

**Town of Savannah
Local Law #1-2009**

Rental Housing

Section 1. Purpose and Statutory Authorization

It is hereby declared that there exists within the Town of Savannah residential rental housing units, which by reason of their operation, use or occupancy affect or are likely to affect the public health, safety and general welfare of the Town. It is further determined that accurate and up-to-date contact information is to frequently lacking when owners of residential rental properties must be notified of the need to correct substandard property conditions and violations of the Town Law and/or the laws of the State of New York. The Town Board has also determined that the inability to make timely contact with the owners of such residential rental properties results, or is likely to result, in the proliferation of properties suffering from serious and persistent physical conditions which will tend to overburden municipal services and promote or encourage deterioration of the Town.

It is further declared that the purpose of these regulations are to protect the health, safety and general welfare of the citizens of the Town by requiring the licensing of owners of rental housing units as well as the registration and regulation of all residential rental housing units which are or shall be in existence in the Town.

Section 2. Definitions

The following definitions shall apply in the interpretation and enforcement of this local law.

“Agent” Shall mean a designated agent of the owner or landlord who lives within the Town of Savannah or a 20 mile radius of the Town of Savannah and is authorized to act on the owners behalf to remedy violations determined by the Savannah Code Enforcement Officer.

“Business Days” Shall mean days in which the offices of the Town of Savannah area open for public business.

46 **“Common Area”** Shall mean space which is not part of an individual
47 rental and which is shared among occupants of two or more rental units.
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49 **“Landlord”** Shall mean the owner of one or more residential rental
50 units.
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55 **“Landlord License”** Shall mean a license that is issued to a landlord,
56 valid for one (1)
57 year, by the Code Enforcement Officer of the Town of
58 Savannah upon evidence of compliance with the
59 provisions of this local law and payment of the Landlord
60 License fee.
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62 **“Let for Occupancy”** Shall mean to permit, provide or offer possession or
63 occupancy of
64 a dwelling, dwelling unit, rooming unit, building, premise
65 or structure by a person who is not the legal owner of
66 record thereof, pursuant to a written or unwritten lease,
67 agreement or license, or pursuant to a recorded or
68 unrecorded agreement of contract for the sale of land.
69

70 **“Owner”** Shall mean the legal title holder or holders of the real
71 property, except where a designated agent is authorized to act on behalf of
72 the owner for purposes of this local law.
73

74 **“Person”** Shall mean an individual, corporation, firm, partnership,
75 association, organization, or company.
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77 **“Rental Unit”** Shall mean any residential apartment, house, duplex,
78 condominium, or room in a rooming house that is not owner-occupied
79 which is let for occupancy or intended to be let to a person for
80 compensation.
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82 **Section 3. Landlord License Required, Application, Grounds for Denial,**
83 **Suspension or Revocation.**
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85 An owner of a residential rental unit must obtain a Landlord License
86 from the Town before the owner permits occupancy of such rental unit.
87 It shall be unlawful for any owner without a Landlord License to let for
88 occupancy a rental unit. For those owners of currently occupied rental
89 units at the time of passage of this local law, a Landlord License must
90 be obtained within ninety (90) days of the date of passage of this local

91 law. New owners of currently occupied rental units must obtain a
92 Landlord License within thirty (30) days of obtaining title to a rental unit.

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94 Each owner of a residential rental unit shall file a Landlord License
95 application and submit a Landlord License application fee to the Code
96 Enforcement Officer. All Landlord License applications shall be
97 submitted to the Code Enforcement Officer on approved forms. The
98 Landlord License Application shall require the owner to give the
99 following information:

100
101 **Name(s), address(es), and telephone numbers(s) of the owner(s).**

102
103 **For the purpose of this section, a post office box does not**
104 **suffice as an address.**

105
106 **Registered agent's name, address, and telephone number if**
107 **applicable.**

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109 **A statement that the owner agrees to conduct, maintain and**
110 **supervise all rental units and the surrounding premises owned by**
111 **the owner so as to not create a nuisance, or permit conduct or**
112 **activity at the rental unit or on its premises that endangers the public**
113 **health and welfare.**

