

Village of Canton, New York
Local Law _____ of the year 2017

RENTAL HOUSING LAW

Be it enacted by the Board of Trustees of the Village of Canton, New York, that by this Local Law, Chapter 248 of the Code of the Village of Canton is hereby amended, as follows:

- I. Chapter 248 of the Code of the Village of Canton titled “*Rental Property*” is hereby amended, as follows:
 - A. The Chapter is hereby retitled as the “*Rental Housing Law*”.
 - B. Article *I* of said Chapter (“*Certificates of Occupancy*”) and Article *III* of said Chapter (“*Absentee Ownership Property*”) are hereby repealed.
 - C. A new Article *I* is hereby adopted for inclusion in said Chapter, to be titled “*Rental Registration and Permits*”, and shall read as follows:

ARTICLE I
RENTAL REGISTRATION AND PERMITS

§ 248-1: Purpose

The purpose of this Article is to establish registration, permitting, inspection, and self-certification procedures for residential rental properties in the Village of Canton, together with rules governing the occupancy and use of such properties. These procedures and rules are intended to help maintain property values, and protect and advance the health, safety, and welfare of Village residents by improving communication between landlords and the Village, and promoting safe and suitable rental housing throughout the Village, occupied and maintained in harmony with neighboring properties.

§ 248-2: Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall have the following meanings and shall be so construed wherever they appear in this chapter:

Building: Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

Canton Village Code: The Code of the Village of Canton, containing the codified ordinances and local laws of the Village of Canton.

Civil Penalty: A penalty levied in accordance with this chapter.

Code Enforcement Officer: The Code Enforcement Officer of the Village of Canton, New York, including any Acting Code Enforcement Officer and any other person or persons with proper New York State certification, designated by the Village of Canton to administer and enforce the provisions of this chapter, to inspect and issue documents relative to safety and maintenance compliance, and to issue and revoke rental permits.

Condominium: A building or buildings comprising two or more dwelling units. Each dwelling unit accommodates one family only, and is held in separate private ownership. The structure and common areas, including the remaining land, floor space, facilities, parking and storage area are used by all unit owners or tenants who have a common interest therein.

Common Areas: The areas within a two-family dwelling or condominium that are available for common use by the occupants of each unit. Examples include, but are not limited to,: (a) lobbies; (b) corridors; (c) stairways; (d) laundry rooms; (e) roof; (f) elevators; (g) washrooms in lobby areas; (h) storerooms; (i) basements; and (j) attic.

Duplex: Two attached dwelling units, each of which accommodates one family only, and each of which is held in separate, private ownership. Each unit extends from foundation to roof with an attached yard or public way on not less than two sides, and each unit is separated by one or more common fire-resistant walls.

Dwelling: A building arranged for use as a single-family dwelling or two-family dwelling. The term also includes a single family dwelling unit in a condominium, duplex, or townhouse.

Dwelling – Single-family: A building comprising a single dwelling unit to accommodate one family only. This term may also be referred to as a “*single-family dwelling*” or “*one-family dwelling*”.

Dwelling – Two-Family: A building held in single private ownership and comprising two separate dwelling units, with each unit accommodating one family only. This term may also be referred to as a “*two-family dwelling*”.

Dwelling Unit: A single unit consisting of one or more rooms providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation, and having a separate entrance from outside the building or through a common area.

Managing Agent: An individual, 18 years of age or older, who resides within St. Lawrence County, New York, and who is designated by the owner to be responsible for the compliance, maintenance, and operation of rental property as defined in this chapter, and who shall be designated as the person upon whom notice and process may be served on behalf of the owner.

Owner: Any person, company, corporation, or other entity holding title of property by deed recorded with the St. Lawrence County Clerk, or otherwise by judicial determination.

Owner's Agent: Any person, company, corporation, or other entity that has the authority to act on behalf of, or in the place of, the owner.

Person: Any individual, and any entity that is recognized by law as having the rights and obligations of a natural person.

Registered Complaint: Any oral or written communication or personal observation upon which the Code Enforcement Officer has probable cause to believe that investigation is required to verify compliance with this chapter.

Rental Permit: A permit issued to the owner by the Code Enforcement Officer to allow the use or occupancy of rental property. The term shall include renewal rental permits.

