

Proposed Local Law G – 2021

RENTAL DWELLING UNIT REGISTRATION

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§ 176-1 **Legislative intent.**

The intent of this chapter is to attempt to ensure that all rental dwelling units are safe, to provide necessary information for essential communications between emergency responders and tenants in the event of an emergency, and to prevent illegal rentals.

§ 176-2 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

DWELLING UNIT

A building within the Village, or part of such building, occupied or to be occupied by one or more persons as a residence. Such residence does not have to be the occupier's sole residence.

FAMILY

One individual or a collective group of individuals either:

(1)

Related to each other by blood, marriage or adoption who live together in the same dwelling unit, cook together and function as a single, stable housekeeping unit with common access to all rooms and facilities; or

(2)

Not related by blood, marriage or adoption but who together constitute the functional equivalent of a natural family, all living together in the same dwelling unit, cooking together and generally functioning as a single, stable housekeeping unit, all with common access to all rooms and facilities, with no member or members of such group subletting, subleasing or otherwise controlling any part of the dwelling separately from the others.

OWNER

A.

The grantee of the property as set forth in the last deed of record on file with the Clerk of the County of Nassau, every partner of any grantee that is partnership, company, or firm, and every officer of any grantee that is a corporation, except:

(1)

A public housing authority organized as such under the laws of the State of New York;

(2)

A not-for-profit corporation organized to own and operate a group home or assisted-living or moderate-income senior-citizen housing in conjunction with New York State; and

(3)

A state-, county- or village-operated group home or treatment facility.

B.

A tenant in relation to its subtenant.

RENT

A return, in money, property, or other valuable consideration (including payment in kind or services or other thing of value), for use and/or occupancy or the right to the use and/or occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL BUILDING

A building wherein there is a rental dwelling unit.

RENTAL DWELLING UNIT

A dwelling unit established, occupied, used or maintained for rental occupancy.

RENTAL OCCUPANCY

The occupancy or use of a dwelling unit by one or more persons as a dwelling unit under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use. There is a rebuttable presumption that any occupancy or use of a dwelling unit is a rental occupancy if the owner of the building containing the dwelling unit does not reside in the same building.

SUPERINTENDENT

The Superintendent of the Building Department or his or her designee.

§ 176-3Applicability.

A.

This chapter shall apply to all rental dwelling units, whether or not the use and/or occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located.

B.

The issuance of any permit pursuant to this chapter does not make legal any action that is otherwise illegal under any other applicable law.

§ 176-4Rental occupancy permit required.

It shall be unlawful for the owner, owner's agent, real estate agent, or any other person with actual or apparent authority over any dwelling unit to allow, permit, suffer, or tolerate the rental of such dwelling unit without having first obtained a rental occupancy permit pursuant to this chapter.

§ 176-5 **Application for rental occupancy permit.**

A.

An application for a rental occupancy permit for a rental dwelling unit shall be made to the Superintendent and shall include the following information and such other information as the Superintendent may deem appropriate:

(1)

The name, address, telephone number, and email address of the managing agent or operator, if any, or of the owner of the rental building;

(2)

The street address and tax map description (section, block, and lot or lots) of the rental building; and

(3)

The number of dwelling units within the rental building.

(4)

The name, telephone number, and email address of the occupant or occupants to whom the dwelling unit is rented. If not known at the time of the registration, that information shall be added to the registration within 30 days after it becomes known. In the event that such dwelling unit is at any time thereafter rented to a different occupant or occupants, within 30 days of that rental, such registration information shall be updated so that it is always current.

(5)

A floor plan or other diagram sufficient for the Superintendent to identify the location of the dwelling unit within the rental building if the dwelling unit is only part of the rental building.

(6)

A certification that the dwelling unit is equipped with a functioning smoke detector device and a carbon monoxide alarm in compliance with the New York State Uniform Fire Prevention and Building Code.¹¹

[1]

Editor's Note: See NY Exec § 370 et seq.

B.

Each application shall be executed and acknowledged by the owner of the rental building.

§ 176-6 **Fees.**

A nonrefundable permit application fee for each dwelling unit shall be set from time to time by resolution of the Board of Trustees.

§ 176-7 Review of application.

