New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.state.ny.us/corps

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:)

Friendship

Local Law No. 1 **of the year** 2010

A local law TO REQUIRE RENTAL INSPECTION AND RENTAL PERMITS FOR RESIDENTIAL DWELLING UNITS IN THE TOWN OF FRIENDSHIP
(Insert Title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ County ☐ City ■ Town ☐ Village
(Select one:)

of Friendship **as follows:**

Article I. Purpose.

A. It is hereby determined by the Town Board of the Town of Friendship that it is in the public interest to provide for inspections of all residential rental units that are rented or let out for use by persons other than members of the immediate household of the owner of such premises. The purpose is to assure tenants of safe and habitable dwelling facilities, and to protect landlords and owners from claims that the rented premises did not comply with minimum standards of habitability at the time a tenancy commenced.

B. The Town Board of the Town of Friendship hereby directs that this local law shall be implemented by inspections to be conducted by the Code Enforcement Officer of the Town of Friendship, or his designees or agents.

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

Article II. Rental Permits.

A. Any house, apartment or structure that is rented, leased, subleased or occupied as a dwelling unit by anyone other than the owner as recorded on a deed, contract, or other record of sale or title, is required to be inspected for the following required physical, structural and health considerations, on any occasion initially, that may be the result of a second party occupying aforesaid dwelling unit. Any rental unit, as described above, that changes rental status within six (6) months of a previous inspection shall not be required to be inspected unless requested by the landlord or owner.

B. These requirements apply to any and all houses, apartment, structures or any dwelling unit occupied for the purpose of human occupancy whether single or multiple tenants, and must be issued a new Rental Permit with every change of the person or persons of whom pays rent or lease payments. The fee of such inspection shall be paid by the Owner of the premises regardless of assignments or subleases.

C. The initial fee to be paid for this Rental Inspection shall be Twenty-Five Dollars ($25.00), but such amount may be increased or decreased by the Town Board of the Town of Friendship by resolution from time to time. The Owner or Landlord may recoup this fee as an up front Occupancy Fee prior to tenants occupation or may adjust rents and absorb this fee.

D. The provisions of this Local Law shall apply to all renters/tenants, including person(s) living at a residence owned by another individual or entity, which unit has been previously determined to be a rental unit, even if such renters/tenants are living there without paying any regular rental consideration (rent) to the owner of the premises.

E. Applications for Rental Permits shall contain the following information and details, shall be completed in triplicate or greater multiple copies. When filled out and completed one copy shall be kept by the Code Enforcement Officer, one copy shall be given to the Applicant, and one copy shall be given to the Town Clerk. The Code Enforcement Officer shall complete the inspection and complete the application form on location, and upon payment of the fee, as established by the Town Board, shall issue or deny the Rental Permit. The Application Form shall contain the following information:

1. Landlord or owners name and mailing address.
2. Address of dwelling unit to be rented or leased out.
3. The number of occupants to be residing in said dwelling unit.
4. A checklist of items and areas to be inspected as subscribed hereafter in this local law.
5. An area to indicate corrections or conditions needed before a rental permit or occupancy can be approved, and notes and comments for reference purposes.
6. An area to indicate whether the rental unit passed or failed the inspection, and whether a rental permit was issued.
7. The date when the inspection was conducted.
8. The amount of the inspection fee that was paid.
9. The signature and date of the Code Enforcement Officer.

Article III. Rental Unit Standards: Every rental unit shall meet the following minimum standards and conditions:

A. Contain a kitchen consisting of a sink in good working order including connections to a pressurized water system with hot and cold water and a proper drainage system.

B. Cabinets and/or shelves for storage of dry goods, canned food, pots, pans, and utensils.

C. Provisions for the placement , proper hook-up and ventilation, if required, of a primary cooking device, such as an electric or gas range.

D. Provisions for the placement and proper hook-up for a refrigerator.

E. A lavatory in a separate room with a door, with such lavatory consisting of a toilet, sink and bath tub or shower in good working order, connected to a pressurized water source with hot and cold water and drainage system properly connected to an approved sewer system.

F. A properly functioning heating system that meets minimum standards under the State Building Code or any applicable federal building code standards.

G. Health considerations including rodent and insect infestation and general cleanliness as applied to safety and health of the occupants of that rental unit.

H. General inspection of the condition of other areas of the rental unit that are subject to standards and conditions set forth in the State Uniform Fire Prevention and Building Codes, as amended from time to time.

I. Properly installed and operating smoke alarms and carbon dioxide alarms.

J. General condition of the structural components, such as walls, ceilings, floors, windows, doors, and other component parts of the rental unit, shall comply with minimum standards specified in the applicable State or federal building codes.

Article IV. Waiver of Rental Permit and Inspection Requirements

A Rental Permit is not required for any dwelling units located outside of the Town of Friendship's Water and Sewer Districts when such premises are owned and occupied by persons whose religious, moral or other sincerely held beliefs prohibit such occupants from utilizing plumbing, electricity or other requirements stated in Article III.

Article V. Violations and Punishments.

A. It shall be a violation of this local law for any person, firm or corporation to use or occupy any building or structural, or portion thereof, in violation of this local law. For each day that a violation of this local law continues, a separate count and penalty may be imposed.

B. For purposes of imposing penalties or seeking remedies, a violation of this local law shall be deemed to be a violation, and not a misdemeanor.

C. Any violation of this local law shall be punishable as follows:

1. For a First Violation the violator may be fined up to Fifty Dollars ($50.00);
2. For a Second Violation the violator may be fined not less than Fifty Dollars ($50.00), nor more than One Hundred Dollars ($100.00), or imprisoned for not more than fifteen days, or be subject to both such fine and imprisonment;
3. For a Third Violation the violator may be fined not less than One Hundred Dollars ($100.00), nor more than Two Hundred Fifty Dollars ($250.00), or imprisoned for not more than fifteen days, or subject to both such fine and imprisonment;

4. For a Fourth Violation the violator may be fined not less than Two Hundred Fifty Dollars ($250.00), nor more than Five Hundred Dollars ($500.00), or imprisoned for not more than fifteen days, or subject to both such fine and imprisonment;

Article VI: Partial Invalidity.

If any portion or section of this Local Law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder thereof.

Article VII: Effective Date.

This Local Law shall take effect immediately upon its filing in the Office of the Secretary Of State, in Albany, New York, as provided by the Municipal Home Rule Law.