

**(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**

of Rockville Centre

**Town**

**Village**

**Local Law No. 3 of the year 2010**

**A local law** to amend the Code of the Village of Rockville Centre, in relation to

*(Insert Title)*

registration of rental housing.

**Be it enacted by the** Board of Trustees **of the**

*(Name of Legislative Body)*

**County**

**City**

of Rockville Centre **as follows:**

**Town**

**Village**

**Section one. Section 309-18 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:**

**Section one. The Code of the Village of Rockville Centre is hereby amended, to add thereto a new chapter, to be chapter 264, to read as follows:**

**"Chapter 264. Rental Dwelling Registration.**

**§264-1. Registration and Permit Required.**

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

**A. This chapter shall be applicable to each dwelling unit in the Village, except (i) a one, two or three family home where the home or a portion thereof is occupied by the owner of such home or a member of the family of such owner, (ii) an individual dwelling unit located in a building or structure containing four or more dwelling units if such individual dwelling unit is occupied by the owner of the building or structure or a member of the family of such owner, or (iii) a dwelling unit which is registered with the Village pursuant to the provisions of the New York State Multiple Dwelling Law or the New York State Multiple Residence Law, or registered with the Village pursuant to any law, rule or regulation in a manner which the Superintendent of Building Department deems to be the equivalent of this chapter.**

**B. For the purposes of this chapter, the term "family" shall be defined as set forth in the zoning regulations of the Village, and a condominium unit occupied for residential purposes shall be deemed to be an individual dwelling unit.**

**C. It shall be unlawful for any person or entity who is the owner or who has apparent authority over any building containing one or more residential dwelling units to which this chapter is applicable to allow, permit, suffer or cause the occupancy of any such dwelling unit to be occupied as a residence, with or without payment of rent, by any person other than the owner of such unit or a member of the family of such owner, without having first registered the dwelling unit and obtained a rental permit pursuant to this chapter.**

**D. It shall be unlawful for any person or entity to occupy as a residence any residential dwelling unit to which this chapter is applicable, with or without the payment of rent, unless such dwelling unit has been registered, and a rental permit has been issued for such dwelling unit, as required by this chapter.**

**E. It shall be unlawful for any person or entity, acting as broker or agent or other representative, to list, show or otherwise offer for lease, rent or occupancy any residential dwelling unit to which this chapter is applicable and for which a current registration has not been made, or a current rental permit has not been issued, pursuant to this chapter. Each person or entity acting as broker, agent, or other representative for such purpose shall have the duty to verify that the dwelling unit has been registered, and a permit obtained, as required by this chapter.**

**§264-2. Application for registration and permit.**

**A. An application for registration and the permit required by this chapter shall be made in writing to the Superintendent of Building Department, on a form provided therefor by the Village, shall contain at least the following information, and shall be accompanied by payment of a fee in an amount determined from time to time by resolution of the Board of Trustees:**

- 1. the name and address of the applicant and, if different, the name and address of the owner of the premises where the dwelling unit is located;**

**2. the number of dwelling units at the premises, and the number of such units proposed to be occupied by one or more persons or entities other than the owner thereof or a member of the family of the owner thereof;**

**3. documentation that a valid certificate of occupancy exists with respect to each such dwelling unit, or that no certificate of occupancy is required to permit such dwelling unit to be used for residential purposes;**

**4. the name, address and telephone number of a contact person to be contacted in event of emergency at the premises;**

**5. whether there are any open building permits for the premises where such dwelling unit is located other than permits for active construction;**

**6. such other information as may reasonably be required by the Superintendent of Buildings to determine whether the dwelling unit(s) may be registered, and a permit issued, pursuant to this chapter; and**

**7. the signature of the owner of the premises and, if the owner is not the applicant, the signature of the applicant, attesting to the accuracy of the information contained in the application..**

**§264-3. Duration of registration and permit; duty to keep information current; renewals.**

**A. Rental registrations and permits issued pursuant to this chapter shall be valid for a period of two years from the date of issuance. In the event any information contained in the registration application changes during the term of any registration, the registration shall expire unless the owner files an amendment to the registration application within thirty days of the event which caused the change of information. A mere change in tenants, without any change in the information contained in the registration application, shall not cause the expiration of a registration and permit, nor require an amendment to the registration and permit**

**B. An owner or representative of an owner of a rental dwelling unit may apply for renewal of a registration and permit at any time on or after sixty days prior to the expiration of the registration and permit. Such renewal application shall be made by completing the same application as required for an initial registration, and shall be accompanied by a renewal fee in an amount established from time to time by resolution of the Board of Trustees.**

**C. The Superintendent of Building Department shall grant each registration and permit application, or renewal thereof, which complies with the provisions of this chapter. Notwithstanding the foregoing, the Superintendent may deny such registration and permit, or renewal thereof, where there is an existing violation of any provision of the Village Code at such property which is reasonably related to the safe use and occupancy of the property for residential purposes.**

**§264-4. Late charge for registrations and permit, or renewals thereof. In the event any registration and permit, or renewal thereof, is not obtained on or before the commencement of occupancy of a rental dwelling unit, or such earlier act by any person or entity which would require registration and a permit for such dwelling unit, a late charge for such registration and permit, or renewal, shall be paid, in addition to the required registration and permit fee, in an amount equal to two times the fee, prorated for the length of time of the overdue period.**

