

INTRODUCTORY LOCAL LAW #7 OF 2017

A LOCAL LAW AMENDING CHAPTER 221 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED “RENTAL PROPERTY, REGISTRATON OF” TO THE EXTENT OF AMENDING CODE SECTION 221-4(C) TO DELETE THE REFERNECE TO THE “VILLAGE CLERK” AND REPLACE THAT REFERENCE WITH THE WORDS “BUILDING DEPARTMENT” REGARDING THE PLACE OF NOTIFICATION WHENEVER ANY INFORMATON PROVIDED IN THE LANDLORD REGISTRY IS NO LONGER ACCURATE AND FURTHER MODIFYING SECTION 221-5 REGARDING THE REGISTRATION FEE AND EXPANDING THE JURISDICTION OF CHAPTER 221 TO ENCOMPASS ALL TYPES OF RENTAL PROPERTY INCLUDING RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND ANY AND ALL OTHER TYPES OF RENTAL PROPERTIES IN THE VILLAGE OF WALDEN

BE IT ENACTED by the Village Board of the Village of Walden as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law amending Chapter 221 of the Code of the Village of Walden entitled “Rental Property, Registration of” to the extent of amending Code Section 221-4(C) to delete the reference to the “Village Clerk” and replace that reference with the words “Building Department” regarding the place of notification whenever any information provided in the Landlord Registry is no longer accurate and further modifying Section 221-5 regarding the registration fee” and expanding the jurisdiction of Chapter 221 to encompass all types of rental property including residential, commercial, industrial and any and all other types of rental properties in the Village of Walden.

SECTION 2 – PURPOSE & INTENT

The Board of Trustees of the Village of Walden determines that it is the in best interest of the health, safety and general welfare of the citizens of the Village to require owners of residential, commercial, industrial and any and all other types of rental properties in the Village to annually register their properties with the Building Department of the Village. The establishment of this registry will enable the Village to identify the person or persons responsible for the care and management of such properties so that the said management and care of said properties in in the best interest of their tenants and neighbors and will ensure that all properties regulated hereunder meet New York State Fire, Health and Safety Standards and are otherwise in compliance with all local, State and Federal Regulations.

In addition to expanding the scope of Chapter 221 to include properties other than residential rental properties, two additional modifications to the existing code are herein contemplated.

First, Section 221-4(C) is being amended to delete the reference to the “Village Clerk” and replace that reference with language requiring each property owner subject to the Landlord Registry requirements to notify the Building Department whenever the information previously provided has

become outdated and or is no longer accurate. This amendment will therefore make uniform all filing requirements of Chapter 221 by providing that all such filings be done with the Building Department. This modification will be beneficial to both those property owners who are required to file as all required filing will now be done in one location, i.e the Building Department. Additionally, the amendment will be a benefit to the Building Department as this department will now have all information required to appropriately administer and enforce Chapter 221 within its department.

Second this Local Law is to modify the method of establishing the appropriate fees. Currently, the fee is established by local law and therefore must be amended local law. The modification to the fees set forth in this Local Law will enable the Village Board to modify the fees required by Chapter 221 by Resolution through the Village Fee Schedule. This will allow the Village Board to make sure that all fees are located in the Village Fee Schedule thereby providing uniformity for both the Village and the public in terms of the location of appropriate fees. Lastly, the modification to the fee schedule will enable unpaid fees to be relieved onto the Village tax roll so as to ensure that all fees due and owing are properly paid as required.

SECTION 3 – AMENDMENT TO TEXT OF CHAPTER 221.

Section 221-2 entitled “Definitions” is amended by the deletion of the existing definition of “Rental Property” which definition is replaced with the following language:

RENTAL PROPERTY – Includes all buildings, commercial, residential, industrial or otherwise, containing one or more unit or units that are either rented, leased, let or hired out for use and occupancy.

Section 221-3 entitled “Registration of Ownership of Rental Property” is deleted and replaced with the following:

Section 221-3. Registration of Ownership of Rental Property

Registration. Every owner of Rental Property as defined herein shall be required to register such property with the Building Department on the Landlord Registry Form ***provided by the Building Department***. A new form shall be filed whenever there is a change of ownership of Rental Property. The Building Department will contact the new owner(s) and provide the Landlord Registry form and see that it is filed within a period of 30-days from taking title to the property. It is the owner(s) responsibility to notify the Building Department within 10 working days of any changes to the information on the Landlord Registry form and to submit the changes to the Building Department. Failure to comply with this provision shall constitute a violation of this chapter.

Section 221-4 entitled “Registry Form and Filing” is amended to the extent of deleting the existing language in Subdivision A(1) and replacing with the following language:

- (1) The property address, the tax map parcel number for the property and the number of units in each building. I have deleted the words “residential Dwelling from this section.”

Section 221-4(C) is hereby deleted in its entirety and replaced with following:

- (C) It shall be the obligation of each owner to timely notify the Building Department whenever the information provided on the annual registry form has become outdated or for any reason it is no longer accurate. It shall be the responsibility of each owner to recertify the aforementioned information annually with the Village Building Department.

Section 221-5 is deleted in its entirety and replaced with the following:

221-5 Registration Fee.

- A. A Registration Fee shall be established by the Board of Trustees of the Village and shall be set forth in the Village Schedule of Fees which schedule may be amended from time to time by Resolution of the Board.
- B. The fees required under this Chapter, if not paid as required, shall be a lien against the real property for which registration is required by this Chapter. The amount of such fee, if not paid as required, may be assessed and levied against such real property and collected in the same manner as real property taxes.

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.