Vacant Residential Properties.”

§110-2 **Purposes and intent.**

The Town Board of the Town of New Paltz finds and determines that current economic conditions are causing an increase in the number of one- and two-family residential properties in the Town that are owned by persons or business entities who do not reside at or occupy the property, including lending institutions which have foreclosed upon such properties or have acquired a beneficial interest in such properties from an owner unable or unwilling to continue payments upon a mortgage. Some of those properties are therefore vacant for extended periods

of time, and often maintained or managed by a third party, such as a property manager, who may not be available to emergency responders or Town officials in the event of an emergency.

The Town Board further finds that current economic conditions have the additional potential for an increase in the number of illegal or unauthorized residential rental units in the Town, creating public health, safety and welfare concerns arising from the rental of one and two-family residential buildings with dwelling units that may be inadequate in size, overcrowded, not constructed or maintained in compliance with applicable provisions of the New York State Uniform Fire Prevention and Building Code (“NYS Fire and Building Code”), the New York State Multiple Residence Law (“Multiple Residence Law”), the Town Zoning Law, or other applicable state or local laws. Such conditions have potential to contribute to parking and traffic problems, to adversely impact natural and man-made resources and services and may require police, fire and emergency service demands in excess of the anticipated demand of single-family housing units, thus overburdening municipal services.

Among the purposes and intent of this local law is to establish and maintain a register of the current owners of one and two family residential rental properties; to require that such owners designate a responsible contact person for such properties and maintain current contact information on file with the Town, and promptly inform the Town of any change in ownership of such properties; to create a system whereby the owners of such buildings are required to register such buildings; to provide contact information for the owner or a responsible person for such properties and to promptly inform the Town of any change in ownership of such properties; and to establish and maintain procedures for the inspection of such properties to ensure that they are maintained in compliance with the Uniform Fire Prevention and Building Code and the NYS Multiple Residence Law, and that vacant buildings are adequately secured.

In considering the adoption of this Chapter, the Town Board recognizes the importance of agricultural uses and operations to the Town and the regional economy and encourages the preservation and operation of such agricultural operations in the Town. Accordingly, it is not intended that this Chapter shall be applied to agricultural uses within the Town, as such uses are defined in Chapter 140 of the Town Code.

In considering the adoption of this local law, the Town Board also recognizes the importance of protecting housing affordability within the community for long-term residents, whether owners or renters and it is not intended that this chapter be applied to owner occupied dwellings (long or short-term rentals), multiple dwellings, accessory dwellings or to “bed & breakfast” establishments as such uses are defined in this Chapter. Accordingly, it is the intent of this Chapter to apply to non-owner occupied permanent (or “long term”) and short-term rentals.

§110-3 Definitions.

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

ACTION OR PROCEEDING

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

ACCESSORY DWELLING/APARTMENT

That part of a single-family dwelling consisting of one or more rooms containing at least one bathroom and one kitchen and arranged to be occupied by an individual or individuals, which room or rooms are separated and set apart from all other rooms within the single-family dwelling.

BED AND BREAKFAST ESTABLISHMENT

An owner-occupied dwelling affording overnight accommodations for paying, transient guests that provides limited food services and is limited to five guest bedrooms. Bed and Breakfast establishments are subject to the requirements as set forth in Chapter 140 of the Town Code.

BUILDING

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

BUILDING DEPARTMENT

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

BUILDING CODE OR NYS FIRE AND BUILDING CODE

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

CONTACT INFORMATION

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

DESIGNATED LOCAL CONTACT PERSON

A natural person, 18 years of age or over, who is an owner or representative of the owner, and who resides within fifteen miles of a Town boundary upon whom process may be served on behalf of the owner.

DWELLING UNIT

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

FAMILY

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

LIVING ACCOMMODATION

A dwelling or premises or portion thereof with a bed or beds and bathroom facilities for the use of the person or persons occupying the dwelling, premises, or portions thereof.

MONETARY COMPENSATION

Payment by cash, check, money order, credit card, bitcoin, barter, promise to pay at a future date, or other valuable consideration.

MULTIFAMILY DWELLINGS

A dwelling containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently from each other.

NON-OWNER OCCUPIED SHORT-TERM RENTAL

A building in which its owner or lessee does not actually reside or in which its owner or lessee actually resides for less than (9) calendar months during each calendar year, a portion of which is occupied by one or more persons as a short term rental as such term is defined in this chapter, whether or not such owner or lessee actually resides within such building during all or any portion of the period of short term rental.