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115 **A statement that the owner certifies that the Landlord License**
116 **application is accurate and does not contain any material omissions**
117 **and/or materially false or misleading information.**

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119 **Except as provided in subsection (j), the Code Enforcement Officer**
120 **shall issue a Landlord License upon receipt of the completed**
121 **Landlord License application, the Landlord License fee, rental unit**
122 **registration and other required information.**

123
124 **If at any time the information contained in the Landlord License**
125 **application changes materially before the filing of a new Landlord**
126 **License application, the Landlord shall update the Landlord License**
127 **application. No fee shall be required to update the Landlord License**
128 **application. Failure to update the Landlord License application shall**
129 **be a violation of this local law.**

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131 **A Landlord License shall be valid for one (1) year from the date of**
132 **issuance. A Landlord License is non-transferable. A Landlord**
133 **License, in and of itself, shall not be interpreted as granting the**
134 **owner the privilege to let for occupancy and rental unit, but must be**
135 **accompanied by a valid Certificate of Occupancy.**
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The Code Enforcement Officer shall only issue or renew Certificates of Occupancy for rental units owned by licensed landlords.

At the expiration of the Landlord License, the owner may renew the Landlord License by submitting another Landlord License application along with the Landlord License fee. A renewal of the Landlord License may not be refused without cause upon payment of the Landlord License fee.

(j) The Code Enforcement Officer may deny any landlord License application if he/she determines that any of the following events have occurred or conditions exists:

The owner has failed to provide all the information required for the Landlord License application.

The owner has failed to pay the required fee pursuant to this local law.

The owner has obtained the Landlord License or Certificate of Occupancy through fraud, collusion or illegally.

The owner has any material statutory or code violations at any rental unit which have not been corrected within a time limit established by a Code Enforcement Officer.

The application or any previous application for a Landlord License filed by an owner contains any material omissions and/or materially false or misleading information, including a failure to update an application where required.

Any rental unit and/or the premises of the owner are conducted or maintained in such a manner as to create two (2) or more public nuisance violations.

The owner has been determined to aiding, abetting, encouraging, permitting, harboring, or engaging in criminal conduct or criminal activities in any of his/her rental units or on any of the owner's rental unit premises.

Violation of any other provision of this local law.

A building owner by the applicant and within the former hamlet of the Town of Savannah has been deemed an "abandoned

183 dwelling” as defined by New York State Real Property Actions
184 and Proceedings Law.

185
186 (10)The owner has failed to provide federally required lead
187 based paint
188 disclosures to tenants of rental units constructed before
189 1978.

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191 (11)The owner has been found by a court or by the Town of
192 Savannahs
193 Code Enforcement Officer to have violated State or
194 Federal Fair
195 Housing Laws.

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197 (12)If the Code Enforcement Officer believes there is
198 reasonable cause to
199 deny a Landlord License application. The Code
200 Enforcement shall
201 issue written notice of the denial to the owner with the
202 specific grounds
203 for such denial. The owner may appeal the determination
204 of the Code
205 Enforcement Officer to the Town Board of the Town of
206 Savannah as
207 set forth in *Section 6*.

208
209 The Code Enforcement Officer may revoke or suspend a Landlord
210 License at anytime he/she determines that:

211
212 Any of the events or conditions listed in subsection (j) has
213 occurred.

214
215 The landlord has failed to pay any outstanding penalties or
216 fees that have been outstanding for ninety (90) days.

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218 The landlord or his/her designated agent are not available
219 or do not respond to contacts by a Code Enforcement
220 Officer, or if the name and contact information for the
221 owner or agent are no longer valid, or if the designated
222 agent no longer represents the owner.

223
224 If the Code Enforcement Officer believes there is
225 reasonable cause to revoke or suspend a Landlord License,
226 the Code Enforcement Officer shall issue a written notice of
227 the revocation with the specific grounds for the revocation
228 or suspension. The owner may appeal the revocation or

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suspension to the Town Board of the Town of Savannah as set forth in Section 6.

A Landlord License may be suspended for a maximum period of ninety (90) days, and shall be reinstated at the end of the suspension period with concurrence of the Town Board based on the recommendation of the Code Enforcement Officers inspection.

