

Chapter 123

RENT CONTROL

[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock: Art. I, 3-4-1992 by L.L. No. 1-1992. Amendments noted where applicable.]

ARTICLE I

Residential Properties

[Adopted 3-4-1992 by L.L. No. 1-1992]

§ 123-1. Purpose; findings.

The Board of Trustees hereby finds and determines that the public health, safety and general welfare dictate and require that the village enact regulations for the management and control of rental of residential properties in the village. Unregulated rental activity tends to foster neglect and disrepair of properties and presents dangers to the inhabitants of such properties or to the other residents of the community or the village and results in a reduction in the quality of maintenance of such properties, as well as a negative impact upon the health, welfare and safety of the public and property values. It is therefore the purpose of this Article to provide a regulatory scheme for the supervision and control over such rental activities.

§ 123-2. Registration and permit required.

- A. No property in the village occupied, in whole or in part, for residential purposes, nor any part thereof, shall be leased or rented for any term, with or without a written lease agreement, unless said property is registered with the Village Clerk pursuant to this Article.
- B. No property in the village occupied, in whole or in part, for residential purposes, nor any part thereof, shall be leased or rented for any term, with or without a written lease agreement, unless a permit has been issued for such lease or rental pursuant to this Article.
- C. Each residential property in the village which is leased or rented, in whole or in part, on the effective date of this Article shall be registered in accordance with the provisions of this Article within 30 days after the effective date of this Article.

§ 123-3. Compliance.

All properties which are subject to registration pursuant to this Article shall comply with the requirements of the New York State Uniform Fire Prevention and Building Code (or such successor code as may from time to time be applicable) and the requirements of this Code, as applicable at the inception of any rental period.

§ 123-4. Responsibilities of property owners and tenants.

Each owner of a property subject to registration pursuant to this Article and each tenant of such property shall be responsible to comply with the requirements of this Article, including the

requirement to register such property and the requirement to obtain a permit for each such lease or rental.

§ 123-5. Issuance of permit.

Upon completion of an application for registration of a property required to be registered pursuant to this Article and upon a determination that said property conforms to the applicable code requirements as provided in this Article, the Village Clerk shall register said property as authorized for rental and shall issue a permit for the particular rental for which application has been made. A copy of such permit shall be maintained at each property authorized for rental and shall be exhibited to competent authority upon demand. Such permit shall specify the duration of the period for which the permit shall remain valid, but no such permit shall remain valid for a period in excess of the rental period for which issued and in no event for a period in excess of five years.

§ 123-6. Notice of violation.

- A. In the event that the Code Official, or any other person charged with enforcement of the laws and ordinances of the Village of Saddle Rock, determines that there is a violation of this Article at any property in the village, a written notice of such violation shall be given to the owner and tenant(s) of the property where such violation is alleged to exist.
- B. Such notice shall be given by personal delivery to such owner at any location where such owner may be found or by regular mail addressed to such owner at the address of the property. Such notice shall also be given to the tenant(s) of the property, if any, by personal delivery to such tenant(s) at any location where such tenants may be found or by regular mail addressed to such tenant(s) at the address of the property. Where the identity of one or more tenants is unknown, notice to such persons shall be given by posting the notice at the property where such tenants reside and by mailing a copy of such notice, addressed to "Tenants," to the address of the property.
- C. Such notice shall identify the violation which is alleged to exist and specify a period of time within which such violation shall be corrected.
- D. Any owner or tenant of property who fails to correct all violations within the specified period of time shall be guilty of a violation and shall be punished as provided in this Article.

§ 123-7. Revocation of permit.

In the event any person shall cause or permit any violation of this Article to occur or shall fail to correct any violation within the period of time provided pursuant to this Article, the registration and/or permit issued for the rental of such premises may be revoked by the Board of Trustees after the owner of such premises has been given notice of such prospective revocation and has been given an opportunity to be heard before the Board of Trustees. The remedy of revocation of permit pursuant to this section shall be in addition to any other remedy or penalty provided by law for any violation of this Article.