Rental Property: A dwelling used or occupied by one or more persons, none of whom is the owner. This term shall include a non-owner-occupied single-family dwelling, and a non-owner-occupied two-family dwelling. This term shall also include a non-owner occupied single-family dwelling unit in a condominium, duplex, or townhouse.

Residential Rental Property: This term shall have the same meaning as the term “rental property”, above stated.

Tenant: Any non-owner person or persons using or occupying a rental property, including students occupying a dwelling unit owned by a non-occupant parent or guardian, regardless of the payment of rent or other valuable consideration.

Townhouse: A single family dwelling unit constructed in a group of three or more attached units, in which each unit extends from foundation to roof with an attached yard or public way on not less than two sides, and each unit is separated from any other unit by one or more common fire-resistant walls.

Uniform Code: The New York State Uniform Fire Prevention and Building Code.

Village: The Village of Canton, New York.

§248-3: Applicability

- A. This chapter shall apply to all single-family and two-family dwellings, and all single-family dwelling units in condominiums, duplexes, and townhouses, now or hereafter in existence within the Village of Canton, which are used in any capacity as rental property, except as specifically excluded from the provisions of this chapter.
- B. The provisions of this chapter shall not apply to the following, which are excluded therefrom:
 - 1. Any owner-occupied dwelling, wherein the owner physically resides for at least nine (9) months during each calendar year.

2. The rental of any owner-occupied dwelling unit in connection with community or university events such as, for example, university commencement activities, reunion weekends, parent weekends, and other similar events and activities, such rental not to exceed fourteen (14) days total in any calendar year.
 3. Any dwelling that is subject to fire safety and property maintenance inspections by the New York State Office of Fire Prevention and Control (*OFPC*), or inspections by the Code Enforcement Officer pursuant to the provisions of Canton Village Code Chapter 118, Article II: “*Fire Prevention and Building Code Administration and Enforcement*”.
- C. Where a nonresidential business or activity occupies a portion of a building, and the building contains a dwelling unit which would be subject to this chapter, this chapter shall be and remain applicable to the residential and common or public areas of such building.
- D. The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes, and regulations, including the New York State Uniform Fire Prevention and Building Code, the New York State Multiple Residence Law, and the Code of the Village of Canton. Nothing in this chapter shall be deemed to abolish, impair, supersede, or replace existing remedies of the Village, County, or State, or existing requirements of any other applicable state or local laws, ordinances, codes, or regulations. In case of a conflict between any provision of this chapter and any applicable village, state or local law, ordinance, code, or regulation, the more restrictive provision or requirement shall prevail.
- E. Should any section or provision of this chapter be declared by the court to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

§ 248-4: General Provisions

- A. After the effective date of this chapter, and except as stated at §248-3(B) of this Article, no owner of residential rental property within the Village of Canton shall cause or allow said property to be used or occupied as rental property, without registering same and obtaining a valid rental permit.
- B. A managing agent shall be designated for each residential rental property within the Village of Canton.
1. Said managing agent shall be a person, 18 years of age or older, who resides in St. Lawrence County, New York. The managing agent shall be designated by the owner to be in control of and responsible for the compliance, maintenance, and operation of the rental property. The managing agent shall be designated by the owner as the person upon whom notice and process may be served on behalf of the owner.
 2. An owner who resides in St. Lawrence County may designate himself or herself as such managing agent. A corporation which is an owner of a rental property may

designate as its managing agent, with respect thereto, any officer of such corporation who meets the requirements of this section.

3. Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated. Notice shall be given to the Code Enforcement Officer within ten (10) days from the date that managing agents are changed.

§ 248-5: Registration

- A. The owner of any residential rental property within the Village of Canton shall complete and sign a registration form for same, provided by the Code Enforcement Officer. Only one registration form will be required per tax parcel. The registration form shall be filed with the Code Enforcement Office within thirty (30) days following the rental occupancy. The registration fee, as provided by this chapter, shall be paid at the time the registration form is filed.
- B. The registration form shall contain the following information:
 1. The location of the property, including the street address and tax map parcel number
 2. The name of each owner, together with his or her residence address, business address, mailing address, e-mail address, and daytime and evening telephone numbers.
 - a. In the event that the owner is a corporation, partnership, or other business entity, the name, residence address, business address, mailing address, email address, and daytime and evening telephone numbers of each officer, partner, and/or member of such business entity shall be provided.
 3. The name, residence address, business address, mailing address, email address, and daytime and evening telephone numbers of the managing agent, and designation of the managing agent as the person upon whom notices and process may be served on behalf of the owner.
- C. The owner shall update registration information within ten (10) business days of any event or change in circumstances that would render the information in the registration form inaccurate.
- D. The registration will cover the period of the registrant's ownership of the property. Upon change of ownership, a new registration form shall be filed within thirty (30) days following the date of title transfer.

