Chapter 215 – Rental Registry

§215-1 Legislative Findings and Intent

A. This chapter shall be known and referred to as the Rental Registry Law of the Town of Henrietta.

B. The Henrietta Town Board recognizes that the rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the Town of Henrietta. The state and local framework for regulation of multi-family or multiple dwelling buildings is in many and various respects not applicable to one and two family dwellings which are offered and utilized as non-owner occupied residential Rental Dwelling Units. The intent of this chapter is to create a registry relating to the offering for rental of dwelling units in one and two family buildings, so as to facilitate the enforcement of NY Building and Fire Codes as well as the Henrietta Town Code in relation thereto in order to protect the public health, safety and welfare of the people of the Town of Henrietta and to achieve the following beneficial purposes:

1. The protection of the character and stability of residential areas;
2. The correction and prevention of housing conditions-violations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and
3. The preservation of the value of land and buildings throughout the Town of Henrietta.

§215-2 Definitions
As used in this chapter, the following terms shall have the meanings indicated:

Certificate of Rental Registry Compliance:
A certificate evidencing compliance with the provisions of this chapter requiring registration of Rental Dwelling Units.
Code Enforcement Personnel
Shall include the building inspector, fire marshal, the code enforcement officer, and all certified code enforcement officials as appointed pursuant to local law, or as may be designated by the fire marshal / building inspector or otherwise by law.

Dwelling Unit
A structure or building or part thereof or any area, room or rooms therein, occupied or to be occupied by one or more persons as a home or residence.

Owner
Any natural person or persons, partnership or corporation, limited liability company, or any similar type of business entity or propriety interest, whether for profit or otherwise, in whose name title to a building or real property is vested.

Registration
The annual completion of, payment for and filing of a Rental Registration Application as set forth herein.

Rent
A return in money, property or other valuable consideration (including payment in kind or services or other thing of value), for use and occupancy or the right to use and occupy a Dwelling Unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

Rental Dwelling Unit
A Dwelling Unit located in a one or two family dwelling established, occupied, used, or maintained for Rental Occupancy.

Rental Occupancy
The occupancy or use of a Rental Dwelling Unit by one or more persons other than the owner as a home or residence under an arrangement whereby the occupants thereof pay Rent for such occupancy and use.
Uniform Code


§ 215-3. Registration of Rental Dwelling Units

A. Owners shall complete Registration with the Code Enforcement Personnel or their designee(s) of each Rental Dwelling Unit located in any one or two family residences, on an annual basis, by September 15 of each year.

B. For purposes of Registration, including renewals, owners of residential rental properties located within the Town shall complete and sign a rental registration application provided by Code Enforcement Personnel or their designee(s), which shall state and provide the following information:

1. The name, physical address, telephone number(s), and e-mail address of each Owner. Post office boxes shall not be accepted as physical addresses. Furthermore, where the owner is not a natural person, the Owner must provide information relating to the principal (who is a natural person) or a duly authorized representative of the Owner (who is a natural person) (the “Owner Registrant Contact”).

2. The address of each residential Rental Dwelling Unit, the number of Dwelling Units contained within each residential rental property; the number of tenants; the number of tenants who are not related to one another by blood, marriage or legal adoption; and any other pertinent data sought by the Code Enforcement Personnel.
3. The name(s), physical address(es), telephone number(s) and e-mail address(es) of any local property manager(s) or agent(s) acting on behalf of the property Owner(s). A local property manager or agent shall be required in all cases where the Owner is not a natural person that physically resides within 50 miles of the Town. Post office boxes shall not be accepted as physical addresses.

C. The rental registration application shall indicate an address for receipt of notices by mailing or any other mailings for purposes of this chapter and any other applicable laws or regulations.

D. In the event that changing circumstances would render the information in the rental registration inaccurate, including where ownership of the Rental Dwelling Unit changes, the current Owner shall be responsible for updating such information within a period of 45 days.

E. Fee(s); rental registrations. New Registrations, in addition to the renewal of a Registration where a Certificate of Rental Registry Compliance is set to expire after three years, shall require payment of a fee, which shall be determined by resolution of the Henrietta Town Board and contained in the Town of Henrietta Fee Schedule. Payment of the fee shall be required at the time of filing of an application for a new rental registration or upon registration renewal where a Certificate is set to expire after three years. Fees shall be assessed, administered and enforced by Code Enforcement Personnel. Failure to register by September 15 shall result in the assessment of an additional late fee of two percent per month or any portion thereof after September 15. This fee shall be in addition to any criminal or civil penalty otherwise imposed by this Chapter.

F. Registration shall be complete for purposes of this chapter when a completed rental registration application is received and accepted by the Code Enforcement Personnel or designee(s) and when the applicable fee is paid in full.

G. Code Enforcement Personnel shall have the authority to enforce the provisions of this Chapter.
§ 215-4. Certificate of Rental Registry Compliance

A. A Certificate of Rental Registry Compliance granted pursuant to this Chapter shall be required prior to the occupancy of a Rental Dwelling Unit or Units. Permission to occupy a Rental Dwelling Unit shall be granted only by issuance of such a Certificate of Rental Registry Compliance. No Rental Dwelling Unit shall be occupied without a valid Certificate of Rental Registry Compliance.

B. Issuance of Certificate of Rental Registry Compliance: A Certificate of Rental Registry Compliance shall be issued by Code Enforcement Personnel or their designee(s) when Registration is complete and approved pursuant to this chapter. Such Certificate of Rental Registry Compliance shall be valid for three years provided that the Rental Dwelling Unit(s) is properly registered on an annual basis as required by this Chapter and further provided that said Rental Dwelling units are not in violation of the Town Code or the Uniform Code.

