

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of WEST WINFIELD

FILED
STATE RECORDS
NOV 16 2020

DEPARTMENT OF STATE

Local Law No. 2 of the year 2020

A local law VILLAGE OF WEST WINFIELD RENTAL PROPERTY DATABASE LAW
(Insert Title)

Be it enacted by the VILLAGE BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of WEST WINFIELD as follows:

SEE LOCAL LAW NO. 2 ATTACHED HERETO

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2020 of the (County)(City)(Town)(Village) of WEST WINFIELD was duly passed by the VILLAGE BOARD on OCT. 13 2020, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 . . . , became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

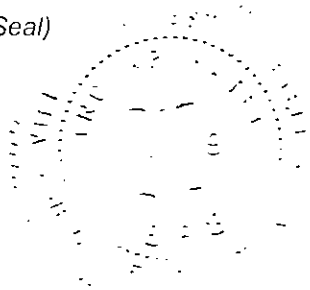
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Mary Eileen Stepany

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *Nov. 13, 2010*

(Seal)



LOCAL LAW #2 OF THE VILLAGE OF WEST WINFIELD

Purpose:

1. To establish an ongoing and accurate database of all rental properties located in the in the Village of West Winfield, and to have a system of Landlord Registration within the territorial jurisdiction of the Village of West Winfield.
2. To monitor those properties for code compliance, the Residential Occupancy Permit (ROP).

Landlord Registration:

The owner of a property constituting a rental property shall register the same with the Village of West Winfield within ninety (90) days of the effective date of this Law. The registration form shall be known as a "Landlord Registration" and shall be signed and affirmed by the property owner of record, and, if applicable, the managing agent.

(1) Any acquisition of property constituting a rental property shall require the new owner to register the same with the Village office within 15 days of the date of grant or transfer by filing a Landlord Registration and shall be signed and affirmed by the property owner of record, and, if applicable, the managing agent.

(2) The Village office shall supply a form for use as the Landlord Registration which shall be completed and filed by the property owner and shall include:

Property Description: a description of the premises, including:

- a. Property description - address, number of units, number of floors, total number of bedrooms, the term for which the units are rented or leased, whether the units are currently occupied, the name listed on the property deed, and any other identifying information requested by Code Enforcement;
- b. Owner Information: the owner's name, physical address, mailing address, and primary and secondary voice telephone numbers;
- c. Designation of Managing Agent: if a managing agent is required pursuant to this division then the owner shall provide the name, business address, business telephone number, and fax number of the managing agent;
- d. Insurance Information: the name, address, and business telephone number of the insurance provider, along with proof of current insurance coverage for both liability and fire;
- e. Residential Occupancy: the Residential Occupancy Permit number and issue date.

(3) It shall be unlawful for any owner to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this section as required herein within the time prescribed for such registration. Failure to receive actual notice of the registration deadline shall not be a defense for failure to register rental property.

a. Failure to maintain the Landlord Registration in compliance with this section shall cause any Residential Occupancy Permit issued relative to the subject property to be deemed void.

(b) The Landlord Registration shall be signed and sworn to under penalty of perjury by the property owner; if such owner is a corporation, an officer thereof shall sign for the corporation; if such owner is a partnership, and a partner thereof shall sign for the partnership. If a managing agent is designated, the owner's signature shall be acknowledgement of the authority of the managing agent to receive notices related to the property in the owners' place and stead, and receipt of such by the managing agent shall be deemed actual notice to the property owner.

(c) Any Landlord Registration statement or designation of a managing agent shall be deemed prima facia proof of the statement contained therein, in any criminal or civil prosecution instituted by the Village or by any proper prosecutorial agency against the owner or managing agent of the subject rental property.

Managing Agent

(1) Any property owner may designate a Managing Agent for any property subject to the Landlord Registration, in which case the Managing Agent must also sign and affirm the Landlord Registration form as filed with the Code Enforcement office.

(2) A property owner must designate a Managing Agent for any property subject to the Landlord Registration, if

- a. The property owner is not a natural person, or
- b. The property owner does not reside within 20 miles of the Village of West Winfield, or
- c. The property owner does not reside in New York State.

A Managing Agent must be

- (1) A natural person,
- (2) Over the age of 18, and

(e) The owner shall, at all times, keep this information updated and shall amend the Landlord Registration to reflect any change in the required information within 15 days of such change. Failure to comply with the updating requirements shall be a violation by the owner and such failure shall cause the Residential Occupancy Permit to be deemed void.

(f) Failure to provide full and complete information, or provision of inaccurate or false information, in the Landlord Registration shall be deemed non-compliance and shall be a violation of the Landlord Registration requirements, unless the same shall be corrected and completed within the filing period, such failure shall cause the Residential Occupancy Permit to be deemed void.

(g) Any designation of a managing agent shall cease to be effective upon the death or judicially declared incompetency of the managing agent and shall require an updated Landlord Registration be filed.

(h) Designation of a managing agent in no way relieves the property owner of liability under the Code for any violations related to the property. The property owner, at all times, remains solely responsible for compliance with all Code requirements related to the property.

(i) If a managing agent is designated, the Landlord Registration shall also be signed by the managing agent and such signature shall be acknowledgement of accepting responsibility to receive notices related to the property on behalf of the owner.

Violations and penalties.

(a) Enforcement.

(1) Any violation of this division is an offense punishable by a fine not to exceed the sum of \$250. Each week that a violation continues shall constitute a separate offense.

(2) The Code Enforcement Officer is authorized to make inspections of property, to respond to complaints, to issue notice(s) of violation(s) and to issue appearance tickets, where necessary to enforce the provisions of this division.

Complaints of violations.

(1) Any person may file a complaint with the Village Office that a violation of this division may have taken place or is allegedly taking place. All complaints shall be in writing and shall specify the property on which the alleged violation has occurred.

(2) The Village Office shall record and investigate any such written complaint.

(3) The Village Office shall also investigate any alleged violation that it has reason to believe has occurred or is occurring.

(c) Inspection. Whenever a complaint has been filed, or whenever it shall appear that the provisions of this division are being violated, the Code Enforcement Office shall investigate the complaint. Except in cases where the alleged violation is in plain view and/or where no entry is necessary, or except in cases where an imminent peril exists, the Code Enforcement Officer shall obtain approval from an owner, lessee, agent, tenant or other person with authority to make an inspection of the property.

Severability of Clauses.

If any part, clause, sentence, paragraph, section or other provision of this Local Law shall be adjudged invalid by any Court of competent jurisdiction, such judgment shall not affect the remainder of this Local Law or its application thereof.

Effective Date.

The provisions of this Local Law shall take effect upon filing of this Local Law with the Secretary of State of the State of New York as provided by law.