§ 248-6: Rental Permits

- A. A rental permit shall be required for each dwelling unit used or occupied as rental property and located within a dwelling not otherwise identified at §248-3(B) of this Article. For example, a separate rental permit will be required for each single-family rental dwelling, for

each rental dwelling unit in a non-owner occupied two-family dwelling, and for each rental dwelling unit in a condominium, duplex, and townhouse. The rental permit fee, as provided by this chapter, shall be paid at the time the rental permit application is submitted.

1. The owner shall complete and sign a rental permit application provided by the Code Enforcement Officer. The rental permit application shall be filed with the Code Enforcement Office within thirty (30) days following the rental occupancy.
 2. Rental permits will be issued for a thirty-six (36) month period, and shall be valid for such period unless invalidated or revoked as provided in this chapter. A rental permit issued under this chapter shall be invalidated by sale or transfer of the property, or by a sublease of the property.
 3. Rental permits shall be issued only to the owner of the subject dwelling.
 4. Rental permits shall be and remain posted in a conspicuous place in the subject dwelling unit upon issuance.
- B. The rental permit application, and any renewal application, shall state if the owner requests and authorizes an inspection of the rental property, in which case the Code Enforcement Officer shall perform an inspection. In lieu of an inspection by the Code Enforcement Officer, the owner may certify that the rental property is in compliance with applicable provisions of the Canton Village Code and the New York State Uniform Fire and Building Code. The self-certification form shall be completed and certified by the owner, under oath, and shall be filed with the Code Enforcement Office with the rental permit application.
- C. Within thirty (30) days following the expiration of a valid rental permit, the owner shall complete and sign an application provided by the Code Enforcement Officer for renewal of the rental permit.

§ 248-7: Application Review / Issuance of Rental Permit

- A. The Code Enforcement Officer shall review each application for completeness and accuracy. The Code Enforcement Officer shall make an on-site inspection of the rental property as provided by §248-8, unless the owner has elected to provide a self-certification that the rental property is in compliance with applicable provisions of the Canton Village Code and the New York State Uniform Fire and Building Code.
- B. No rental permit shall be issued if there are any violations of the New York State Uniform Fire Prevention and Building Code or the Canton Village Code. All required fees and penalties shall be paid prior to issuance of a rental permit.
- C. A rental permit shall be issued upon satisfaction of all of the following:
 1. Provision of all required information pursuant to §248-5 and §248-6 of this chapter;

2. Verification that the rental property complies with the requirements of this chapter and of the New York State Uniform Fire Prevention and Building Code and the Canton Village Code through one of the following methods:
 - a. Completion of a self-certification form, submitted under oath by the owner; or
 - b. Performance of an inspection by the Code Enforcement Officer; and
 3. Payment of all required fees and penalties.
- D. The rental permit issued under this chapter shall contain the following information:
1. The address of the rental property;
 2. The date of inspection or self-certification statement, as applicable;
 3. The date of issuance;
 4. The expiration date;

§ 248-8: Inspections and Self-Certification

- A. The Code Enforcement Officer and Village personnel who are engaged in the enforcement of the provisions of this chapter are authorized to make inspections, or cause inspections to be made, to determine the condition of rental properties, and are authorized to enter upon any rental property with the consent of the owner or managing agent if the rental property is unoccupied, or upon consent of the occupant if the rental property is occupied.
1. If the owner desires an inspection to verify compliance with this chapter, the owner or managing agent shall apply to the Code Enforcement Officer for inspection of the rental property. The owner or managing agent shall sign and return the application along with the applicable fee. The Code Enforcement Officer shall thereupon arrange to inspect the property.
 2. For purposes of this chapter, the Code Enforcement Officer shall cause inspections to be made at intervals as follows:
 - a. If requested in writing by the owner of a rental property, or the owner's agent, prior to issuance of a rental permit pursuant to this chapter;
 - b. Upon receipt of a registered complaint;
 - c. Every three years; or

