

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Section 20(5) of the Municipal Home Rule Law, a public hearing will be held by the Village Board of Trustees of the Village of Bellport at 7:00 pm at the Bellport Community Center located at 4 Bell St., Bellport, New York, on the 19th day of December, 2016, at 7:00 p.m., to consider enacting the following proposed Introductory Local Law:

INTRODUCTORY LOCAL LAW # OF 2016
ADDING CHAPTER 25 TO THE CODE OF THE VILLAGE OF BELLPORT
ENTITLED, "NEIGHBORHOOD PRESERVATION".

SUMMARY

The proposed local law would add Chapter 25 to the Code of the Village of Bellport "Neighborhood Preservation", by adding a rental registration requirement. Village would now require the owners of properties who wish to rent to register their rental unit with the Village.

The proposed addition is designed to preserve the aesthetic integrity of our residential neighborhoods, prevent neighborhood blight, protect residential property values, encourage residential property maintenance and enhance the quality of life in our residential neighborhoods. This Chapter will enable the Village of Bellport to identify Rental Properties through a registration process. Said Registration will further enable the Village to adequately control the proliferation of Rentals and manage the effect of same on Village amenities.

This is a summary of the proposed Local Law, a fully copy of which is on file in the Village Clerk's Office and is available for inspection during regular Village business hours.

At said public hearing, any persons interested shall be given the opportunity to be heard.

Dated: December 6, 2016
VILLAGE CLERK
Bellport, New York

INTRODUCTORY LOCAL LAW # OF 2016

ADDING CHAPTER 25 TO THE CODE OF THE VILLAGE OF BELLPORT
ENTITLED, "NEIGHBORHOOD PRESERVATION".

Section 1. Legislative Intent. The proposed addition is designed to preserve the aesthetic integrity of our residential neighborhoods, prevent neighborhood blight, protect residential property values, encourage residential property maintenance and enhance the quality of life in our residential neighborhoods. This Chapter will enable the Village of Bellport to identify Rental Properties through a registration process. Said Registration will further enable the Village to adequately control the proliferation of Rentals and manage the effect of same on Village amenities.

Section 2. Text Amendment. The proposed local law would amend Chapter 21 of the Code of the Village of Bellport "Zoning", by adding the underlined (____) words and deleting the dashed out words (-----) as follows:

Chapter 25 – NEIGHBORHOOD PRESERVATION

Article I RENTAL REGISTRATION

§ 25-1 Legislative intent.

§ 25-2 Applicability; more restrictive provisions to prevail.

§ 25-3 Definitions and word usage.

§ 25-4 Rental occupancy permit required; application.

§ 25-5 Fees.

§ 25-6 Application review; inspection of premises.

§ 25-7 Term.

§ 25-8 Register of permits.

§ 25-9 Revocation of permit.

§ 25-10 Broker's responsibility prior to listing.

§ 25-12 Penalties for offenses.

§ 25-1 Legislative intent.

- A. The intent of this chapter is to preserve the aesthetic integrity of our residential neighborhoods, prevent neighborhood blight, protect residential property values,

encourage residential property maintenance and enhance the quality of life in our residential neighborhoods. This Chapter will enable the Village of Bellport to identify Rental Properties through a registration process. Said Registration will further enable the Village to adequately control the proliferation of Rentals and manage the effect of same on Village amenities. The Board finds that current Code provisions are inadequate to halt the proliferation of such conditions and that the public health, safety, welfare and good order governance of the Village of Bellport will be enhanced by enactment of the regulations set forth in this article, which regulations are remedial in nature and effect.

§ 25-2 Applicability; more restrictive provisions to prevail.

A. Scope. This article shall apply to all rental dwelling units located within the Village of Bellport, whether or not the use and occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located, as provided in this article. Any dwelling unit subject to this article shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.

B. Applicability. The provisions of this article shall be deemed to supplement applicable state and local laws, codes and regulations. Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies or existing requirements of any other provision of state or local law or code or regulation. In case of conflict between any provision of this article and any applicable state or local law, code or regulation, the more restrictive or stringent provision or requirement shall prevail. The issuance of any permit or the filing of any form under this article does not make legal any action or state of facts that is otherwise illegal, unlawful or unpermitted, or otherwise in contravention of any other applicable law, code, rule or regulation.

§ 25-3 Definitions and word usage.

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

BUILDING DEPARTMENT

The Building Department of the Village of Bellport or any agent or officer of such Department.

BUILDING INSPECTOR

The Building Inspector of the Village of Bellport or any person duly appointed as such Inspector.

CODE ENFORCEMENT OFFICER

The Building Inspector, Code Officer, Public Safety Officer, any Fire Marshal, Fire Inspector or Chief of the Fire Department, or their delegates or assistants.

CONVENTIONAL BEDROOM

A room designed as a bedroom or, as in the case of a studio apartment, a common room used for sleeping purposes. Rooms having other purposes, such as dens, living rooms or hallways, are not to be interpreted as "conventional bedrooms." A room may not be converted to a conventional bedroom without the permission of the Building Department.

