

ORDINANCE NO.: 7 - 2008

OF

JUNE 16, 2008

AN ORDINANCE CREATING A NEW CHAPTER 240  
ENTITLED "RENTAL PROPERTIES" AND  
CREATING A "RENTAL DWELLING REGISTRY"  
OF THE CODE ORDINANCES OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that a new Chapter 240, Rental Properties, be and is hereby created to read as follows:

**Section 1.** Chapter 240, RENTAL PROPERTIES

ARTICLE I, GENERAL PROVISIONS

**§ 240-1. Title**

This Chapter shall be known as "Rental Properties."

**§ 240-2. Legislative intent and findings.**

A. Legislative intent. It is the purpose of this chapter to protect the health, safety and welfare of the residents of the City of Newburgh, as well as to protect the City's housing stock from deterioration, by establishing a program for registering and identifying residential rental properties and determining the responsibilities of owners of residential rental properties.

B. Findings. The City Council has determined that there exists in the City of Newburgh a significant number of non-owner occupied rental units. Non-owner occupants are less able to maintain daily oversight of their properties to ensure compliance with applicable laws, rules and regulations. The City Council finds that the registration of rental properties is intended to and will ensure the protection of persons and property in all existing rental structures and on all premises required to be registered under this Chapter and to ensure that rental property owners adhere to applicable code provisions governing the use and maintenance of rental properties, including provisions limiting the maximum occupancy for which a rental dwelling can be certified.

**§ 240-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

AGENT - Any person who has charge, care or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

BUILDING - A combination of materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals or property.

DWELLING - A building used in whole or part for residential uses.

DWELLING UNIT - Any room or contiguous group of rooms within a building and forming a single, habitable living space for one family.

ENFORCEMENT OFFICER - The Code Compliance Supervisor or a duly authorized representative of the Office of Code Compliance.

OWNER - Any individual or individuals, partnership or corporation, or any similar type of business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the property. Each, any and all such persons shall have a joint and severable obligation for compliance with the provisions of this chapter.

OWNER-OCCUPIED DWELLING - A dwelling occupied by an individual owner or by members of his or her family on a non-rental basis. For the purposes of this chapter, "owner-occupied" shall not include any building owned by a partnership, corporation or any similar type of business organization, including but not limited to, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or agent.

RENTAL PROPERTY - All buildings which contain a dwelling unit or a rooming unit that is rented, leased, let or hired out to be occupied for residential or mixed use (commercial-residential) and are not owner-occupied.

ROOMING UNIT - Any furnished room for rent within a building and forming a single sleeping space.

**§ 240-3. Registration of rental properties required.**

All rental properties shall be registered with the City of Newburgh by the owner as required herein.

**§ 240-4. Registration of existing and new rental properties.**

A. The owner of a rental property shall register such building with the City of Newburgh Office of Code Compliance within sixty (60) days of the effective date of this chapter on a form approved and supplied by the City of Newburgh Office of Code Compliance. This form shall be known as a “landlord registration statement” and shall be signed by the owner under oath.

B. It shall be unlawful for any owner to offer any unit for rent, or to rent any dwelling unit, or to allow any dwelling unit to be occupied without having first registered pursuant to this chapter as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register a building with rental dwelling units therein. It is the responsibility of the owner to fulfill the requirements of this chapter.

**§ 240-5. Change in registry information.**

A. The owner of a rental property unit already registered with the City shall re-register within 30 days after any change occurs in the registration statement previously provided.

B. A new owner of a registered rental property unit shall re-register the rental property within 60 days of assuming ownership.

**§ 240-6. Landlord registration statement.**

Every owner of a rental property shall file with the Office of Code Compliance, within 60 days of the adoption of this Chapter, a landlord registration statement on forms supplied by the Office of Code Compliance, containing the following:

A. The name, mailing address, physical address, e-mail address, business telephone number, home telephone number and mobile phone number of the owner. If the owner is not a natural person, then the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be included for each owner.

B. Designation of a managing agent. If the owner is not a resident of the City of Newburgh or does not reside within 25 miles of the City of Newburgh, then said owner must designate a managing agent who resides in or maintains a business office within the City of Newburgh or the adjoining Towns of Newburgh or New Windsor and provide the name, mailing address, physical address, e-mail address, business telephone number, home

telephone number and mobile phone number of the authorized agent of the owner resident within or with a business office located within the City of Newburgh or the adjoining Towns of Newburgh or New Windsor.

C. The address of the rental property and the number and type of rental units in the dwelling.

D. If the owner is not a natural person, the employer identification number of the owner.

E. The owner and/or managing agent shall keep a current record of all the tenants, including their names and addresses, who are renting, leasing or living in the premises.

F. Upon the submission of the landlord registration statement, said statement shall be reviewed by the Code Compliance Supervisor or his designee for adequacy and should the statement be deemed incomplete, defective or untruthful for any reason, the statement shall be marked "rejected" and returned to the filer. A rejected application shall be deemed to be not in compliance with the provisions of this article.

**§ 240-7. Reserved.**

**§ 240-8. Fees; exemptions.**

A. Commencing on January 1, 2009, a fee of \$25.00 is required where there is a change in the registration statement previously filed or where a re-registration is required due to a change in ownership as set forth in Section 240-5 above.

B. Exemptions. Owner-occupied dwellings containing not more than two rental units are exempt from the filing fees set forth herein.

**§ 240-9. Posting of Trash/Refuse Policy and Alternate-side Street Parking Regulations.**

The City's trash and refuse polices and procedures and Alternate-side Street Parking Regulations shall be conspicuously posted in all rental buildings by the owner.

**§ 240-10. Enforcement.**

A. The City of Newburgh shall have a choice of enforcing this article as provided in § 1-12 of the Code of Ordinances of the City of Newburgh by seeking civil penalties or by instituting a criminal proceeding or may choose to do both.

B. A designated managing agent of an owner may be served with a notice of violation, order to remedy, an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as if actually served upon the owner.

C. No owner who designates a managing agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process on his designated agent.

**§ 240-11. Penalties for Offenses.**

A. If the City of Newburgh chooses to enforce this Chapter through a criminal proceeding, any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made thereunder shall be subject to a fine of up to \$500.00 and/or 30 days in jail.

B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects. Each day that prohibited conditions exist shall constitute a separate offense and so subject the owner to an additional fine of up to \$500 and/or additional jail sentences of to 30 days in jail.

C. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Section 2:** This ordinance shall take effect on July 1, 2008.

**Section 3:** Severability. If any Article section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the Article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.