

PUBLIC HEARING INFORMATION

Rental dwelling registry.

A.

Purpose and legislative intent.

(1)

The purpose of this section is to protect the health, safety and welfare of residents; to protect a diverse housing stock from deterioration; and to accomplish the foregoing at the lowest cost to owners and occupants in order to keep housing costs as low as reasonably possible in a manner consistent with compliance with this Code.

(2)

The City Council finds and declares that the registration of rental property is intended to and will ensure the protection of persons and property in all existing residential rental structures and on all premises required to be registered under this section, and ensure that rental property owners and prospective rental property owners are informed of, and adhere to, code provisions governing the use and maintenance of rental properties, including provisions limiting the maximum occupancy for which a rental dwelling unit can be certified.

B.

Scope. Except as hereinafter provided, this section shall apply to every rental dwelling, dwelling unit and premises that is leased, rented, let, assigned or otherwise classified as a rental property, with or without valuable consideration, by an owner-occupant, an absentee owner or a legal agent on behalf of the owner.

C.

Definitions. The following terms shall apply in the interpretation and enforcement of this section:

ADMINISTRATOR

The Building Inspector/Code Enforcement Officer or their designee.

AGENT

Any person who has charge, care or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

DWELLING

Any building which is wholly or partly used or is intended to be used as habitable space for human occupants.

OWNER

Any person or entity who, alone or with others, has legal or equitable title.

OWNER-OCCUPIED DWELLING

A dwelling occupied by its owner or by members of his or her family on a nonrental basis.

RENTAL DWELLING UNIT

Any room or contiguous group of rooms located within a building and forming a single, habitable living space for one family.

ROOMING UNIT

Any furnished room for rent located within a building and forming a single sleeping space.

LODGING HOUSE OPERATOR

A person who, for compensation, operates a lodge, hotel, bed and breakfast, house or cabin within the City providing overnight accommodations primarily to the general public.

D.

Registration of rental dwellings.

(1)

All rental dwellings shall be registered with the City by the owner as required herein.

(2)

All rental dwellings existing as of the effective date of this chapter shall be registered. The code enforcement officer/building inspector may require and order registration prior to that date for any dwelling cited in a notice under the City Code. Failure to comply with such an order is a violation of this chapter.

(3)

The owner of a new rental dwelling or any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental unit.

(4)

The owner of any rental dwelling already registered with the City shall reregister within 30 days after any change occurs in registration information. A new owner of a registered dwelling shall reregister the dwelling within 60 days of assuming ownership.

E.

Rental dwelling registry. The City shall maintain a registry of all rental dwellings and rental units containing the following information, which shall be provided by the owner on forms available from the Building Department:

(1)

The name, legal residence address and telephone number of the owner and any agent in control of the rental dwelling, and in the event the owner or agent is not a natural person, then the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be included for each owner. The information required herein shall also include the address and phone number where the owner(s), agent(s) and/or responsible person(s) may be reached day and night.

(2)

The number and type of rental units in the dwelling.

(3)

The address of the rental dwelling.

(4)

The employer identification number in the event that the rental dwelling is owned by a corporation.

(5)

If neither the address of the owner or the address of the agent in control of the premises, as provided in Subsection **E(1)**, are within 50 miles of the rental property, the name, legal residence or business address within the City of Mechanicville and telephone number of a natural person who shall be an agent for service of notices and orders issued under this chapter and for service of process in connection with the prosecution of violations of this chapter in Mechanicville City Court or other court of competent jurisdiction.

F.

Failure to register; inaccurate or incomplete information. It shall be a violation of this chapter for an owner or a responsible person to provide inaccurate information for the registry of rental dwellings or to fail to provide the information required herein for the registry.

G.

Penalties for offenses. An owner who fails to register, reregister or otherwise comply with the provisions of this section shall, upon conviction, be subject to the penalties set forth in this chapter.

Responsibilities of owners.

A.

Owners of premises shall be responsible for compliance with the housing standards as set forth by the state of New York and the City of Mechanicville and shall remain responsible therefor, regardless of the fact that this may also place certain responsibilities on operators and occupants and regardless of any agreement between owners and operators or occupants as to which party shall assume such responsibility.

B.

Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities and for furnishing adequate heat and hot-water supply in multiple dwellings, in compliance with the standards as set forth by the state of New York and the city of Mechanicville.

Responsibilities of lodging house operators.

Lodging house operators shall be responsible for compliance with the housing standards as set forth by the state of New York and the City of Mechanicville in regard to the following:

A.

Limiting occupancy to the maximum permitted by the housing standards.

B.

Maintenance of safe and sanitary conditions in all parts of lodging house premises.

C.

Maintenance and operation of all required service facilities.

D.

Maintenance of all plumbing, cooking and refrigeration fixtures and appliances within his/her control, as well as other building equipment and facilities, in an operative, clean and sanitary condition.

E.

Sanitary maintenance of walls, floors and ceilings.

F.

Keeping exits clear and unencumbered.

G.

Disposal of building garbage and refuse in a clean and sanitary manner.

H.

Extermination of insects, rodents or other pests on the premises.

I.

Hanging and removing required screens.