An owner whose Landlord License has been revoked shall be ineligible to obtain a new Landlord License for a period of one (1) year. In addition to any other provision of this local law, an owner whose Landlord License has been revoked shall enroll in, or provide proof that the owner or registered agent has successfully completed a landlord training program acceptable to the Town.

There shall be a non-refundable application fee of five dollars (\$5.00) per rental unit with a maximum fee of twenty five dollars (\$25.00) owned by the owner.

Section 4. Designation of Agent: Posting of Notice.

If the owner is not a full-time resident of the Town of Savannah or in a 20 mile radius of the Town of Savannah, then the owner shall file with the Code Enforcement Officer:

A statement of designation, signed and verified in the office of the Code Enforcement Officer setting forth the name and address, by street and number within the Town of Savannah or a 20 mile radius of the Town of Savannah, of an agent upon whom process may be served in any action or proceeding which may be commenced or instituted against said owner. The designated agent shall be the agent of the owner for services of process and receiving of notices and demands, as well as for performing the obligations of the owner under statutory law or code and under rental agreements with occupants. If an agent is designated, then the Town is not required to provide separate notice to the owner.

The legal name, mailing address, daytime physical address (not a post office box), and date time and evening telephone numbers(s) of the designated agent, and such information shall be kept current and updated within five (5) business days after it changes.

Section 5. Registration of Residential Rental Housing Units

275 Every owner shall submit the following information for each rental
276 unit:

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278 The unit street address and unit number/letter designation if
279 applicable.

280 A floor plan of each rental unit and common area. The plan
281 need not be to scale, but shall indicate the dimensions of
282 kitchens, living rooms, dining rooms, and sleeping rooms.
283 The number of current occupants of each unit.

284
285 **Section 6. Insurance:**

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287 All owners required to obtain a Landlord License shall be required to
288 obtain a minimum of twenty-five thousand dollars (\$25,000) in general
289 liability insurance and hazard and casualty insurance in an amount
290 sufficient to either restore or remove the building in the event of fire or
291 other casualty. Further, in the event of any fire or loss covered by such
292 insurance, it shall be the obligation of the owner to use such insurance
293 proceeds to cause the restoration or demolition or other repair of the
294 property in adherence to applicable laws, codes, and regulations. **SPOKE**
295 **WITH JIM TIBERIO ON THIS AND HE SAID THIS WAS A GOOD IDEA AND**
296 **WILL LOOK INTO REQUIRING A BOND**

297
298 **Section 7. Appeal and Review of Denial, Suspension or Revocation**

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300 Whenever an owner wishes to appeal any decision of the Code
301 Enforcement Officer refusing to issue or renew a Landlord License, or
302 suspending or revoking a Landlord License, the owner must first appeal to
303 the Town Board of the Town of Savannah in compliance with the
304 procedures set forth herein:

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306 An owner may request in writing a formal hearing at the next
307 regularly scheduled Town Board meeting to dispute the
308 determination of the Code Enforcement Officer, within ten (10)
309 business days after receiving notice of a refusal to issue or renew a
310 Landlord License, or suspension or revocation of a Landlord
311 License. The written request to dispute the determination must be
312 filed with the Town Clerk. The Town Clerk shall notify the Town
313 Board.

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315 Following notification, the Town Board of the Town of Savannah
316 shall:

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318 Set the appeal for a hearing
319 Set a time, date, and location for such hearing; and

320 Notify the owner and the Code Enforcement Officer of the
321 hearing time, date and location at least ten (10) business days
322 prior to the hearing.

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324 The hearing shall be conducted by the Town Board of the Town of
325 Savannah.

326
327 *The owner shall bear the burden of proof that the Code Enforcement*
328 *Officers decision should be vacated. The Town Board may present*
329 *evidence at the hearing which supports the Code Enforcement*
330 *Officers decision.*

331
332 Following a hearing the Town Board may overturn or confirm the
333 Code Enforcement Officers determination. The decision of the Town
334 Board shall be final and the decision together with reasons therefore,
335 shall be delivered in writing within thirty (30) business days from the
336 close of the hearing to the person taking the appeal with a copy
337 delivered to the Town Clerk and Code Enforcement Officer who shall
338 keep all decisions on file in the Town offices.

