

# 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

Local Law No. 1 of the year 2020

DEPARTMENT OF STATE

A local law VILLAGE OF WEST WINFIELD RENTAL PROPERTY INSPECTION 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. 1 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. 1 of 2020 of the (County)(City)(Town)(Village) of WEST WINFIELD was duly passed by the VILLAGE BOARD on        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.

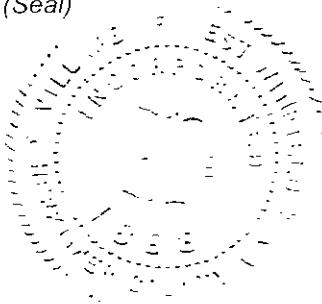
**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

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 Ellen Mackay*  
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 No. 1 of 2020**

**Village of West Winfield Rental Property Inspection Law**

**Purpose:**

To monitor rental properties for code compliance, the Village of West Winfield will require the issuance of a Residential Occupancy Permit (ROP), pursuant to the Sections of this Law.

**Section 1. Residential Occupancy Permit (ROP)**

The Village of West Winfield requires Residential Occupancy Permits (ROPs) for all residential rental properties within the territorial jurisdiction of the Village of West Winfield to be issued to the owner of the residential real property to be rented, and said ROP shall be renewed within three (3) years from the date of original issuance, or with every change in tenancy, whichever comes first. The owner of the residential real property shall be required to have each rental unit inspected at a cost of Forty Dollars (\$40.00) per unit. The Village of West Winfield reserves the right to modify the amount due for inspection.

**Section 2. Exemptions**

The Village of West Winfield may grant, by majority vote of Village Board members, an exemption to the inspection of rental units for a change in tenancy in large multi-unit housing complexes or commercial properties. Any exemption granted for change in tenancy shall not affect the necessity of the owner of the residential rental property from the renewal of the ROP within three (3) years from the date of original issuance.

**Section 3. Inspection and residential occupancy permit prior to reoccupancy; noncompliance.**

- A. Except as otherwise provided herein, it shall be unlawful and a violation to rent, lease, or otherwise allow the occupancy of any residential rental dwelling unit without the inspection and certification as required herein. It shall be the duty of the Code Enforcement Officer to inspect a rental dwelling unit, apartment, or tenement whenever the same becomes vacant and prior to its being reoccupied, upon the written request of the owner or managing agent, for the purposes of determining whether or not the dwelling unit complies with the provisions of this chapter.
- B. If, upon inspection, said premises do not comply with all applicable provisions of this code or the Uniform Code, the specific reasons for noncompliance shall be specified in writing, and a time limit not to exceed thirty (30) days shall be directed for the correction of, or substantial effort to correct, the deficiencies noted. The notice of noncompliance shall be delivered personally or by mail within seven (7) days to the owner, agent or person in charge at the address set forth in the rental dwelling unit registry and to any occupant who so requests. Occupants or proposed occupants of dwellings shall have the right to inspect the residential occupancy permit of the residential rental dwelling unit, apartment, or multiple residence in which they have an interest at no cost. On or after said thirty (30) day period, the Code Enforcement Officer shall have the right to inspect all or any part of the rental dwelling, including any unit or apartment, or entire multiple residence, as required herein or upon complaint. The officials charged with conducting the inspection shall make such inspection, access and circumstances permitting, within five (5) business days of receipt of a request from the owner, agent, or occupant.
- C. An owner or agent may file with the Village of West Winfield a request for such inspection and the issuance of a residential occupancy permit by regular mail or in person at the office of the Village Clerk.
- D. Nothing in this article shall be construed to limit the right of the Code Enforcement Officer to inspect any property at any time. If, after issuing a residential occupancy permit, the Village receives a complaint alleging a violation of this chapter or other chapter of the Village Code, 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 Officer 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 from the date the owner or agent receives the notice to explain what steps the owner or agent is taking to correct the violation. The Village may take steps necessary, by inspection or other means, to assure that the violation is corrected.
- E. No residential occupancy permit shall be issued and no inspecting under this article shall be conducted, unless and until the applicable fee(s) required under this chapter is paid in full to the Village and the property owner or agent submits the names and birth dates of all tenants, not to exceed the maximum occupancy as determined by the Code Enforcement Officer.

**Section 4. Fees:**

- A. The fee for a residential occupancy permit shall be Forty Dollars (\$40.00) for each unit. If a tenant leaves within 180 days of a satisfactory inspection, the reinspection fee will be Twenty Dollars (\$20.00). If a tenant leaves within 90 days of a satisfactory inspection, the reinspection fee will be waived. Any fees shall be paid in full prior to the inspection.
- B. Failure of an owner or agent to appear within thirty (30) minutes of a scheduled inspection ("no show") shall result in a fee of Twenty Five Dollars (\$25.00) per unit scheduled for inspection.
- C. Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in a fee of Twenty Five Dollars (\$25.00) per unit scheduled for inspection.
- D. Should a unit fail inspection, the initial reinspection shall be free of charge; however, each subsequent reinspection thereafter until that unit passes shall result in a reinspection fee of Twenty Five Dollars (\$25.00) per unit being reinspected.
- E. Failure to obtain a Residential Occupancy permit or leasing/occupying a rental unit without an ROP shall result in a Four Hundred Dollar (\$400.00) per unit, per week penalty.