J.

Lodging houses shall be inspected on an annual basis.

Responsibilities of occupants.

Occupants of dwelling units shall be responsible for compliance with the housing standards as set forth by the state of New York and the City of Mechanicville in regard to the following:

A.

Limiting occupancy of that part of the premises which he/she occupies or controls to the maximum permitted by the housing standards.

B.

Maintenance of that part of the premises which he/she occupies or controls in a clean, sanitary and safe condition.

C.

Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities in that part of the premises which he occupies or controls, in a clean and sanitary condition and providing reasonable care in the operation and use thereof.

D.

Keeping exits from his dwelling unit clear and unencumbered.

E.

Disposal of garbage and refuse into provided facilities in a clean and sanitary manner.

F.

Extermination of insects, rodents or other pests within his/her dwelling unit if his/her unit is the only one infested in the premises.

G.

Hanging and removing required screens.

H.

Keeping domestic animals and pets in an appropriate manner and under control.

Additional responsibilities of owners of rented or leased dwelling units.

A.

General.

(1)

All residential rental dwelling units shall be inspected and certified by the Code Enforcement Officer of the City of Mechanicville Building department, which shall determine compliance with, administer and enforce all applicable provisions of this code and the regulations as set forth by the state of New York. All rental dwelling units in the City of Mechanicville must be registered on the Rental Dwelling Registry. Residential occupancy permits for rental dwellings shall be valid for 24 months from the date of issuance.

(2)

Nothing contained herein shall be construed or operate to invalidate an otherwise legally effective permit or certificate issued prior to June 1, 2023, except that such permit or certificate shall be valid only until December 31, 2023.

(3)

Except as otherwise provided herein, it shall be unlawful and a violation of this chapter to rent, lease or otherwise allow the occupancy of any residential rental dwelling unit without the inspection and certification as required herein.

(4)

If, upon inspection, said premises do not comply with all applicable provisions of this code or the regulations set forth by the state of New York, the specific reasons for noncompliance shall be specified in writing in a notice and order. The notice and order shall be served as set forth in this Chapter. Occupants or proposed occupants of dwellings shall have the right to inspect the certificate of occupancy of the residential rental dwelling unit, apartment or multiple residence in which they have an interest at no cost.

B.

The officials charged with conducting the inspection shall make such inspection, access and circumstances permitting, within three business days of receipt of a request from the owner, agent or occupant.

C.

An owner, agent or occupant may file with the Code Enforcement Department a request for such inspection and the issuance of a residential occupancy permit by regular mail or in person at the office of the head of the Department.

D.

Nothing in this section shall be construed to limit the right of the Code enforcement Department to inspect any property at any time. If, after issuing a residential occupancy permit, the Department receives a complaint alleging a violation of this chapter, other than a violation that creates an imminent hazard to the public health or to the physical or mental health of the occupants of the rental property, the Department shall make a good faith effort to notify the owner or agent of the complaint by either telephone or regular mail before conducting an inspection under this chapter and shall provide to the owner or agent one working day to explain what steps the owner or agent is taking to correct the violation. The Department may take steps necessary, by inspection or other means, to assure that the violation is corrected.

E.

No residential occupancy permit shall be issued under this section unless and until the fee(s) required are paid in full to the code enforcement Department.

F.

No residential occupancy permit shall be issued under this section unless the rental dwelling unit is an authorized use pursuant to this chapter and until all other applicable provisions and requirements of the Code of the City of Mechanicville are complied with and met.

G.

Collection of rents. No owner, agent or person in charge shall collect rents during any period of noncompliance with the provisions of this part which would otherwise be due and owing for the rental of premises unless and until he or she shall have complied with the provisions herein. Nothing herein shall be construed to prevent a landlord, upon receipt of the residential occupancy

permit, from receiving the equitable value of the occupancy of the premises from the earliest date of occupancy, but in no event shall a landlord recover in excess of the agreed rent.

H.

Temporary residential occupancy permit. The Department may cause to be issued at its discretion a temporary occupancy permit following an initial inspection, which temporary occupancy permit shall be subject to review and revocable at the discretion of the Department. No temporary occupancy permit may be issued where fire safety is involved, such as defective electrical wiring, the absence of either an operating smoke detector/alarm or a carbon monoxide detector/alarm where required, or improper or inadequate means of egress and other conditions of like nature.

I.

Fees.

(1) Set forth by the City Council of the City of Mechanicville.

Penalties for offenses.

For violations of any provisions of this chapter, the owner, general agent or contractor, or any other person who shall violate or assist in the violation of any provision of this chapter shall be subject to a conviction of an offense. Such violation shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for not more than fifteen (15) days, or both, for each and every day that the violation continues to exist from the date from the date that written notice has been served pursuant to this chapter.

Notice of violation.

Upon determination by the Code Enforcement Officer/Building Inspector that a violation of this chapter exists, he/she shall send written notice to the last known owner of record of the property by certified mail return receipt requested as determined by the assessment records, informing the owner of the violation and the specific provisions of this chapter involved and stating that if no action is taken to remove such violation within thirty (30) days, he/she will institute proceedings to compel compliance with this chapter.