

Local Law Filing

(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.

FILED
STATE RECORDS

County City Town Village
(Select one.)

MAR 26 2024

of Green Island

DEPARTMENT OF STATE

Local Law No. 1 of the year 2024

A local law to add Chapter 156, Residential Occupancy Law, to the Code of the Village of Green Island
(Insert Title)

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

County City Town Village
(Select one.)

of Green Island as follows:

Pursuant to the Authority conferred in Section 7-700 of the Village Law of the State of New York, the Board of Trustees of the Village of Green Island hereby adopts and enacts Local Law No. 1 of 2024 as follows:

Section I.

Chapter 156, RESIDENTIAL OCCUPANCY

ARTICLE I, Purpose; Title

§ 156-1. Purpose.

There is hereby adopted by the Village of Green Island for the purpose of prescribing regulations governing rented dwelling units, apartments and tenements in the Village of Green Island, a certain code as hereinafter set forth.

§ 156-2. Title.

This chapter shall hereinafter be known and cited as the "Residential Occupancy Permit Code."

ARTICLE II, General Provisions

(If additional space is needed, attach pages the same size as this sheet, and number each.)

§ 156-3. Application and availability of remedies; authority to issue regulations; severability.

A. If a provision of this chapter is found to be inconsistent with any provision of other chapters of the Village Code or Charter, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.

B. The Building Department or its duly appointed agents shall have the authority to issue such regulations as may be necessary to implement the provisions of this code.

C. If any part, provision, section, subdivision, paragraph, or term of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining chapter, parts, provisions, sections, subdivisions, paragraphs, or terms.

§ 156-4. Definitions.

Whenever used in this chapter, unless otherwise expressly stated or unless the context or subject material requires a different meaning, the definitions as contained in the New York State Uniform Fire Prevention and Building Code shall apply to the terms and provisions herein.

DWELLING UNIT – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

§ 156-5. Inspection and certification required; period of validity.

A. All residential rental dwelling units shall be inspected and certified by the Building Department, who shall determine compliance with, administer and enforce all applicable provisions of this chapter, the Village Code, and the New York State Uniform Fire Prevention and Building Code (hereinafter "Uniform Code").

B. On or after the effective date of this Chapter, Residential Occupancy Permits shall be valid for three (3) years from the date of issuance for dwelling units covered by the New York State Multiple Residence Law.

C. The owner, landlord, managing agent or person in possession of a rental dwelling unit(s) in a single family, two-family or multiple dwelling shall secure from the Building Department a rental unit certificate of occupancy permit whenever the same becomes vacant or whenever there is a change in occupancy and prior to its being reoccupied, indicating that said dwelling unit complies with requirements of this chapter.

D. There shall be a \$40 fee for each rental unit certificate of occupancy inspected by the Building Department.

§ 156-6. Inspection and residential occupancy permit prior to re-occupancy; noncompliance.

A. Except as otherwise provided herein, it shall be unlawful and a violation of this chapter to rent, lease, or otherwise allow the occupancy of any residential rental dwelling unit without the inspection and certification as required herein. It shall be the duty of the Building Department or its duly appointed agents to inspect a rental dwelling unit, apartment, or tenement whenever the same becomes vacant and prior to its being re-occupied.

B. If, upon inspection, said premises does not comply with all applicable provisions of this code or the Uniform Code, the specific reasons for noncompliance shall be specified in writing, and a time limit not to exceed 30 days shall be directed for the correction of, or substantial effort to correct, the deficiencies noted. The notice of noncompliance shall be delivered personally or by mail or email (must be on file with the Building Department) within seven business days to the owner, agent or person in charge at the address set forth in the Rental Dwelling Unit Registry.

C. On or after the effective date of this Chapter, the Building Department shall have the right to inspect all or any part of the rental dwelling, including any unit or apartment, or entire multiple residence as required herein or upon complaint, except that the owner, agent, or person in charge thereof shall have the right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Building Department in order to enable such inspection. The officials charged with conducting the inspection pursuant to this article shall be required to obtain a search warrant whenever an owner, agent, or person in charge refuses to permit a warrantless inspection of the premises.

D. The officials charged with conducting the inspection, access and circumstances permitting, shall conduct said inspection within seven business days of receipt of a request from the owner, agent or occupant.

E. An owner or agent may file with the Building Department a request for such inspection and the issuance of a residential occupancy permit by regular mail or in person or by email at the office of Building Department.