OCCUPANT

The premises owner of record filed in the Ulster County Clerk's Office or other permanent resident(s) of the premises occupying living accommodations.

OFFER TO RENT

To personally or through an agent, referral service, representative or other entity or person, communicate or advertise, verbally, in writing, or through electronic means or otherwise, including the Internet, the availability for rental, license, or similar use of any living accommodations, or to knowingly allow, commission, authorize, or permit such communication or advertisement.

ONE FAMILY OR TWO-FAMILY DWELLING

A building designed or used principally as the living quarters for one or two families. For purposes of this Chapter, the term "dwelling" includes a building used as a "one-family dwelling" or "two-family dwelling" and any accessory buildings located on the same lot or parcel of land, but shall be deemed to exclude buildings or portions of buildings lawfully used for "multifamily dwelling," "multiple dwelling," "dwelling group" or "condominium unit" and buildings lawfully used for "motel," "hotel" or other commercial accommodations used for more-or-less transient occupancy, whether or not units in such buildings are rented or offered for rent. The use of a one- or two family dwelling as a "boardinghouse," "rooming house" or

“fraternity/sorority house” as those terms are defined by Chapter 140 of the Town Code, or as a similar use, is not permitted.

OWNER

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

OWNER OCCUPIED BUILDING

A building or structure containing one or two dwelling units within which at least one natural person in whose name record title to the property or building is held has established and maintains his or her primary residence and actually resides therein for at least nine (9) calendar months during each calendar year. Upon request of the Town of New Paltz, any owner who claims to occupy a dwelling unit in such building shall provide an affidavit providing sufficient information to demonstrate the basis for his or her claim that the premises are owner-occupied.

For purposes of this paragraph, the following shall apply:

- (a) Trusts. If legal title to the property is held by one or more trustees, the beneficial owner or owners shall be deemed to be the owner;
- (b) Corporation. If legal title to the property is held by an S-corporation or by a C-corporation, a shareholder of such corporation who has established and maintains such property as his or her primary residence and actually resides therein shall be deemed to be the owner;
- (c) Partnership. If legal title to the property is held by a partnership, one or more of the partners thereof who has established and maintains such property as his or her primary residence and actually resides therein shall be deemed to be the owner;
- (d) If legal title to the property is held by a limited partnership, one or more of the partners thereof who has established and maintains such property as his or her primary residence and actually resides therein shall be deemed to the owner; and
- (e) Where a person is the owner of a present interest in the property under a life estate and has established and maintains such property as his or her primary residence and actually resides therein, such person shall be deemed to the owner.

OWNER OCCUPIED SHORT-TERM RENTAL

An owner or lessee’s primary residence in which such owner or lessee actually resides for at least nine (9) calendar months during each calendar year, a portion of which is occupied by one or more persons as a short term rental as such term is defined in this chapter.

PERMANENT

A period of thirty (30) nights or more.

PREMISES

Immovable property owned or leased by the premises owner or lawful lessee, as applicable.

PREMISES OWNER

A person having lawful ownership title or interest in the premises.

PRIMARY RESIDENCE

The property an individual permanently occupies for the sole purpose of a private dwelling in which such individual actually resides for at least (9) calendar months during each calendar year. The primary residence may be documented by the address listed on the individual's federal and state tax returns or NYS Star Exemption Status. A person shall be deemed to have one ~~principal~~ primary residence.

RESIDENCE or RESIDENTIAL

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

RESIDENTIAL RENTAL PROPERTY

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

SLEEPING UNIT

A single unit providing rooms or spaces for one or more persons that includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SHORT-TERM RENTAL

A dwelling unit, including but limited to a house, apartment or living accommodation, that is rented, in whole or in part, to any person or entity for a period of twenty-nine (29) consecutive nights or less. "Rental" means an agreement or license, written or oral, granting use or possession of a residence, in whole or part, to a person in exchange for monetary compensation. "Short-term rental" shall also mean the selling of shares, time-share ownership or the establishing of other ownership, tenancy or use arrangement in which a person obtains a right of occupancy in all or any portion of a residential dwelling unit.

TRANSIENT

A period of twenty-nine (29) nights or less

VACANT RESIDENTIAL BUILDING (VRB)

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

§ 110-4 Registration of property.

A. Every owner of a residential rental property, as defined by this Chapter, that exists on the date of adoption of this Chapter, shall file a Landlord Registration Statement (“Statement”) with the Building Department and obtain a Residential Rental Registration Permit within 60 days of the effective date of this Chapter which shall be valid for a period of One (1) Year from the date of issuance.