- d. At the discretion of the Code Enforcement Officer at an interval of less than three years where there is reasonable cause to believe a violation of this chapter has occurred.
 3. Inspections by the Code Enforcement Officer shall determine the condition of rental properties located within the Village of Canton, and the Code Enforcement Officer may issue notices as provided in this chapter.
 4. The Code Enforcement Officer is authorized to enter common areas at reasonable times for the purpose of conducting a visual inspection. If entry is refused or not obtained, the Code Enforcement Officer is authorized to pursue entry as authorized by law.
 5. Application of this section is subject to the provisions set forth at §248-9.
- B. If the owner prefers to certify compliance with this chapter, the following shall apply:
1. The form for self-certification shall be made available by the Code Enforcement Officer and shall be completed and signed and notarized by the property's owner.
 2. Any owner who provides materially false or misleading information on the self-certification form shall be in violation of this chapter, and subject to the penalties found at §248-16 of this chapter.

§248-9: Application for Search Warrant Authorized

- A. The Code Enforcement Officer shall have the right to inspect the common areas of a rental property upon either: (1) the consent of a person in lawful possession of either dwelling unit therein and who has permission to access the area in question pursuant to his or her rental agreement; (2) the consent of the owner or managing agent; or (3) upon the procurement of an administrative search warrant from a court of competent jurisdiction to enable such inspection.
- B. The Code Enforcement Officer shall have the right to inspect a rental dwelling unit upon either: (1) the consent of the person in lawful possession of said dwelling unit; (2) upon the consent of the owner or managing agent; or (3) upon the procurement of an administrative search warrant from a court of competent jurisdiction to enable such inspection.
- C. The Code Enforcement Officer is authorized, on sworn affidavit stating the factual basis thereof, to make application to the Canton Town Court, or to such other court as may be deemed appropriate, for the issuance of an administrative search warrant. The application for an administrative search warrant shall, in all respects, comply with applicable laws of the State of New York and the United States.

§ 248-10: Fees

- A. Fees shall be set by resolution of the Board of Trustees of the Village of Canton, and shall be levied for the following:
1. A registration fee shall be paid by the current owner of record for each residential rental property. The fee will cover the period of the registrant's ownership of same. Upon change of ownership, a new registration fee will be paid at the time the property is re-registered. Only one registration fee per tax parcel will be assessed. The foregoing provisions are subject to the following:
 - a. No registration fee will be assessed for property registered within ninety (90) days from the effective date of this chapter.
 - b. No registration fee will be assessed for rental uses which commence more than ninety (90) days after the effective date of this chapter, if the property is registered within thirty (30) days from the commencement of the rental use.
 - c. No registration fee will be assessed upon change of ownership, if the property is registered within thirty (30) days from the date of change of ownership.
 2. A rental permit fee shall be paid for each rental dwelling unit:
 - a. No fee will be assessed for rental permit applications filed within ninety (90) days from the effective date of this chapter. A fee shall be paid upon each renewal of a rental permit.
 3. Inspections fees will be paid for each inspection undertaken pursuant to this chapter, to be paid prior to the inspection.
 4. No fee shall be required for self-certification.

§ 248-11: Rental Registry

- A. It shall be the duty of the Code Enforcement Officer to maintain a registry of rental dwelling registrations and rental permits issued pursuant to this chapter. Such registry shall be kept by street address, showing the name and address of the owner, and the date of expiration of the rental permit.

§ 248-12: Use and Occupancy Requirements

- A. Except as stated at §248-3(B) of this Article, a dwelling used or occupied as rental property shall be registered with the Code Enforcement Office, and a current rental permit shall be in place for same.