F. Nothing in this article shall be construed to limit the right of the Building Department to inspect any property at any time. If, after issuing a residential occupancy permit, the Building Department receives a complaint alleging a violation of this chapter or other chapter of the Village Code, other than a violation that creates an imminent hazard to the public health or to the physical or mental health of the occupants of the rental property, the Building Department shall make a good-faith effort to notify the owner or agent of the complaint, by either telephone or regular mail, or email (which must be on file with building department office) before conducting an inspection under this chapter, and shall provide to the owner or agent five (5) working days from the date the owner or agent receives the notice to explain what steps the owner or agent is taking to correct the violation. The Building Department may take steps necessary, by inspection or other means, to assure that the violation is corrected.

G. No residential occupancy permit shall be issued and no inspection under this article shall be conducted, unless and until the applicable fee(s) required under this chapter is paid in full to the Building Department.

H. No residential occupancy permit shall be issued under this article unless the rental dwelling unit is an authorized use pursuant to Chapter 169, Zoning, and until all other applicable provisions and requirements of the Code of the Village of Green Island are complied with and met.

I. No residential occupancy permit shall be issued under this article unless the property is current and paid to date on its Village of Green Island property taxes, including water and sewer rents, and any other Village liens.

§ 156-7. Fees.

A. The fee for a certificate of occupancy as set forth in §156-5 shall be \$40 for each unit.

B. Failure of an owner or agent to appear within 30 minutes of a scheduled inspection ("no show") shall result in an additional fee of \$25 per unit scheduled for inspection.

C. Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in an additional fee of \$25 per unit scheduled for inspection.

D. Should a unit fail inspection, the initial reinspection shall be free of charge; however, each subsequent reinspection thereafter until that unit passes shall result in a reinspection fee of \$25 per unit being reinspected.

§ 156-8. Transient-occupancy dwellings.

A. An annual inspection is required for all dwellings within the Village of Green Island that fall under the definition of a "Group RI: Multiple Dwelling - Transient Occupancy" as defined in Title 9 of the New York Codes, Rules and Regulations. Such dwellings include but are not limited to motels, rooming or lodging houses, dormitories, fraternities, etc.

B. A fee of \$250 must be paid prior to the inspection being performed by the Building Department. All fees contained in § 156-7, B, C and D apply as well.

C. Transient Occupancy Dwellings must meet the minimum standards for occupancy set forth in Article V of this chapter and must comply with the New York State Uniform Code. Upon passing inspection, an annual permit to operate shall be granted. Operation without said permit after the effective date of this Chapter, shall be a violation of this chapter and subject the owner, managing agent, or person in possession or charge of a transient occupancy dwelling to the penalties set forth in § 156-15 of this Code.

§ 156-9. Display of certificate.

Each dwelling shall prominently display in the public area of the said structure the certificate of occupancy for that dwelling, as required by this article.

§ 156-10. Registration of landlords.

A. There shall be a Rental Dwelling Unit Registry. It shall be the responsibility of all landlords within the Village to register as such with the Building Department. The Building Department shall promulgate regulations and procedures to effectuate said registry and make same available to the public.

B. Within the Rental Dwelling Unit Registry shall be a provision for registration of agents. All landlords who own rental dwelling units within the Village of Green Island but live outside of Albany County or an adjoining county shall appoint an agent for service and register said agent with the Building Department. The agent must live or have a place of business within Albany County or an adjoining county. Service of an appearance ticket as defined in the New York State Criminal Procedure Law upon said agent for service shall constitute good and sufficient service as if the landlord had been served himself within Albany County or an adjoining county.

ARTICLE III, Administration and Compliance

§ 156-11. Title.

This article shall be known as the "Administration and Compliance Provisions of the Residential Occupancy Permit Code."

§ 156-12. Continuation of certain preexisting conditions.

Existing conditions not in strict compliance with this code may be permitted to continue where the Building Department finds that the exceptions do not constitute a hazard to life, health or property.

§ 156-13. Administrative agency.

A. The office of the Building Department shall be designated to administer and secure compliance with the Residential Occupancy Permit Code. Said office is hereinafter referred to as "the agency."

B. The agency shall be under the direction and charge of the Building Department, who shall have as its representatives such assistants and inspectors as may be necessary to carry out effectively the powers and duties of the agency.

C. All personnel of the agency shall be qualified and shall be furnished with appropriate official badges or identification cards.

D. All personnel of the agency shall be free from personal liability for acts done in good faith in the performance of their official duties.