B. Every owner of a residential rental property, as defined by this Chapter, that is offered for rent or lease, is rented or leased, or is to be occupied by someone other than the owner after the date of adoption of this Chapter, shall file a Landlord Registration Statement with the Building Department and obtain a Residential Rental Registration Permit prior to offering such premises to a tenant or allowing occupancy of the property by someone other than the owner. Such permit shall be valid for a period of one (1) year from the date of issuance.

C. Every Owner, Mortgagee or Mortgage Loan Servicer associated with a vacant residential building (VRB), as defined by this Chapter, shall file a Registration Statement (“Statement”)with the Building Department within 60 days of the effective date of this Chapter which shall be valid for a period of One (1) Year from the date issuance.

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

(1) The Statement shall be reviewed by the Building Department within 14 business days of its submission to determine if it meets the requirements of this Chapter.

(2) Should the Building Department determine that the Statement is incomplete, inaccurate, defective, or untrue in any material respect, the Statement shall be rejected and returned to the owner or to the owner’s agent, if filed by the agent, with notice that the Statement is not in compliance with this Chapter. The Owner shall make corrections to the submission within 30 days of the date of notice of non-compliance. Should such corrections not be made within the allotted time, the Registration shall be denied, and a new submission will be required.

(3) A Property Maintenance Inspection will be scheduled within 5 business days of approval of the Statement to ensure that the premises is in compliance with the Uniform Fire Prevention and Building Code and the Town Code.

§110-5 Landlord Registration Statement; Local contact person designation.

A. The Landlord Registration Statement shall include, but is not limited to the following information:

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

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

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

(a) In the event an owner does not reside or maintain an office for the conduct of its business within fifteen (15) miles measured from the nearest geographical boundary of the Town of New Paltz, the owner shall provide a Local Contact Designation form ("Designation Form") to the Building Department, which shall designate a Local Contact Person (Designated Person). . The Form shall provide the name and contact information of the Designated Person. The Designation Form shall be signed by the owner and shall designate such individual as the person upon whom process may be served on behalf of the owner. The Designation Form shall include a written consent to such designation signed by the designated person.

(b) The owner or designated person shall keep a current record of all tenants, and their names and addresses, telephone numbers and e-mail addresses who are renting, leasing or living in the premises.

(c) An owner who is a natural person and who meets the requirements of this subsection as to the location of the residence may designate himself or herself as such designated person .

(d) A corporation or limited liability company which is an owner of real property may designate as its Local Contact Person any officer of such corporation or company who meets the requirements of this subsection as to location of the residence.

(e) Any designation of a Local Contact Person made pursuant to this section shall remain in full force and effect until changed or terminated as hereinafter provided.

(f) The owner is required to always keep this designation information current. An owner may terminate a designated person by filing with the Building Department a written

statement designating a new person made in conformity with the provisions of this Chapter.

(g) The owner shall provide, keep, and maintain a copy of the Certificate of Occupancy.

B. The Landlord Registration Statement and Designation Form, if any, shall be signed by the owner and his or her managing agent or designated responsible person, if any, or, if such owner is a corporation or other organization, by the president or treasurer thereof. The owner shall attest to the following certification:

"I certify that all information contained in this statement is true and correct to the best of my knowledge and belief. I understand that I am responsible for keeping all information current. 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."

C. A Landlord Registration Statement or Local Contact Designation shall be deemed *prima facie* proof of the truth of the statements therein in any action or proceeding.

§110-6. Vacant Residential Building Registration Statement; local contact person designation.

A. The VRB shall include, but is not limited to the following information:

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

(2) The owner's contact information, as defined by this Chapter or the Mortgagee or Mortgage Loan Servicer associated with the Property.

(3) In the event an owner, mortgagee or mortgage loan servicer does not reside or maintain an office for the conduct of its business within the Town of New Paltz, the owner, mortgagee or mortgage loan servicer shall provide a Local Contact Designation form ("Designation Form") to the Building Department, which shall designate a Local Contact Person (Designated Person). The Form shall provide the name and contact information of the Designated Person. The Designation Form shall be signed by the owner, mortgagee or mortgage loan servicer and shall designate such individual as the person upon whom process may be served on behalf of the owner, mortgagee, or mortgage loan servicer. The Designation Form shall include a written consent to such designation signed by the designated person.

§110-7. Fees.

