

RESOLUTION OF INTRODUCTION

_____, seconded by _____, introduced the following proposed local law, to be known as **Local Law No. 11** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 101, “RENTAL PROPERTIES REGISTRATION,” OF THE ESOPUS TOWN CODE.

BE IT ENACTED by the Town Board of the Town of Esopus that Chapter 101 of the Town Code is created and reads as written in the following section:

Section 1.

CHAPTER 101

RENTAL PROPERTIES REGISTRATION

§ 101-1 TITLE

This Chapter shall be known and may be cited as the Rental Property Registration Law of the Town of Esopus.

§ 101-2 DEFINITIONS

A. As used in this Chapter, these terms shall have the meanings indicated as follows:

Action or Proceeding

Any Action or Proceedings which may be instituted in the Town Court of the Town of Esopus or the County Court of the County of Ulster or the Supreme Court of the County of Ulster or any court of competent jurisdiction with an alleged violation of any law of the Town of Esopus.

Building

Any improved real property, residential or mixed use (commercial-residence), located within the Town of Esopus that has five or more rental units.

Managing Agent

A person over 21 years old, residing or doing business within 30 miles of the subject rental property, who shall be responsible for the care and management of such property and is authorized by the property owner to accept legal process on behalf of the owner when the owner resides or has its principal place of business located more than 30 miles from the subject rental property.

Owner

Any individual or individuals, partnership, Limited Liability Company, Corporation or any business organization, whether for profit or otherwise, in whose name title to a Rental Property is held, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm, Limited Liability Company or corporation directly or indirectly in control of the property.

Rental Property

Includes all properties in the Town of Esopus which have five or more residential units that are either rented, leased, let or hired out to be occupied for residential purposes and shall include residential or mixed use (commercial-residential) properties.

§ 101-3 LANDLORD REGISTRATION STATEMENT

- A. Every Owner of a Rental Property as above defined shall file with the Building Inspector of the Town of Esopus, within 90 days from the enactment date of this law, a landlord registration statement on forms to be supplied by the Building Inspector of the Town of Esopus.
- B. It shall be unlawful for any Owner of a Rental Property to offer for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this article as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register the Rental Property. It is the Owner's responsibility to fulfill the requirements of this article.
- C. The registration form shall contain:
 - 1. A description of the premises by street number or block and lot number, including tax identification number.
 - 2. The Owner's name, residential address, and mailing addresses together with their business telephone number, home phone number, cell phone number, fax number, as well as e-mail address, or if such Owner is a corporation, Limited Liability Company or other entity, the name and address of such corporation, Limited Liability Company or other entity, and the name, residence, business address, together with the residence, business telephone numbers, cell phone numbers, fax numbers and e-mail addresses, if any, of all officers.
 - 3. Designation of managing agent. The Owner must designate a managing agent. The Owner shall provide the following information to the Building Inspector of the Town of Esopus: the name, residence, business and e-mail address and residence, business and cell telephone numbers of a natural person, 21 years of age or over, who shall reside within a 30 mile radius of the subject rental

property, and who shall be designated by such Owner as a managing agent responsible for and in control of the maintenance and operation of such dwelling, and who shall be designated as the person upon whom process may be served on behalf of the Owner. The managing agent and/or Owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises. There shall be endorsed upon such statements a written consent to such designation signed by such managing agent. An Owner who is a natural person and who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent may designate themselves as such managing agent.

4. The Owner shall be obligated, at all times, to keep this information updated, and when there is a change in Ownership or a change in the managing agent, the Owner shall be obligated to update the information by amending the landlord registration statement within 15 days from the date of any such change.