E. The agency shall be charged with the duty of administering the Residential Occupancy Permit Code and securing compliance therewith.

F. Where violations of Chapter 82 of the Code of the Village of Green Island exist and pose an immediate hazard or danger to the health, safety or welfare of building occupants or of the public, the Building Department may issue an order citing the violation and directing such action by such municipal agency as is necessary to remove or abate the immediate hazard or danger.

G. Inspectors shall be authorized and have the right, in the performance of their duties, to enter any premises in a bona fide emergency to protect the public interests and safety.

H. Owners, agents, operators and occupants shall be responsible for providing access to all parts of the premises within their control to authorized agency personnel acting in the performance of their duties, except that the owner, agent, or person in charge thereof shall have the right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Building Department in order to enable such inspection.

I. The agency shall keep records of all complaints received, inspections made and violations found regarding premises regulated by the Residential Occupancy Permit Code. Such records shall be available for public inspection, upon written request to the Building Department.

ARTICLE IV, Compliance

§ 156-14. Responsibilities of owners and occupants.

A. Responsibilities of owners.

(1) Owners of premises shall be responsible for compliance with the Residential Occupancy Permit Code and shall remain responsible therefore regardless of the fact this chapter may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

(2) Owners of premises shall be responsible for proper maintenance, conditions and operation of service facilities and for furnishing adequate heating equipment and hot water equipment in multiple dwellings.

B. Responsibilities of occupants. Occupants of dwelling units shall be responsible for compliance with the Residential Occupancy Permit Code in regard to the following:

(1) Limiting occupancy of that part of the premises which they occupy or control to the maximum permitted by the Residential Occupancy Permit Code.

(2) Maintenance of that part of the premises which they occupy or control in a clean, sanitary and safe condition.

(3) Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, in that part of the premises which they occupy or control in a clean and sanitary condition and providing reasonable care in the operation and use thereof.

(4) Keeping exits from the dwelling unit clear and unencumbered.

(5) Disposal of garbage and refuse into provided facilities in a clean and sanitary manner.

(6) Extermination of insects, rodents or other pests within their dwelling unit, if their unit is the only one infested in the premises.

- (7) Keeping their domestic animals and pets in an appropriate manner and under control.

§ 156-15. Penalties for offenses.

A. It shall be unlawful and a violation of this chapter for any owner, managing agent or person in possession or charge of a rental dwelling unit, apartment, tenement, or dwelling to let or allow the occupancy of said unit without having obtained, prior to said rental, occupancy or re-occupancy, a residential occupancy permit. It shall be unlawful and a violation of this chapter for any owner, managing agent or person in possession or charge of a transient occupancy unit to let or allow occupancy of said unit without having obtained an annual operating permit as set forth in § 156-8 of this chapter and will be subject to a fine up to \$1000 a day. It shall be unlawful to fail to comply with a violation order issued by the Code Enforcement Officer or his/her designee pursuant to this chapter. Furthermore, it shall be unlawful for any occupant of a rental dwelling unit, apartment or tenement to violate any of the provisions of this chapter relating to said occupancy.

B. Upon conviction, every owner, managing agent, or person in possession or charge of a rental dwelling unit, apartment, tenement, or transient occupancy dwelling who shall fail to comply with the provisions of this chapter shall be subject to a fine of \$250 or up to five days in jail or up to 50 hours of community service, or any combination thereof, for the first offense; a fine of \$500 or up to 10 days in jail or up to 100 hours of community service, or any combination thereof, for the second offense committed within three years of the first offense; and a fine of \$1,000 or up to 15 days in jail or up to 150 hours of community service, or any combination thereof, for a third or subsequent offense committed within three years of the first offense. Each day that a violation continues shall be deemed a separate offense.

C. Failure to comply with a violation order to abate shall subject the person served with the order to the penalties contained in § 82-7 of this Code for failure to comply with a lawful order of the Code Enforcement Officer.

D. Upon conviction, any occupant found to be in violation of this chapter shall be subject to a fine of up to \$250 or up to 15 days in jail or up to 100 hours of community service, or any combination thereof. Each day that a violation continues shall be deemed a separate offense.

Section II.

This local law shall take effect upon filing in the office of the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the (County)(City)(Town)(Village) of Green Island was duly passed by the Board of Trustees (Name of Legislative Body) on March 18 2024, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ¹_____ above.

M. O. B.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/20/24

(Seal)