- B. Rental property shall be maintained in compliance with applicable provisions of the Canton Village Code and the New York State Uniform Fire and Building Code.
- C. Use and occupancy of rental property shall conform to all applicable zoning regulations set forth in the Canton Village Code. Without limitation, no single-family rental dwelling unit shall be occupied by more than three persons who do not fall within the definition of “family” set forth at Chapter 325 of the Canton Village Code.
- D. Dumpsters and other trash receptacles shall be prohibited in the front yard and right-of-way, except for scheduled pickups. The Code Enforcement Officer is authorized to approve additional site-specific conditions associated with dumpsters and screening facilities for rental properties regulated under this chapter. Any such conditions shall be in writing and attached to the rental permit.
- E. The owner shall install a working fire alarm system or working single station smoke detector, and working carbon monoxide detector, within each rental dwelling unit. It shall be the responsibility of the tenant to ensure that the smoke detector and carbon monoxide detector remain in working order throughout the lease term. In the event that a smoke detector or carbon monoxide detector becomes inoperable, the tenant shall inform the owner, and the owner shall immediately replace the inoperable smoke detector or carbon monoxide detector.

§ 248-13: Prohibited Acts

- A. The following shall be deemed to be violations of this chapter:
 - 1. Except as stated at §248-3(B) of this Chapter, for the owner of any dwelling subject to this chapter to cause or allow same to be used or occupied as rental property without registering said dwelling and obtaining a valid rental permit for the dwelling unit;
 - 2. For the owner of rental property to provide materially false, misleading, or inaccurate information on any form submitted pursuant to this chapter;
 - 3. For the owner, or the owner’s managing agent, or the tenant to disable a carbon monoxide or smoke detection device located within the rental property;
 - 4. Following reasonable notice and an adequate opportunity to correct the same, for the owner of rental property to fail to correct a fire hazard or electrical violation or fail to provide heat for said property in accordance with legal requirements.
 - 5. Failure by the owner or tenant to maintain the condition of the rental property in compliance with applicable provisions of the Canton Village Code and the New York State Uniform Fire and Building Code.
 - 6. For the owner to permit the use and occupancy of rental property, or for the tenant to use or occupy the rental property, contrary to zoning regulations applicable to the

property and the zoning district in which it is located, as set forth in the Canton Village Code.

7. For the owner to violate any remaining provision of the Canton Village Code applicable to the use or maintenance of the rental property.
- B. No owner of rental property shall initiate or maintain an action for eviction because the occupant has reported a violation of this chapter or other provision of the Village Code to the Code Enforcement Officer or other Village employee.
- C. No owner of rental property shall cause any service, facility, equipment or utility required under this chapter to be removed, shut off or discontinued in retaliation for a complaint.

§ 248-14: Presumptive Evidence of Use as Rental Property

- A. The presence or existence of any of the following shall create a presumption that a dwelling is being used as rental property:
1. The dwelling is occupied by one or more persons, none of whom is the owner.
 2. Voter registration, motor vehicle registration, driver's license, or any other documents filed with a public or private entity state that the owner of the rental property resides at an address other than the dwelling in question.
 3. Utilities, cable, phone or other services are in place or requested to be installed or used at the premises in the name of someone other than the owner.
 4. Persons residing in the dwelling unit pay rent, or represent that they pay rent, to occupy the premises.
 5. The dwelling has been published or advertised as being available for rent.
- B. The forgoing may be rebutted by appropriate evidence presented to the Code Enforcement Officer or to a court of competent jurisdiction.

§248-15: Presumptive Evidence of Owner's Residence

- A. It shall be presumed that an owner of a rental property does not reside within said rental property if any of the following sets forth an address for the owner other than that of the rental property:
1. Voter registration;
 2. Motor vehicle registration;
 3. Driver's license; or

4. Any other document filed with a public entity.
- B. The foregoing may be rebutted by appropriate evidence presented to the Code Enforcement Officer or a court of competent jurisdiction.

§248-16: Violation / Remedies and Penalties

- A. The Code Enforcement Officer is authorized to order in writing the abatement or remediation of any violation of this chapter or any other provision of the Canton Village Code or the New York State Uniform Fire Prevention and Building Code. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing and shall:
1. Identify the rental property;
 2. Describe the violation, with citation to applicable sections of the Canton Village Code or Uniform code, and the facts upon which the violation is based;
 3. Describe the required abatement or remedial action, and the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance, and shall direct that compliance be achieved within the specified period of time. Reasonable time extensions may be granted by the Code Enforcement Officer based on consideration of all relevant factors;
 4. State that if compliance is not achieved within the specified time period: (a) an action or proceeding to compel compliance shall be instituted, (b) the owner(s) shall be subject to fine, penalties, and other costs, including judgment and assessment for same, all as provided by this chapter, and (c) the rental permit shall be revoked.
 5. Be mailed via first class, registered, or certified mail to the owner or managing agent, or may be personally served upon the owner or managing agent.
- B. Any person who fails to correct a violation of this chapter upon receipt of a notice of violation shall be guilty of an offense and shall be subject to penalties which shall be cumulative for each and every day that the violation remains uncorrected.
- C. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this chapter.
- D. Penalties for Violations:
1. Violations of any of the provisions of this chapter shall be punishable by a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Village.