This Local Law was presented on September 14, 2020, by \_\_\_\_\_, and seconded by \_\_\_\_\_, and adopted by a minimum of sixty (60%) percent roll call vote as follows:

Ayes:

Nays:

## Rental Property Inspections FAQ

### **Why was the Rental Inspection Program created?**

The intent of the program is to proactively identify and inspect blighted and deteriorated housing stock that negatively affects property values and introduces public health and safety challenges to the community. The program will also inspect single family properties that are a risk of neglect due to corporate or non-owner occupied status. The program is intended to: maintain *community property values, identify vacant properties that may become targets for illegal activities, and ensure rehabilitation and prevention of rental housing that does not meet applicable building and housing codes, Municipal Code standards, or most importantly, is not safe to occupy.*

### **What are the fees for the program and why are they necessary?**

Community requests focused on improved multi-family property rental standards, property owner accountability for the deterioration of corporate owned foreclosures and an increased focus on problems with rentals of non-owner occupied single family homes. The \$40.00 per unit rental inspection fees are used to compensate for the cost of staff labor and materials related to the inspection of properties.

### **What am I required to do as a property owner for my rental?**

Besides ensuring your property is in compliance with Federal, state, county and local codes you must register your rental property with the Village Office by submitting the following to the Village of West Winfield: "Landlord Registration Statement", and payment of applicable fees to the Village of West Winfield Clerk's Office.

### **What type of Codes does the Rental Inspection Program Enforce?**

All housing in New York is mandated to abide by the International Codes. This Code established minimum standards for both owner and renter occupied housing units. Additionally, the Village of West Winfield, like most other jurisdictions, also enforces other Federal, state, county and local code adopted by the Municipality which pertains to housing. Some of these Codes include: the Village of West Winfield Zoning Code and all International Codes and Supplements as per approval by the New York State Code Council.

### **How / when will you inspect my property?**

All properties will need an inspection of the exterior envelope and interior of the unit from the Code Enforcement Officer **every three years or at the change of occupancy**. If no violations are noted at the initial inspection, the property owner and/or property manager will be issued a "Rental Occupancy Permit" and that no violations were noted. If the property does not meet minimum standards to occupy, a reinspection at no charge to the owner and/or manager will be scheduled within a reasonable time frame giving the owner and/or manager ample time to remedy the issue(s). Due process protections are followed in the performance of inspections and owners should note that tenants must provide consent for inspections in the absence of a court order. If a complaint is received regarding your property or a tenant reports substandard conditions at your property outside of the rental inspection process, owners will be notified and normal inspection procedures will occur,

PO Box 308

Village of West Winfield

Phone: 315.822.3051

West Winfield, NY  
13491

# Property Inspection Form

AM/PM

Property Address \_\_\_\_\_ Inspection Date/Time \_\_\_\_\_ Inspector \_\_\_\_\_

Owner Name & Phone Number \_\_\_\_\_ Occupant Name & Phone Number \_\_\_\_\_ Last Inspection Date \_\_\_\_\_

\* **Mandatory** pass to receive a Residential Occupancy Permit

**Item Exterior Pass Fail N/A Comments**

1.	Address numbers visible on bldg. (4"min) *				
2.	General appearance: Free of trash/litter *				
3.	Sidewalk/driveway: No tripping hazard				
4.	Gutters/ Downspouts: Free of holes/leaks				
5.	Roofing Material: No obvious sign of defect *				
6.	Exterior Structure: Maintained/good repair *				
7.	Means of egress free and unobstructed *				
8.	Garbage/Rubbish storage containers *				
9.	Handrails: where necessary *				
10.	Foundation: Maintained/good repair *				
11.	Window/Doors: operating, proper hardware *				
12.	Grass & Weeds				
13.	Accessory Structure				

**Item Interior Pass Fail N/A Comments**

1.	Clean, Safe and Sanitary *				
2.	Potable Water Supply *				
3.	Sinks: Kitchen, bathroom *				
4.	Windows/Doors: operating, proper hardware *				
5.	Ceiling/Walls: Free of cracks, breaks & holes				
6.	Floor: Free of tripping hazards & in good cond. *				
7.	Shower(s), Bathtub(s), Toilets-in good condition *				
8.	Handrail(s) *				
9.	GFI outlets within 6' of water				
10.	Bathroom: Mech. or natural ventilation *				
11.	Plumbing: Hot & cold water *				
12.	Electric Hazard: Cover plates, exposed wires, main panel *				
13.	Mechanical System: HVAC/Hot water heater *				
14.	Smoke/CO2 Detectors-fire alarm system *				
15.	Sprinkler System: obstructed				
16.	Kitchen: Stove/fridge good working cond. *				

Certificate of Occupancy issue Date: \_\_\_\_\_ Pass \_\_\_\_\_ Fail \_\_\_\_\_ Reinspection required in \_\_\_\_\_ days

Code Enforcement Officer

Date