

Local Law Filing

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

County
City
~~Town~~ of Baxter Estates
Village

Bill 1 of 2023

Local Law __ of the year 202_

(Insert Title)

A local law amending the Village Code, to add a new Chapter 146, “Rental Dwelling Units,” to regulate the rental of residential property within the Village.

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

County
City
~~Town~~ of Baxter Estates
Village

Section 1. Legislative Findings and Intent. The Board of Trustees (the “Board”) of the Village of Baxter Estates (the “Village”), has determined that there exist in the Village serious conditions arising from rental of dwelling units that are substandard or in violation of the Village Code and that tend to overburden municipal services and to promote or encourage deterioration of the housing stock of the Village. The Board finds that new Code provisions will serve to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Village will be enhanced by enactment of the regulations set forth in this Chapter.

Section 2. The Code of the Village of Baxter Estates is hereby amended to include a new Chapter 146, “Rental Dwelling Units,” to be inserted immediately after the end of existing Chapter 144, “Property Maintenance,” and to read in its entirety as follows:

“Chapter 146
RENTAL DWELLING UNITS

§ 146-1. **Legislative intent.** The Board of Trustees recognizes the inherent dangers of rental dwelling units which do not meet minimum fire safety and construction standards. It hereby finds and determines that a reasonable and lawful means providing for the registration and inspection of such dwelling units, on a periodic basis, will promote the health, safety and welfare of the inhabitants of said dwelling units and the good order of the Village in general.

§ 146-2. **Applicability.** All residential premises within the Village of Baxter Estates are subject to the provisions of this Chapter.

§ 146-3. **Permit required.** It shall be unlawful to use, establish, maintain, lease or let any premises, entirely or partially for residential occupancy, where any rent or other consideration is paid, charge is made or services are rendered in exchange for such use or occupancy, without first having obtained a permit therefor, as required by this Chapter.

§ 146-4. **Application for permit.** Application for a permit shall be made, in writing, on forms provided by the Village for such purpose, to the Superintendent of Buildings, or to such other person as may be designated by the Board of Trustees from time to time. Such application shall contain such information and shall have appended to it such documents as shall be reasonably required and as more particularly set forth in a writing promulgated from time to time by the Superintendent of Buildings.

§ 146-5. **Owner or designated agent.** An application hereunder shall be executed by the record owner of the premises or by an agent designated, in writing, by said record owner, for the purposes of this chapter. Said record owner or agent, as the case may be, shall be the person upon whom service shall be made of any written violation or notice of violation under this Code. Where a record owner maintains residence outside of the County of Nassau, State of New York, such record owner, as a condition of any permit hereunder, shall designate a person with an office and mailing address within the County of Nassau as the agent for such premises.

§ 146-6 **Issuance of permit.** A permit shall be issued hereunder upon a determination by the Superintendent of Buildings that the rental dwelling unit(s) which are the subject of the application are in compliance with the New York State Uniform Fire Prevention and Building Code and the Code of the Incorporated Village of Baxter Estates. Where the provisions or requirements of such codes are in conflict, one with the other, then the provision or requirement which is the more restrictive, or which establishes the higher standard, shall prevail.

§ 146-7. **Denial of permit.** Where the Superintendent of Buildings determines not to issue a permit hereunder, the Superintendent of Buildings shall provide written notice to the applicant as to the basis therefor, which notice shall set forth, in detail, those matters which are required to be addressed by the applicant in order for such permit to issue. In the event of any denial of a permit hereunder, the applicant shall have a right of appeal to the Zoning Board of Appeals, which shall consider any such appeal promptly and provide its decision, in writing, to the applicant.

§ 146-8. **Compliance required.**

(1). No permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the Code of the Village of Baxter Estates, the laws and sanitary and housing regulations of the County of Nassau or any special district having jurisdiction with respect to the property, and the laws, rules and regulations of the State of New York.

(2). Prior to the issuance of any such permit or renewal thereof; the property owner shall provide a certification from a licensed architect, a licensed professional engineer or the Village Superintendent of Buildings that the property which is the subject of the application is in compliance with all the provisions of the Code of the Village of Baxter Estates, the laws and sanitary and housing regulations of the County of Nassau or any special district having jurisdiction with respect to the property, and the laws, rules and regulations of the State of New York.

§ 146-9. **Inspections.**

(1). The Superintendent of Buildings is authorized to make or cause to be made inspections to determine the condition of dwellings and to safeguard the health, safety, morals and welfare of the public. The Superintendent of Buildings or his designated representative is authorized to enter, upon the consent of the owner, tenant or occupant of any dwelling, dwelling unit, rooming house, rooming unit or premises at any reasonable time during daylight hours or at such other time as may be necessary in an emergency, without consent of the owner, for the purpose of performing his duties under this Chapter.

(2). Inspection certificates. Every owner of a rental dwelling unit permitted under this Chapter shall submit to the Village Superintendent of Buildings between June 1 and July 1 of each year a written report as to the operating condition of the boilers, oil and/or gas burners, electrical heating equipment, compactors and devices connected therewith and fire and safety equipment, such as fire extinguishers, fire escapes and fire-warning systems and sprinkler systems contained in or used in connection with said rental dwelling unit and its appurtenances. The reports shall specifically state compliance or

lack of compliance and in what respect there is failure to comply with the provisions of this Code or any other ordinances which may be applicable. The reports shall be filed within 30 days after the equipment has been inspected, and it shall be made and certified by persons, firms or corporations qualified to service the equipment involved.

§ 146-10. **Period of validity.** A permit issued hereunder shall be valid for a period of two years from the date of issuance, except upon transfer of record ownership of the premises under § 146-11 hereof.

§ 146-11. **Transfer of permit prohibited.** A permit issued hereunder shall not be transferred or be transferable to a successor record owner. The then-current record owner shall provide written notice to the Superintendent of Buildings upon transfer of title to the premises within 48 hours of any such event. The successor record owner shall, not later than 10 days after the date of transfer of title to the premises, apply for such permit or permits hereunder as may then be required for such premises.

§ 146-12. **Schedule of fees.** The Board of Trustees shall adopt, and from time to time may amend, a schedule of fees payable by applicants for permits hereunder or for renewals thereof. Such schedule of fees may, in the discretion of the Board of Trustees, take into account if the dwelling unit is occupied by the record owner or by a member or members of the immediate family of the record owner.

§ 146-13. **Record of permits issued to be maintained.** A record of all applications made and permits issued hereunder shall be maintained in the office of the Village Clerk.

§ 146-14. **Prohibited conduct.** It shall be unlawful and a violation of this chapter and an offense within the meaning of the Penal Law for any person to list, solicit, advertise or offer, exhibit or show, to any person, a dwelling unit within the Village, for the purpose of bringing about or causing the rental thereof, where no currently effective permit has been issued by the Superintendent of Buildings in respect to such dwelling unit, as provided in this chapter.

§ 146-15. **Penalties for offenses.**

A. Any person, association, firm or corporation who or which violates any provision of this chapter or assists in the violation of any provision of this Chapter shall be guilty of a violation, punishable by:

(1) A fine of not less than \$500 and not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

(2) A fine of not less than \$1,000 nor more than \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of

which were committed within a period of five years.

(3) A fine of not less than \$2,000 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years.

B. Each week's continued violation shall constitute a separate additional violation.”

Section 3. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.