The Superintendent shall review each application for completeness and the legality of the proposed rental and, upon satisfaction of the completeness of the application, the legality of the rental, the payment of the required fee, and confirming that there is a legal certificate of occupancy for the proposed rental and that there are no outstanding violations on the property, whether or not a notice of violation or a notice of appearance to the Village Justice Court has been issued, the Superintendent shall issue the permit.

§ 176-8 Term of permits.

All permits issued pursuant to this chapter shall be valid for a period of two years from the date of issuance.

§ 176-9 Register of permits.

A.

The Superintendent shall maintain a register of permits issued pursuant to this chapter. Such register shall be kept by street address, showing the name and address of the permit holder, the number of rental dwelling units in the rental building, and the date of expiration of such permit.

B.

The telephone numbers and email addresses set forth on the applications may be shared with Law Enforcement, but shall otherwise be kept confidential to the extent permitted by the Freedom of Information Law.¹¹

[1]

Editor's Note: See the Freedom of Information Act, 5 U.S.C. § 552.

§ 176-11 Broker's responsibility prior to listing.

It shall be unlawful for any real estate broker or agent to list, show, or otherwise offer for rent any dwelling unit for which a current rental occupancy permit has not been issued by the Superintendent. It shall be both the broker and the agent's responsibility to verify the existence of a current rental occupancy permit before offering any dwelling unit for rental. In the event that a real estate broker and/or agent is convicted of a violation of this section, the Superintendent shall transmit a record of such conviction to the Division of Licensing Services of the Department of State and to make complaint thereto against such real estate broker and/or agent on behalf of the Village.

§ 176-12 **Offers to rent.**

No person shall solicit, advertise, cause, permit, and/or allow another person to solicit, advertise, or publish an offer to lease a rental dwelling unit, unless the rental dwelling has in effect a current rental occupancy permit.

§ 176-13 **Presumptions applicable to rental registration enforcement and prosecutions.**

A.

Within the context of rental registration enforcement and prosecutions, the presence or existence of any of the following shall create a rebuttable presumption that a property is being used for rental occupancy:

(1)

The property is occupied by someone other than the owner of the property, and the owner of the property represents in any manner that he or she resides at an address other than the subject property;

(2)

Utilities, cable, phone, or other services are in place or requested to be installed or used at the premises in the name of someone other than the owner;

(3)

There are separate entrances for segregated parts of the dwelling;

(4)

There are partitions and/or internal doors with locks that may serve to bar access between portions of the dwelling, including, but not limited to, bedrooms;

(5)

There is a written or oral lease or other rental agreement for all or portions of a residential building;

(6)

Any occupant or person in possession of a residential building does not have unimpeded access to all parts of the residential building;

(7)

A premises has been advertised as being available for rent;

(8)

There is more than one mailbox, gas meter, and/or electric meter at the premises;

(9)

There are more than two motor vehicles registered to the premises and the registered owners of not less than three of such motor vehicles have different surnames.

B.

Nothing herein shall be construed to prevent persons living together as a family unit with the owner.

175-14 Short Term Rentals

A.

Renting, leasing or letting of a single-family dwelling by a homeowner to another single family or individual for 90 consecutive days or more while the owner does not occupy the premises is a permitted use. No more than two such rentings, leaseings or lettings may occur in any three-hundred-sixty-five-day period. The rental, leasing or letting for a term of less than 90 consecutive days in a three-hundred-sixty-five-day period is prohibited. The homeowner must notify the Village Clerk and Police Department of the name and contact telephone number of the individual(s) occupying the premises upon any renting, leasing or letting authorized under this section.

B.

In the event that this section causes a severe and substantial financial hardship to any property owner, an application may be made in writing to the Board of Trustees requesting an exemption from the provisions of this section. After due notice and a public hearing on such application, the Board of Trustees may grant such exemption and impose any conditions as may be deemed reasonable or necessary. No exemption shall be granted pursuant to this section, except upon a determination in the sole discretion of the Board of Trustees that severe and substantial financial hardship exists as a result of the application of the provisions of this section.

§ 176-15 Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this chapter shall be for any reason adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter, and it shall be construed to have been the legislative intent to enact this chapter without such unconstitutional and/or invalid parts therein.