- D. Upon completion and execution and submission of the landlord registration statement as aforesaid, said registration shall be reviewed by the Building Inspector of the Town of Esopus or its designee for adequacy. Should the Building Inspector and/or its designees determine that said application is incomplete, defective or untruthful for any reason, said application shall be marked “rejected” and returned to the filer. A rejected application shall not be deemed to comply with the following provisions of this article.
- E. It shall be the responsibility of each Owner to timely notify the Building Inspector of the Town of Esopus whenever the information provided in the landlord registration statement has become outdated or for any reason is inaccurate.
- F. A copy of the approved application shall be required and shall be a condition precedent before the Owner shall be entitled to rent any unit contained in the Rental Property.
- G. Where, after filing of any landlord registration statement in relation to any Rental Property under the applicable provisions of this article, the Owner of such property shall have granted or transferred their right, title or interest therein or in any part thereof, such Owner shall file with the Town of Esopus Building Inspector within 15 days after such grant or transfer a written statement which, under oath, shall contain the name and residence, business addresses, business and home telephone, cell phone numbers, fax numbers and e-mail of the grantee, transferee or other successor of such right, title and interest, or if such grantee, transferee or successor is a corporation, the name and address of such corporation, including the names of all officers, their addresses, business and residence phone and cell numbers as well as e-mail addresses and fax numbers. If the Owner is a Limited Liability Company, the names of all Managing Members, their addresses, business and residence phone and cell numbers as

well as e-mail addresses and fax numbers. If the Owner is unable with due diligence to secure the aforementioned information, then the Owner shall immediately notify the Building Inspector of the Town of Esopus in writing of this fact.

- H. Where, after the filing of any landlord registration statement with the Building Inspector of the Town of Esopus pursuant to the applicable provisions of this article, any change other than a designation of a different managing agent or a change of Ownership or interest occurs in any name, residence or any business address of a list of officers required to be included in such statement, the Owner, within 15 days after such change shall file a statement under oath setting forth the particulars of such change so as to supply the information necessary to make currently correct the last landlord registration statement filed pursuant to the applicable provisions of this section.
- I. An Owner may terminate such designation by filing with the Building Inspector of the Town of Esopus a sworn written statement designating a new managing agent made in conformity with the provisions herein above cited.
- J. Any landlord registration statement or designation of a managing agent required to be filed with the Building Inspector of the Town of Esopus by any Owner of a Rental Property under the provisions of this section shall be signed by such Owner, or if such Owner is a corporation, by an officer thereof, or if such Owner is a partnership, by a partner thereof or if said Owner is a Limited Liability Company, by a Managing Member thereof and said statements must be sworn to under the penalties of perjury.
- K. Any such landlord registration statement or designation of a managing agent shall be deemed prima facie proof of the statement therein contained in any criminal or civil prosecution against the Owner or managing agent of a Rental Property.

§ 101-4 INSPECTION REQUIREMENTS

- A. In accordance with the Fire Code of New York State and Property Maintenance Code of New York State, the Building Inspector of the Town of Esopus or its authorized designee or agent shall make provisions for inspections of each Rental Property, which is subject to the provisions of this article. The Building Inspector shall notify each Owner and/or managing agent of each Rental Property as to the time and place of such inspection. The inspection shall be for the purpose of determining compliance with all applicable rules and regulations concerning safety and maintenance of all rules and regulations applicable to said Rental Property. In addition, the Owner and/or managing agent shall be obligated to review the contents of the landlord registration statement to determine if all said information is up to date, complete and accurate in all respects.
- B. Any inspection report issued pursuant to Subsection A of this section which reveals the presence of a violation shall be remedied by the owner within the time stated in the report. Failure to bring any

building and/or residential rental property into conformance with such report and/or to remedy within the time set forth therein shall constitute a violation of this article, it being expressly understood that this provision shall not constitute the exclusive remedy of the Town of Esopus but shall be an addition thereto. The inspection shall follow the following procedure:

- C. Tenant List. The property Owner shall certify or affirm that their name, address and contact information for each tenant or subtenant occupying each dwelling unit. Any property Owner who fails to maintain said information shall be guilty of a violation of this chapter, which is hereby declared to be a violation, and upon conviction thereof, shall be punished by a fine not to exceed the amount set forth in the schedule or penalties, fees and fines set forth herein.