§ 123-8. Penalties for offenses.

- A. Each violation of a provision of this Article shall be punishable by a fine of \$250 or by imprisonment for a maximum of 15 days, or by both such fine and imprisonment. Each day on which a violation occurs shall constitute a separate violation.
- B. In addition to any such penalties, the village may institute such judicial proceedings as may be appropriate against any person responsible for any such violation:
 - (1) To restrain, correct or remove the violation or to refrain from any further violation or any act in furtherance of such violation or further violation;
 - (2) To restrain or correct any erection, installation or alteration at any premises where such violation exists;
 - (3) To require the removal of any work in violation of this Article; or
 - (4) To prevent the occupation or use of any property, or any part thereof, where such violation exists.

§ 123-9. Fee.

Before the acceptance of any registration or the issuance of any permit and upon the filing of any amendment to any permit application, as provided in this Article, the applicant for such registration or permit shall pay to the Village Clerk a fee in an amount as may be provided from time to time by resolution of the Board of Trustees.

§ 123-10. Application for registration or permit.

- A. Each application for registration of property pursuant to this Article shall include the following information:
 - (1) The name, address and telephone number of each owner of the property.
 - (2) A description of the property, by address and by section, block and lot number, including a description of the number and type of rooms which are located within every structure on the property.
- B. Rental or lease permit.
 - (1) Each application for a permit for a rental or lease of property pursuant to this Article shall include the following information:
 - (a) The name, address and telephone number where communications may be had with each owner of the property during the term of the lease or rental.
 - (b) The name, address, telephone number and social security number for each tenant and each other person who will occupy the property as part of the proposed lease or rental. If any such person is not a citizen of the United States, the application shall also include the alien registration number or immigration permit number for each such person. If such person shall refuse to disclose such person's social security number, such person may submit in lieu thereof documentary evidence which shall be sufficient to verify the name of such person.

- (c) A statement as to the duration of such lease or rental. Each rental agreement shall include, at a minimum, the provisions required by § 123-11 of this Article.
 - (d) A statement acknowledging that the owner(s), tenant(s) and/or occupant(s) are responsible for the maintenance of the property during the term of the rental or lease, pursuant to the Village Code.
 - (e) A statement as to whether the tenant is permitted to make alterations to the property during the term of the rental or lease.
- (2) The application shall be signed jointly by an owner of the property and by each tenant thereof.
- C. Each application for a permit for a lease or rental shall include a completed pool permit application, signed by the tenant and authenticated by the owner, for each person who will occupy the property during the term of the lease or rental, and shall be accompanied by photographs of each person for whom such permit will be issued and such other information as is customarily required by the village for such pool permits. Each such pool permit issued by the village shall be surrendered to the village at the expiration of the term of the rental or lease or upon the conclusion of occupancy by the permit holder, whichever first occurs.

§ 123-11. Rental agreements.

Every lease or rental of residential property in the Village of Saddle Rock, or any part thereof, whether or not such lease or rental agreement is in writing, shall include the following terms and conditions:

- A. A provision that the tenant acknowledges that the property which is the subject of the rental or lease is located within the Incorporated Village of Saddle Rock and that the tenant and each person occupying the premises under authority of the tenant shall comply with the laws, ordinances, rules and regulations of the Village, the Town of North Hempstead, the County of Nassau and the State of New York in effect at any time during the term or duration of such tenancy.
- B. A provision in which the tenant agrees that the tenant shall not assign, sublease, license or otherwise permit any person to use and/or occupy all or any part of the property during the term of the lease or rental unless the identity of such person has been disclosed to the village as part of the permit application filed pursuant to this Article or any amendment to such application.
- C. A provision in which the tenant agrees to notify the Village Clerk, in writing, of any conditions or events which may occur which may affect the safe occupation of the rented or leased property.