DWELLING, ONE-FAMILY

A building designed and authorized for exclusive occupancy as a home or residence for not more than one family, which building shall have not more than one kitchen.

DWELLING, TWO-FAMILY

A building designed and authorized for exclusive occupancy as a home or residence for not more than two families living independently of each other, which building shall have at least, but not more than, two kitchens.

DWELLING UNIT

A structure or building used as a one-, two- or three-family dwelling, occupied or to be occupied by one or more persons as a home or residence with separate kitchen facilities per dwelling unit.

FAMILY

One (1) or more persons related by blood, adoption, marriage or domestic partnership, living and cooking together as a single housekeeping unit, including household servants. A number of persons, but not exceeding three (3), living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family. In no case shall a lodging house, boardinghouse or dormitory be classified or construed as a single housekeeping unit or the occupants thereof be construed as a "family."

IMMEDIATE FAMILY

Persons related to the family of the owner of a dwelling unit, to include: the owner's spouse, children, parents, grandparents, grandchildren or their functional equivalent, and no others.

KITCHEN

Any assembly of cabinets, appliances, countertops or plumbing used in connection with the storage, preparation or cooking of food.

LEASE REGISTRATION

The registration of a lease on a form that is approved by and submitted to the Village Clerk.

OWNER

Any person, partnership, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee

in possession, title or control; including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.

OWNER OCCUPIED

Occupation of a dwelling unit, other than a multiple-apartment unit, condominium or cooperative, by the owner and/or his immediate family.

RENT

A return in money, property or other valuable consideration (including payment in kind or for services or other thing of value) for use and occupancy or the right to use and occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL DWELLING UNIT

A dwelling unit established, occupied, used or maintained for rental occupancy as a one-, two- or three-family dwelling, under or by virtue of a rental or lease agreement, verbal or written, or where any sum or thing is paid for occupancy or a charge is made for use and/or occupancy, or where occupancy is pursuant to a contract of sale or installment payment contract, or free of payment by the occupant where payment is made by another individual, organization or agency, or any other occupancy or arrangement for charge of any kind.

RENTAL OCCUPANCY

The occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use. A renter or lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor for, and shall assume and have joint responsibility over, the portion of the premises sublet or assigned by said lessee.

RENTAL OCCUPANCY REGISTRATION

The registration of a rental dwelling unit on a form that is approved by the Building Department.

B. Word usage. Words used in the singular number shall include the plural, and vice versa; the word "shall" is mandatory.

§ 25-4 Rental Registration required; application.

A. It shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York for any owner to permit any tenant(s) or other person(s), to take up residence by a rental occupancy in any dwelling unit without the owner's first having completed and filed with the Building Department a rental registration form approved by the Building Inspector, and bearing the signature of the owner acknowledging the requirements of such registration. Failure or refusal to file a rental registration hereunder shall be deemed a violation.

- (1) It shall be an affirmative defense to a violation of Subsection A of this section that the rental occupant or occupants is/are immediate family members of the owner of the subject premises, as defined in this chapter.
- (2) Rebuttable presumption of rent. Any dwelling, dwelling unit, or any other premises subject to this chapter shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.

B. Application for a rental registration for a rental dwelling unit shall be made in writing by the owner or their representative of the property to the Building Department on a form provided therefor. Such application shall be filed and shall contain:

- (1) The name, residence address, mailing address and telephone number, if any, of the owner of the dwelling unit intended for rental occupancy.
- (2) The name, address and contact number of the owner's representative and/or broker (if applicable). Owner must provide a local representative, their address and their contact number if the owner is domiciled greater than 30 miles from the rental dwelling unit.
- (3) Street address and Tax Map designation (section, block and lot or lots of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.
- (4) Must submit a floor plan of the premises intended for rental occupancy or the premises in which the rental dwelling unit is intended for occupancy setting forth a full description of the structure, including the number of rental dwelling units in the structure including but not limited to identifying each bedroom, a description of the unit, including the number of rooms in the rental dwelling unit and the dimensions of each such room and the number and location and access of existing and proposed on-site vehicle parking facilities.
- (5) A copy of the certificate of occupancy and/or certificate of zoning compliance and any certificates of nonconforming use as recorded by the Incorporated Village of Bellport for the premises on which the rental dwelling unit intended for occupancy is located.

C. A fully executed and signed lease showing the names of all occupants and the dates of rental must be submitted to the Village Clerk along with a Lease Registration Application.

D. Each application shall be executed by and sworn to by the owner of the premises.

§ 25-5 Fees.

A. A nonrefundable annual Registration fee as set from time to time by resolution of the Board of Trustees shall be paid, upon filing an application for a rental registration.

B. A nonrefundable Lease Registration fee as set from time to time by resolution of the Board of Trustees shall be paid, upon filing a Lease Registration for any and all leases that may take place within any rental registration year from May 1st through September 30th.

C. The fee required by this section shall be waived for any applicant which demonstrates that it is a not-for-profit housing development corporation organized under the laws of the State of New York, and that it is providing housing for senior citizens or other designated special populations subject to income guidelines established by either federal or state regulation.

§ 25-6 Application review; inspection of premises.