(1) Fee(s) for required registration and inspection shall be determined by resolution adopted by the Town Board and contained in the Town Fee Schedule.

(2) Fee (s) for expedited registration and inspections shall be determined by resolution adopted by the Town Board and contained in the Town Fee Schedule.

(3) Fee (s) for Inspections required due to violations of this chapter shall be determined by resolution adopted by the Town Board and contained in the Town Fee Schedule.

(4) Fee (s) for amended registrations due to non-compliance of this chapter shall be determined by resolution adopted by the Town Board and contained in the Town Fee Schedule.

(5) Payment shall be made to the Building Department with submission of such registration form.

§110-8 Violation of this Chapter.

A. It shall be a violation of this Chapter for an owner to offer any building for rent, or to rent any building, or to allow any building to be occupied, other than by the owner of the property, without first submitting a Landlord Registration and Designation Form, and obtaining a Residential Rental Registration Permit.

B. It shall be a violation of this Chapter for an owner to fail to maintain any residential rental building in accordance with the requirements of this Chapter.

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

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

E. It is the responsibility of the property owner to comply with all terms and provisions of this Chapter and to ensure that his or her rental tenants, guests and invitees comply with this Chapter and the terms and conditions of a rental permit shall be attributed to the failure of the property owner to discharge his or her responsibility to ensure such compliance.

§110-9 Enforcement; notice to remedy violations.

A. This chapter shall be enforced by the Building Inspector, the Code Enforcement Officer, or any other official or representative of the Town of New Paltz duly designated by the Town Board, hereinafter referred to as the "Enforcement Officer."

B. Upon receipt of a complaint or upon the Enforcement Officers own initiative, the Enforcement Office is authorized to investigate any property to determine compliance with this Chapter.

C. In the event that an investigation by the Enforcement Officer demonstrates reasonable cause to believe that a violation of this Chapter has occurred, the Enforcement Officer shall issue a notice and order to remedy violation for any violation of any provision of this Chapter and is authorized to commence, in any court of competent jurisdiction, a prosecution for such violation and arrange for the issuance of process pursuant to the Criminal Procedure Law to secure the attendance of the accused.

D. The Enforcement Officer is authorized to include, as a condition in any notice and order to remedy violation, a direction that the owner to whom such notice and order is directed appear and attend before the Enforcement Officer at a time and place set forth in such notice, or at any recessed or adjourned date with the consent of the Enforcement Officer, for the purpose of preparing and filing a Landlord Registration Statement and for the purpose of obtaining a Residential Rental Registration Permit as required by this Chapter in order to ensure compliance with the purposes and intent of this Chapter.

E. Any owner who shall fail to comply with the directives in a notice and order to remedy violation issued by the Enforcement Officer within the time limit stated thereon, including the failure to prepare and file a Landlord Registration Statement or a Residential Rental Registration Permit or both as required by this Chapter shall be deemed to have committed a separate offense against this Chapter and shall also be liable for any such violation or the penalty therefor.

F. In the event that an appearance ticket is issued following a violation of the provisions of this Chapter, an answer to such appearance ticket shall be made to the Town Court of the Town of New Paltz on the return date at the time and place specified in said appearance ticket.

§110-10. Penalties for Offenses.

A. Any person who violates any of the terms of this Chapter shall be deemed to have committed an offense against this chapter and shall be liable for any such violation or the penalty therefor.

B. Each violation of this chapter is hereby declared to be an offense, punishable by a fine up to \$500 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of one year, punishable by a fine not less than \$500 nor more than \$1,500 or imprisonment for a period not to exceed 15 days, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of two years, punishable by a fine not less than \$1500 nor more than \$3,000 or imprisonment for a period not to exceed 15 days, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter (except for a first offense) shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

C. Each day that the violation continues shall be deemed a separate violation.

D. In addition to the penalties provided above, any person violating this chapter shall be subject to a civil penalty, enforceable and collectible by the Town, not exceeding \$1,000 for a first offense; for a second violation committed within five years next following a first violation, to a civil penalty, enforceable and collectible by the Town, not exceeding \$2,000, and for each subsequent violation, to a civil penalty, enforceable and collectible by the Town, not exceeding \$3,500.

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

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

G. The penalties for violation of this Chapter shall be in addition to any penalties imposed for violation of other provisions of the Town Code and the New York State Uniform Fire Prevention and Building Code.

Section 2: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. EFFECTIVE DATE

This Local Law shall be effective upon filing with the Secretary of State.