

**INCORPORATED VILLAGE OF PLANDOME MANOR
PROPOSED LOCAL LAW NO. 1 OF 2020
CHAPTER 165. RENTAL PROPERTIES
AMENDMENT OF PROVISIONS RELATING TO RENTAL PROPERTIES**

A local law to establish Chapter 165 of the Code of the Incorporated Village of Plandome Manor, entitled "Rental Properties" to create a rental registration for properties within the Village of Plandome Manor.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Plandome Manor as follows:

LEGISLATIVE INTENT.

The Board of Trustees has determined that there exist in the Village of Plandome Manor serious conditions arising from the rental of dwelling units that are substandard or in violation of the Village Code and New York State Uniform Fire Prevention and Building Code, are inadequate in size, are overcrowded and dangerous, create blight, tend to overburden municipal services, pose a danger to life, limb and property and promote or encourage deterioration of the housing stock of the Village. The Board of Trustees 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 the governance of the Village will be enhanced by enactment of the regulations set forth in this article.

CONSTRUAL OF PROVISIONS.

Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state or existing requirements of any other provision of local laws or ordinances of the Village or county or state laws and regulations. In the case of a conflict between this article and other regulations, that which sets the more stringent requirement will prevail.

DEFINITIONS.

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

DWELLING UNIT

A structure or building or part thereof, or any area, room, or rooms therein, occupied or to be occupied

by one or more persons as a home or residence.

OWNER

The owner or any other person or persons or entity or entities who or which have the right to possession of a dwelling unit, except a public housing authority organized as such under the laws of the State of New York, and such other similarly situated entity as may be determined by the Building Superintendent. Under this definition, a tenant can be an owner in relation to a 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 occupancy or the right to the use and 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 OCCUPANCY

A. The occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use. There shall be 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. A rental occupancy shall also occur where the owner of any residential building or dwelling unit allows another to occupy such residential building or dwelling unit where the owner is not also a resident.

B. The presence or existence of any of the following shall create a rebuttable presumption that a premises is rented:

(1) The property is occupied by someone other than the owner, and the owner of the property represents in writing or otherwise, to any person or establishment, business, institution or government agency, that he resides at an address other than the rental property.

(2) Persons living in premises represent that they pay rent to the owner of the premises.

(3) 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 record owner.

(4) Testimony by a witness that it is common knowledge in the community that a person other than the record owner resides in the premises

(5) There is more than one mailbox at the premises.

(6) There is more than one gas meter at the premises.

(7) There is more than one electric meter at the premises.

(8) There are separate entrances for segregated parts of the dwelling.

(9) There are partitions or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms.

(10) There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof.

(11) The inability of any occupant or person in possession thereof to have unimpeded and/or lawful access to all parts of the dwelling unit.

(12) Two or more kitchens each containing one or more of the following: a range, oven, hot plate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator.

C. Nothing herein shall be construed to prevent persons living together as a family unit, with the owner, as defined by this Code.

REGISTRATION REQUIRED.

It shall be unlawful for the owner of any building, or portion thereof, used for residential purposes to allow, permit or suffer the occupancy thereof as a separate dwelling unit for someone other than the owner without a rental Registration pursuant to this chapter. It shall be immaterial whether or not rent or any other consideration is paid to the owner by the occupant of such dwelling unit.

APPLICATION FOR REGISTRATION.

A. Registration of such Rental shall be made, in writing, to the Superintendent of Buildings on a form provided therefor and shall contain the name of the applicant, the location of the premises and the number of dwellings and units and persons to be accommodated.

B. Each application shall be accompanied by a survey or sketch to scale showing the size and location of the premises, all buildings and structures and a floor plan to scale of each dwelling unit and accommodation.

C. Each application shall be executed by and sworn to by the owner of the premises or such person who operates such premises if other than the owner with a written authorization by the owner.

COMPLIANCE REQUIRED.

A. No Registration 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 Plandome Manor, the laws and sanitary and housing regulations of the County of Nassau and the laws of the State of New York.

B. It shall be unlawful for the owner or managing agent to submit for filing pursuant to this chapter false or misleading statements or information, or to submit for filing a certification or other document generated by one who did not inspect all portions of the rental property;

TERM OF REGISTRATION.

A Rental Registration shall be valid for a period of two years from the date of issuance.

FEES; LATE CHARGE FOR OVERDUE RENEWALS.

A. The fees for rental registration shall be set by resolution of the Board of Trustees and may be amended from time to time in their discretion

B. A late charge equal to two times the amount of the applicable Registration fee, prorated for the period of time constituting the overdue period, shall be paid for the renewal of any expired registration required by this article. Said late charge shall be in addition to the basic Registration fee.