101-5 OWNERS' OBLIGATIONS

- A. In the event that the Owner schedules or the Owner learns that the utility service provider is scheduling a cessation or interruption of: electric power or of gas or fuel to the Rental Property, Owner shall notify the Tenants and the Town of Esopus Supervisor and Building department at least 48 hours in advance of said cessation or interruption of service.
- B. Owner will provide each tenant as well as the Town of Esopus Supervisor and Building Department with the name, address, telephone number and email address of the Managing Agent to contact in the event of an on-site emergency other than dialing 911. Said individual(s) must be able to respond and address on site emergencies 24 hours per day, every day of the year.
- C. Owner shall maintain a master list for all rental units identifying the head of household with their unit number and their landline or cellphone or telephone number. Owner shall immediately contact each such individual in the event of an emergency to apprise the tenant the nature of the emergency and the action that must be taken.
- D. Owner shall provide each Tenant with a current list of all motels/hotels within an eight-mile radius including those facilities which accept pets and which could be used for temporary shelter in the event that tenants must be relocated due to an emergency or other on-site condition requiring the tenants to vacate.
- E. Owner shall prepare and provide to each Tenant and to the Town of Esopus Supervisor and Building Department the protocol which the Owner will follow for individual and mass communications to ensure that each Tenant is promptly notified of any on-site emergency.
- F. Owner will prepare and provide to the Town of Esopus Supervisor and Town Building Inspector a diagram showing the location of each building, apartment, and structure on the Rental Property and also delineating the location of all utility lines and utility facilities extant on the Rental Property.

101-6 ENFORCEMENT

This local law may be enforced by seeking civil penalties or by instituting a criminal Proceeding or both.

- A. The Owner(s) or a designating managing agent of an Owner may be served with a notice of violation, order of remedy, order of violation, an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as it actually served upon the Owner.
- B. No Owner who designates a managing agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in person jurisdiction based solely upon the service of process upon his designated agent.

§ 101-7 SERVICE OF PAPERS - NOTICE OF VIOLATIONS

Service of papers and notice of violations shall be:

- A. By delivering to and leaving a copy of the same with any person or persons violating or who may be liable under any of the several provisions of this article; or
- B. By registered or certified mail to the Owner or Managing Agent at most current address on file in the registration statement; or
- C. If none is on file, to the most current address for the Owner available at the Town of Esopus Assessor's Office by registered or certified mail to the Owner and/or Managing Agent; and if such person or persons cannot be served by any of the aforesaid methods after diligent search shall have been made for him/her or them, then such notice or order may be served by posting the same in a conspicuous place upon the Rental Property where such violation is alleged to exist, or to which such notice may refer, or which may be deemed unsafe or dangerous, which shall be the equivalent of personal service of said notice upon all parties, including the Owner and/or managing agent for whom such search shall have been made; or
- D. By any other method or service pursuant to New York Civil Practice Law and Rules.
- E. If the Owner or person(s) or any of them to whom said notice is directed, do not reside in the County of Ulster and have no known place of business therein, the same may be served by delivering to or leaving with such person or persons or either of them a copy of said notice. If said person or persons cannot be found with due diligence search, then by posting a copy of the same in a manner aforesaid and depositing a copy thereof in a United States Postal Service box or office, enclosed in a sealed wrapper addressed to said person or persons at his/her/its last known place of residence with the postage paid thereon, and said posting and mailing a copy of said notice shall be equivalent to personal service of said notice.

§ 101-8 PENALTIES FOR OFFENSES

Violations of this article will constitute an offense within the meaning of the Penal Law of the State of New York, punishable as provided for herein. In addition, a violation of any provision of this article shall constitute a municipal infraction and will be subject to applicable penalties under this article, and the Town of Esopus may choose to enforce this article as a criminal or civil matter, or both. Any Owner who violates, disobeys, neglects or refuses to comply with any of the terms of this article shall be subject to a fine/penalty of up to \$1,000.00 and/or up to 15 days in jail. Each week a violation continues shall be deemed a separate offense subjecting the offender to additional fines/penalties of up to \$1,000.00 per day and/or additional jail sentences of up to 15 days.