

A LOCAL LAW PROVIDING FOR A RESIDENTIAL RENTAL PROPERTY REGISTRY

Local Law #1 of 2018

Be it enacted by the Board of Trustees of the Village of Wellsville, in the County of Allegany, as follows:

This local law shall be known as the "**Residential Rental Property Registration Law**".

SECTION 1. PURPOSE AND INTENT

The rental of residential properties constitutes a business which impacts property values and the health, safety and general welfare of rental property occupants, as well as residents of the Village at large. The purpose of this law is to provide the Village Code Enforcement Office with additional information about residential rental properties so as to preserve property values and promote the health, safety and general welfare of residents of the Village.

SECTION 2. DEFINITIONS

AGENT - A person, 21 years or older, or an entity designated by the Owner on the registry form who, by such Owner designation, shall have the authority to make decisions regarding the management and maintenance of any dwelling units owned by the Owner (as defined below) within the Village.

BUILDING - A structure located within the Village containing one or more dwelling units rented or being offered for rental.

CARETAKER - A person employed to look after a building or a house in the owner's absence.

CODE - The New York State Uniform Fire Prevention and Building Code, as amended.

CODE ENFORCEMENT OFFICER - The Village of Wellsville Code Enforcement Officer, or other qualified designee authority, charged with the administration of this law.

DEPARTMENT - The Village of Wellsville Code Enforcement Office.

DWELLING UNIT - A building or part of a building consisting of one or more rooms with provisions for cooking, living, sanitary and sleeping facilities designed exclusively for residential use and arranged or intended to be occupied by one individual household or family living independently of other individual households or families.

OCCUPANT - A natural person who has a legal right to reside in a dwelling unit.

OWNER - The individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity whose name is listed as grantee on the last deed of record for the property, as recorded in the Allegany County Clerk's Office.

PERSON - An individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity.

VILLAGE - The Village of Wellsville, County of Allegany and State of New York.

SECTION 3. EXEMPTIONS

The provisions of this local law shall not apply to hotels, motels, bed and breakfast establishments, or parsonages, nor to hospitals or nursing homes, if same are subject to state and/or federal licensing regulations concerning the safety of the users or the occupants.

SECTION 4. REGISTRATION REQUIRED

A. **Registration Required.** It shall be unlawful and a violation of this Law for any owner of a rental property located within the Village to rent or lease to or to permit the occupancy owner's rental property by anyone other than an individual Owner's immediate family, without having first registered the property as a rental property with the Village Code Enforcement Office by the filing of a Rental Property Registration Form.

B. **Use prohibited.** It shall be unlawful and a violation of this Law for any person or entity to use or occupy a rental property without that property being validly registered as a rental property with the Village Code Enforcement Office.

SECTION 5. REGISTRATION PROCESS

A. **Residential Rental Property Registration Form.** Residential Rental Property Registration Forms shall be made in writing by the property owner to the Village Code Enforcement Office on a form provided therefor. Such form shall, at a minimum, set forth:

1. The names, physical home addresses, mailing addresses and telephone numbers of the property owners(s). A post office box is not sufficient. Further, the address of the building that is being registered shall not be accepted as the Owner's or Agent's address unless it is the principal place of business or the residence of the Owner(s) or agent.
2. The name, physical home address, mailing address and telephone numbers of any agent designated by the owner to act in his/her stead, if any. If said Owner's principal place of residence or business is not located within Allegany County, the Owner(s) must designate on the Residential Rental Property Registration Form an agent who resides or has a place of business within the specified radius. An individual agent must be at least 21 years of age. Owners may apply for an exemption to the Allegany County residence requirement at the Village Code Enforcement Office. Such exemption will be made by the Village Code Enforcement Officer for reasons they deem valid.
3. The street address and Allegany County tax map designation of the rental property.
4. The total number of bedrooms and the number of occupants allowed to reside in each dwelling unit.
5. The type of fire protection which services the building, including the number of smoke and carbon monoxide detectors.
6. Whether any portion of the attic or basement is used as residential space. Provide details.

B. Change in conditions. In the event that any information provided on the Rental Property Registration Form should change, including, but not limited to ownership of the building, rental agent, the number of units, rooms, or bedrooms, the property owner shall immediately notify the Village Code Enforcement Office by delivering a written notice of such change, which shall include such notice in the records for the rental registry. Any change in ownership shall necessitate the filing of an updated registration form and the payment of a new fee.

C. Registration fees. The registration fee shall be in the amount provided for below. The fee shall be paid upon the filing of the Rental Property Registration Form. All fees are non-refundable.

D. Presumption of rental occupancy. Any single family residence, or any other premises, subject to the provisions of this Law shall be presumed to be a rental property if such premises are not occupied by the owner thereof. This presumption shall be rebuttable. Premises occupied by a caretaker are not subject to the registration requirement.

E. Maintenance of Registry. It shall be the duty of the Village Code Enforcement Office to maintain the Rental Property Registry pursuant to this section. Such register shall be kept by tax map number and/or Street Address showing the name and address of the owner.

SECTION 6. FEES

A registration fee must accompany the initial registration and any subsequent registration following a transfer of title. The registration fee is determined per building and based upon the number of rental units in the building.

NUMBER OF UNITS	PER BUILDING FEE
1-5 units	\$25.00 registration fee
6-10 units	\$50.00 registration fee
11-20 units	\$75.00 registration fee
>20 units	\$100.00 registration fee

All fees and charges are subject to change by resolution of the Village Board of Trustees.

SECTION 7. PENALTIES FOR OFFENSES

If an Owner fails to register a rental property and/or pay the initial registration fee within ninety (90) days of the effective date of this law, owner shall pay two times the amount of the registry fee for each building requiring registration.

Any person who shall violate or assist in the violation of the provisions of this law or who fails to comply with a notice and order issued by Village Code Enforcement Officer under these provisions may, upon conviction, be punished by a fine of not less than \$250.00 nor more than \$500.00 for each day the violation exists.

These penalties are subject to change by resolution of the Village Board of Trustees.

SECTION 8. CONTINUED VIOLATION

Each day of continued violation shall constitute a separate and distinct offense.

SECTION 9. SEVERABILITY

If any provision of this local law shall be held unconstitutional or invalid, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remaining terms, parts, provisions, sections, or paragraphs.

SECTION 10. NOTICE

All notices, including notice of violation, shall be served upon the owner at the address provided on the Residential Rental Property Registration Form and the designated agent, by personal, in-hand delivery or certified U.S. Mail, return receipt requested.

SECTION 11. EFFECTIVE DATE

This law shall become effective upon filing with the New York Department of State.