339
340 All decisions shall become effective upon delivery to the Town Clerk.

341
342 **DUE TO THE NUMEROUS REQUESTS FOR LANDLORDS TO HAVE**
343 **POWER OVER THE TENANT (namely Paul Rotundas complaints) I**
344 **INCLUDED THIS SECTION – LET ME KNOW IF YOU WANT TO KEEP**
345 **IT OR DELETE IT.**

346
347 **Section 7. Occupant to Give Reasonable Access to Owner to Make**
348 **Repairs**

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350 *Every occupant of a residential rental unit shall give the owner thereof,*
351 *of his or her agent or employee access to any part of such rental unit or*
352 *its premises, at all reasonable times for the purpose of making such*
353 *repairs or alterations as are necessary to effect compliance with the*
354 *provisions of this local law or with any lawful rule or regulation adopted*
355 *or any lawful order issued pursuant to the provisions of this local law.*

356
357 **Section 8. Violations and Penalties**

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359 Any person or entity which fails or refuses to comply with the
360 requirements of this local law or violates any provision of this
361 local law shall be guilty of a violation punishable, for a conviction
362 of any offense, in each instance by a fine of not less than \$250.00
363 or by imprisonment for a period not to exceed 15 days, or both.
364 Each week's continued violation shall constitute a separate
365 additional violation.

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Alternatively, or in addition to an action to recover the fines by subsection (a), the Town may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation of or to enforce any provision of this local law.

Section 9. General Fund

The fees generated from the licenses along with penalties assessed under this local law shall be deposited into the General Fund of the Town and used for purposes of code enforcement.

Section 10. Inspections and Certifications of Occupancy

The Town Board hereby authorizes and directs the Code Enforcement Officer to make inspections to determine the condition of residential rental units and premises located within the Town of Savannah in order that he or she may perform his or her duty of safeguarding the health and safety of the occupants of rental units and of the general public. For the purpose of making such inspections, the Code Enforcement Officer is hereby authorized to enter, examine and survey at all reasonable times all of residential rental units and premises and property. The owner or occupant of residential rental units or the person in charge thereof, shall give the Code Enforcement Officer free access to such rental unit, premises and its property, at all reasonable times for the purpose of such inspection, examination and survey.

Inspections will be performed on the following schedule:

Multiple family rental units – once per year
Two-Family rental units – once every two years
Single Family rental unit – once per year
Upon the change of any relationship between the owner of property and any tenants or occupants of the property and any change in relationship between the parties to a land contract or other similar contract where the land contract vendor and/or vendee changes the Code Enforcement Officer shall have the right to inspect the property regarding compliance of the new York State Building and Fire Code, applicable federal, state or local statute, law, ordinances, codes, rules or regulations.
At the request of the owner, lessee or authorized gent. Receipt of a written statement specifying the ground upon which the subscriber believes a violation of the New York State building and Fire Code, applicable federal, state or local statute, laws, ordinances, codes, rules or regulations exists.

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Other reasonable and reliable information that such violations exists.

In case of refusal, the code Enforcement Officer may obtain a search warrant from any Court of competent jurisdiction.

**VS
LYONS LOCAL LAW VERBAGE**

INSPECTIONS AND CERTIFICATES OF OCCUPANCY

RENTAL UNITS SHALL BE SUBJECT TO PERIODIC INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AS REQUIRED BY CHAPTERS 19 AND 20 OF THE VILLAGE OF LYONS MUNICIPAL CODE. ALL OCCUPIED RENTAL UNITS SHALL REQUIRE A CERTIFICATE OF OCCUPANCY AS REQUIRED BY CHAPTER 20

VanLeeuwen – Check on # of nuisance violations considered reasonable

Lauderdale – Obtain Section 8 law from Social Services

Review possibility of joining the Wayne Co. Landlords Association

Review Sections referring to Chapters of Lyons Law

Clerk – Draft Law

Have CEO review law

Revised 06/05/09