**264-5. Penalties; Enforcement.**

**A. (i) Any person or entity who is convicted of a first violation of any provision of this chapter within a period of eighteen months shall be guilty of an offense, and shall be punished by a fine of not more than \$500, or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment.**

**(ii) Any person or entity who is convicted of a second violation of any provision of this chapter within a period of eighteen months shall be guilty of an offense, and shall be punished by a fine of not more than \$1000, or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment.**

**(i) Any person or entity who is convicted of a third or subsequent violation of any provision of this chapter within a period of eighteen months shall be guilty of an offense, and shall be punished by a fine of not more than \$2500, or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment.**

**B. The failure to register and obtain a permit for each dwelling unit at a premises shall constitute a separate offense.**

**C. Each week in which a violation of this chapter occurs or continues shall constitute a separate offense.**

**D. The Village Attorney is authorized to institute civil litigation to obtain and enforce any available remedy, including injunctive relief, in the event of any violation of this chapter. In any such litigation, the court may award the Village its reasonable attorneys' fees and expenses of such litigation.**

**§264-6. Preservation of existing remedies. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, or any other governmental authority, nor any provision of any other law, rule or regulation. In the case of a conflict between this chapter and any other law, rule or regulation, that which sets the more stringent requirement shall prevail.**

**§264-7. Application for search warrant. The Superintendent of Building Department, or such Superintendent's designated representative, is authorized to make application to the Village Court or any other court with appropriate jurisdiction for the issuance of a search warrant in order to conduct an inspection of any premises which is subject to this chapter,**

where the owner or occupant of such premises refuses or fails to permit an inspection of such premises and where there is reasonable cause to believe that a violation of this chapter has occurred. Such application for a search warrant shall in all respects be made in conformance with, and shall comply, with the applicable laws of the State of New York and the United States.

**§264-8. Warrantless inspections and searches prohibited.** Nothing in this chapter shall be deemed to authorize the Superintendent of Building Department or the authorized representative of such Superintendent to conduct an inspection or search of any premises pursuant to this chapter without the consent of the owner or occupant of the premises without a warrant duly issued by an appropriate court, except where such inspection or search may be permitted by law. Nothing in this chapter shall be deemed to limit the authority of the Superintendent of Building Department or the authorized representative of such Superintendent to conduct a search without a warrant where such search is authorized by law.

**§264-9. Presumptions; Exemption.**

A. The presence or existence of any of the following factors shall create a rebuttable presumption that a residential dwelling unit is rented:

1. the unit is occupied by someone other than the owner or a member of the owner's family, and the owner of the property represents, in writing or otherwise, to any person or entity that such owner resides at an address other than the rental property;
2. one or more persons residing in the dwelling unit represents that such person, or one or more other persons, pay rent to the owner of the premises;
3. utilities, cable television, 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. a sworn statement or testimony by a person having knowledge of the facts that it is common knowledge in the community that a person other than the record owner or a member of the family of the record owner resides in the unit;
5. there is more than one mailbox at the premises;
6. there is more than one electric, water or gas meter at the premises;
7. there are separate entrances for distinctly separate portions of the building at the premises;
8. there are internal partitions or internal doors which may serve to bar access between separate portions of the dwelling used for residential purposes, including but not limited to bedrooms;

9. there exists a written or oral lease or rental arrangement, payment or other agreement for occupancy of portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof;

10. one or more occupant of the premises does not have unimpeded and/or lawful access to all parts of the premises;

11. there are two or more kitchens at the premises, each containing one or more of the following: a range, oven, hotplate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator.

B. A dwelling unit occupied by an owner of the property, or by one or more persons all of whom are members of the family of such owner, as the term "family" is defined by the zoning regulations of the Village, shall be exempt from the provisions of this chapter. However, a dwelling unit occupied by one or more persons who is not the owner of the premises, nor a member of the family of such owner as such term is so defined, shall not be exempt from the provisions of this chapter, and shall be presumed to be subject to the registration and permit requirements of this chapter.

C. A rental dwelling unit owned or operated by a governmental agency or authority, or a rental dwelling unit the use and occupancy of which is licensed or regulated by an agency of the State of New York, is exempt from the registration and permit requirements of this chapter.

§264-10. Severability. In the event that any provision of this chapter shall be determined by a court of appropriate jurisdiction to be illegal or otherwise unenforceable, then only that particular provision shall not be enforced, and all other provisions of this chapter shall remain in full force and effect."

Section two. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law, provided, however, that no person or entity shall be required to register or obtain a permit pursuant to this local law until the sixtieth day after such effective date.

**(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.   3   of 2010 of the ~~(County)(City)(Town)(Village)~~ of   Rockville Centre   was duly passed by the   Board of Trustees   on   March 2, 2010  , 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.

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

---

\*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.

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 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.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body.

(Seal)

Date: March 2, 2010

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Village Attorney  
Title

County

City

of Rockville Centre

Town

Village

Date: March 2, 2010