2. Each and every day that a violation exists after the remedy date stated in the written notice given to the property owner or managing agent, shall be deemed to constitute a separate and distinct violation.

E. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address a violation of this chapter, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section or in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty.

F. Revocation of Rental Permit

1. The Code Enforcement Officer shall revoke a rental permit in writing, specifying violations, when said Officer finds that:

a. The owner or managing agent has caused, permitted, or allowed to exist and remain upon the rental property a violation of any provision of this chapter or any provision of the Canton Village Code or the New York State Uniform Fire Prevention and Building Code, contrary to the directions specified in the written compliance order given to the owner or managing agent.

b. The owner, managing agent, or anyone providing information on owner's behalf hereunder, provided materially false, misleading, or inaccurate information on any form submitted pursuant to this chapter; or

c. Fees or penalties imposed by the provisions of this chapter are unpaid.

§248-17: Appeals

A. The Village of Canton Zoning Board of Appeals is hereby authorized to hear and determine appeals from permit denials or revocations under this chapter.

B. The owner may appeal a permit denial or revocation to the Village of Canton Zoning Board of Appeals by written request, within thirty (30) days from the date of such denial or revocation. The Board of Appeals shall fix a reasonable time for a hearing and give public notice by publication in the Village's official newspaper at least five (5) days prior to the hearing date. The cost of publication shall be borne by the appealing party, and shall be paid prior to the hearing. Within thirty (30) days after the close of the hearing the Zoning Board of Appeals shall make written findings and a decision.

§248-18: Actions to Enjoin or to Collect Costs

A. In addition to the penalties provide by this chapter, and where authorized by a duly adopted resolution of the Village of Canton Board of Trustees, the Village Attorney may bring and

maintain a civil proceeding, in the name of the Village, in a court of competent jurisdiction, to (1) enjoin the person or persons conducting, maintaining or permitting a violation of this chapter; (2) restrain, correct, or abate such violation; (3) prevent the occupation of the subject rental property (4) prevent any other violation of this chapter; and (5) obtain a judgment for costs and expenses to enforce this chapter. The owner(s) of the property wherein the violation is conducted, maintained, or permitted may be made defendant(s) in the action.

§ 248-19: Assessment of Costs

- A. All filing and inspection fees, administrative costs, and legal fees and costs incurred by the Village of Canton in the enforcement of this chapter may be collected by an assessment or levy placed against the subject real estate, to be collected as a property tax, and may also be collected by judgment entered against the owner(s) personally and/or against the real estate.

§ 248-20: Emergency actions

- A. Whenever the Code Enforcement Officer has probable cause to believe that a condition exists in or around a rental property which constitutes an immediate and severe threat to the health, safety or welfare of the dwelling's occupants or to the public, the officer may take any necessary action, including the temporary suspension of a rental permit. The Code Enforcement Officer shall serve upon the owner a written order incorporating the factual finding upon which the emergency action is based, without a prior hearing, with such suspension to be effective on the date specified in the order.
- B. Whenever the Code Enforcement Officer has probable cause to believe that a condition exists in or around a rental property which threatens the health, safety or welfare of the dwelling's occupants or the public, the Officer may issue an order describing the condition and requiring that specified action be taken. If the owner does not comply with the order within the time specified, the Officer may authorize the taking of the action specified in the order. Any costs incurred may be assessed against the subject real estate, and may also be collected as a personal judgment pursuant to valid legal action.
- C. A copy of the order shall be sent to the owner, managing agent, and occupants of the rental property, at their last known addresses. The method by which such notice shall be given shall be that method which provides notice within the shortest practicable period of time.

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- II. This Local Law shall be effective on January 1, 2018, or upon its filing with the Office of the New York Secretary of State, whichever occurs later.