C. Code Enforcement Personnel may conduct such inspections as may be necessary to address reasonably suspected noncompliance with the provisions of the Uniform Code, Energy Code, or any other local, regional, state or federal laws, rules or regulations that may apply, including the rules of this section and the Town Code. Should an Owner (or his agent or Owner Registrant Contact) or occupant decline consent to inspection(s) believed to be necessary by the Code Enforcement Personnel for proper enforcement, the Code Enforcement Personnel shall be authorized to apply for a search warrant to permit such inspection(s).

D. Should a Dwelling Unit be found to be in violation of Uniform Code or Town Code, the Code Enforcement Personnel shall issue a notice of violation for the correction of any violations with a reasonable time to cure. If the violation is not timely cured, Code Enforcement Personnel shall revoke any issued Certificate of Rental Registry Compliance and shall deny any further application therefore. The Code Enforcement Personnel shall issue a written statement setting forth the reasons for the denial or revocation.
E. For purposes of renewal, no later than 30 days prior to the expiration of a valid Certificate of Rental Registry Compliance, the Owner shall apply to the Town for a new Certificate of Rental Registry Compliance.

F. Expiration of Certificate of Rental Registry Compliance. A Certificate of Rental Registry Compliance issued pursuant to this Chapter shall expire three years after its issuance, or 30 days after the sale or transfer of title of the real property comprising the Rental Dwelling Unit(s) unless the related Rental Registration information is properly updated within that time, or immediately should the subject property fail to be re-registered annually by September 15.

G. Where a structure, building or real property comprising Rental Dwelling Unit(s) loses or otherwise has its Certificate of Occupancy revoked for any reason, its associated Certificate of Rental Registry Compliance issued per this chapter will immediately expire.

H. Preexisting Rental Dwelling Units. Rental Units which are in existence prior to the adoption of this chapter shall have 30 days to come into compliance with this chapter, including obtaining Registration.

I. Liability for Damages. Neither this Section nor anything in this Chapter, including the granting of a Certificate of Rental Registry Compliance, an approval inspection or a failure to inspect, shall warrant the Rental Dwelling Unit(s) or otherwise serve to impose upon the Town of Henrietta liability for anything whatsoever related to Rental Dwelling Unit(s).

§ 215-5. Effect of Denial or Revocation of a Certificate of Rental Registry Compliance

A. Vacant units. When a Rental Dwelling Unit Certificate of Rental Registry Compliance has been denied, revoked, or expires, no further rental and occupancy of Dwelling Units then vacant shall be permitted until a Rental Dwelling Unit Certificate of Rental Registry Compliance has been issued.
B. Occupied units. In addition to other penalties under this chapter, when a Rental Dwelling Unit Certificate of Rental Registry Compliance has been denied or revoked, Code Enforcement Personnel shall provide notice to the Owner (or his agent or Owner Registrant Contact) and occupant(s) of the subject Dwelling Units which identifies the violations. Such notice shall also provide that the occupants of the Dwelling Units shall vacate the Rental Dwelling units within 60 days.

C. Occupied units with an Immediate Hazard. In addition to other penalties under this chapter, when a Certificate of Rental Registry Compliance has been denied or revoked for reasons which, in the determination of the Code Enforcement Officer, present violations of the Uniform Code and/or Henrietta Town Code that create an imminent and immediate hazard to the health and safety of the occupants, the Dwelling Units containing such violations shall be vacated immediately or as soon thereafter as is practicable. The Code Enforcement Officer's determination shall be in writing and shall direct the Owner (or his agent or Owner Registrant Contact) and occupant(s) of the Dwelling Units containing such violations to vacate the premises within a period of time not to exceed 30 days, as determined by the Code Enforcement Officer given the nature of the hazard, and shall identify the violations.

D. Vacated dwelling units shall not be reoccupied until a Certificate of Rental Registry Compliance has been issued.

E. The notices set forth herein shall be mailed by first class mail or personally served upon the Owner (or his agent or Owner Registrant Contact) by delivering the notice to a person of suitable age and discretion at the address listed on the registration form. For the occupants, such notice shall be mailed to the occupant at the dwelling unit or posted conspicuously at the occupant's Dwelling Unit.

F. Any aggrieved party may appeal the Code Enforcement Officer's determination by filing an appeal within 30 days of said determination with the Zoning Board of Appeals. Said appeal will not act to stay the proceedings in furtherance of the action appealed from if the Code
Enforcement Officer files a statement with the Zoning Board of Appeals alleging that a stay would cause imminent peril to life or property.

§ 215-7. Penalties for Violations

A. Criminal Penalties.

Any person, firm or corporation violating any provision of this Chapter shall be guilty of a Violation as set forth in the New York State Penal Law and shall be subject to all penalties set forth in said law including but not limited to a sentence of imprisonment of up to 15 days and/or a fine of up to two hundred fifty dollars ($250.00), or in the case of a corporate defendant a fine of up to five hundred dollars ($500.00). Each continued day’s violation after notice from the Town of the existence of a violation shall constitute a separate offense. The Code Enforcement Personnel and any peace officer or police officer are authorized to issue appearance tickets for any such violation.

B. Civil Enforcement.

The penalty provisions of this Chapter are not exclusive and are in addition to any other remedies or provisions of local, state or federal laws, codes or regulations. The Town of Henrietta shall have, in addition to the remedies set forth herein, all rights by statute or common law to enjoin, restrain or otherwise seek to remedy any violation of this Chapter.