A. The Building Inspector, or his designee, shall review each registration application for completeness and return incomplete applications or advise the owner or their representative that the application is complete within two weeks of receipt of the application by the Village. Within 30 days of receiving notice from the Village of Bellport of receipt of a complete application, the owner of the rental dwelling unit shall, at the owner's election: arrange for an inspection of the unit or units and the premises on which the same are located by a Code Enforcement Officer employed by the Village; or shall provide to the Village sufficient evidence, certified by a licensed engineer or architect, that the structure and the dwelling units contained therein meet all applicable housing, sanitary, building, electrical and fire codes, rules and regulations.

B. Upon completion of the inspection by a Village Code Enforcement Officer, he shall issue findings in a written report, the format of which will be provided by the Village Building Department.

C. Upon completion of the inspection by a licensed engineer or architect hired by the owner, said engineer or architect shall issue findings in a written report, the format of which will be provided by the Village Building Department.

D. The inspection and report shall be completed and filed with the Village Building Department within 45 days of the notice of completion of the application. If the report states that the proposed rental dwelling unit or units, as well as the premises in which the same are located, comply fully with all applicable state and local laws, rules and regulations and that such rental dwelling unit or units do not create an unsafe or dangerous condition, the Building Inspector or his designee shall issue the registration, which shall state the name and address of the owner of the subject property, the maximum number of occupants and the number of conventional bedrooms for the structure.

§ 25-7 Term.

All registrations issued pursuant to this article shall be valid for a period of one year from date of issuance.

§ 25-8 Register of permits.

It shall be the duty of the Building Inspector to maintain a roll of registrations issued pursuant to this article. Such roll shall be kept by street address, showing the name and address of the

registrant, the number of rental dwelling units at such street address, the number of rooms in each such rental dwelling unit and the date of expiration of the registration for such unit.

§ 25-9 Revocation of registration.

A. The Building Inspector may recommend to the Board of Trustees the revocation of a rental registration where he or she finds that the permit holder has caused, permitted, suffered or allowed to exist and remain upon the premises for which such registration has been filed, for a period of 14 days or more after written notice has been given to the permit holder or the managing agent of such rental dwelling unit, a violation of the Multiple Residence Law, New York State Uniform Fire Prevention and Building Code or a violation of this article or other chapter of the Village Code.

B. Upon the recommendation of the Building Inspector and after 10 days' written notice by certified mail to the owner, the Village Board shall hold a public hearing on such recommendation within 60 days after such recommendation, and after such hearing shall make written findings, a conclusion and a decision.

§ 25-10 Broker's responsibility prior to listing.

A. It shall be unlawful and a violation of this article, and an offense within the meaning of the Penal Law of the State of New York, for any real estate broker or agent to list, advertise, show or otherwise offer for lease, rent or sale on behalf of the owner as a residence with a rental dwelling unit or units any residence or residential dwelling unit for which a current rental registration is not on file with the Building Department. It shall be the real estate broker's or agent's duty to verify the existence of a valid rental registration before acting on behalf of the owner.

B. It shall be unlawful and a violation of this article, and an offense within the meaning of the Penal Law of the State of New York, for any real estate broker or agent to list, advertise, show or otherwise offer for lease, rent or sale on behalf of the owner any residential dwelling in a manner inconsistent with the use reflected on the certificate of occupancy, certificate of zoning compliance, certificate of existing use or special permit issued for the premises. It shall be the real estate broker's or agent's duty to verify the legal status of the premises before acting on behalf of the owner.

C. It shall be unlawful and a violation of this article, and an offense within the meaning of the Penal Law of the State of New York, for any real estate broker or agent to list, advertise, show or otherwise offer for lease, rent or sale on behalf the owner or such other person acting in the owner's behalf any residential dwelling in a manner inconsistent with the number of rooms, bedrooms, kitchens or units, identified on the property card for the premises maintained by the Village of Bellport for such structure. It shall be the real estate broker or agent's duty to verify the legal status of the premises before advertising the premises on behalf of the owner, or such other person acting in the owner's behalf.

§ 25-11 Penalties for offenses.

Any person, association, estate, trust, firm or corporation or other entity which violates any provision of this article or assists in the violation of any provision of this article shall be guilty of a violation as that term is defined in the New York Penal Law and which is punishable:

A. By a fine not less than \$500 and not exceeding \$5,000 for a conviction of a first offense. By a fine not less than \$1,000 and not exceeding \$10,000 for a conviction of a second or more offense within a five year period.

B. Each month that the violation continues to exist shall constitute a separate and distinct offense.

C. The Building Inspector or his designee shall be responsible for investigating and documenting violations of any case of illegal over-occupancy within the Village or for failure to comply with the provisions of this article with regard to illegal advertisements.

D. The Village Attorney shall be authorized to institute an action in the Supreme Court for the State of New York, County of Suffolk, for appropriate relief, including injunctive relief and may seek the imposition of all costs related to such action to be charged against the property, which such charges shall be collected as additional tax.

Section 3. Severability. If any clause, sentence, paragraph, section, article, chapter or part of this local shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: _____, 2016
VILLAGE CLERK
Bellport, New York