

LANDLORD REGISTRY LAW

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[History: Amend the Wolcott Village Code Local law adopted by the Trustees of the Village of Wolcott October 8, 2019, effective immediately by L.L. No. 1-2019]

1. Purpose and Scope

1. The purpose of this chapter is to establish a registry of all rental property as defined herein, in order to allow it's police, building and code enforcement officials to identify and contact, as necessary, persons responsible for the care, maintenance and management of such properties, to better ensure the enforcement of local, state and federal safety regulations in furtherance of the health, safety and welfare of all of the residents of the Village of Wolcott.
2. The provisions of this chapter shall apply to ALL rental property located in the Village of Wolcott.

2. Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BUILDING-Any improved real property located within the Village of Wolcott.

RENTAL PROPERTY-Any building containing residential units which are either rented, leased, let or hired out to be occupied which shall be limited to single, two family, multi-family and are NON-owner occupied.

OWNER-Any individual or individuals, partnership or corporation, similar type of business organization or proprietary interest, whether or not for profit or otherwise, in whose name title to a building is vested.

RENTAL UNIT-A residential unit occupied by a party other than an owner.

RESIDENTIAL UNIT-One or more rooms with provision for sanitary and sleeping facilities, for food preparation, for living and for working.

MANAGING AGENT-Any individual or individuals, partnership or corporation or any similar type of business who accepts responsibility for and control of a building.

LAND CONTRACT-Any occupied residential dwelling and/or dwelling unit for the purpose of rent-to-own contract will be deemed a rental dwelling in the Village of Wolcott.

3. Rental Permits

1. Permit Applicants with outstanding violations or unpaid monies.
1. No such permit shall be granted to or renewed for an applicant who is in violation of any Village of Wolcott code, ordinance or local law (hereinafter "violations") or who owes property taxes, water or sewer fees, fines for violations of Village ordinances or any other fees or past due monies of any name or nature owed the Village of Wolcott.
1. The Applicant shall have the burden of providing proof in a form acceptable to the department that there are no such violations or unpaid monies.
1. In the event that the applicant has accrued violations or unpaid monies, such permit or renewal thereof shall be denied regardless of whether such violations or unpaid monies relate to a parcel of real property for which the application is made or another parcel owned by applicant or are personal to the applicant.

1. Such permit, once granted, shall be revoked in the event that the applicant accrues violations or unpaid monies, or violations or unpaid monies after the permit is granted.

1. The applicant must reapply for the issuance of such revoked permit by submitting a new application and paying all necessary application fees.

1. All requirements set forth herein shall also apply to nonperson entities and such permit or renewal thereof shall be denied to an entity, or revoked, if a person with a substantial interest in such entity owes such unpaid monies or has accrued such violations.

4. Rental Property Registration

1. The owner of a property constituting a rental property defined herein shall be required to register such property with the Building & Code Enforcement Department on such form or forms as prescribed by the Building & code Enforcement Department within a period of 45 days from the effective date of this law. It shall be signed and affirmed by the property owner of record, and if applicable, the managing agent.
2. A new form shall be filed whenever there is a change of ownership, and it shall be the responsibility of the new owner to see that such form is filed within a period of 45 days from taking title to the property.
3. Following the initial registration, an annual filing shall be made in and between January 1 and February 1 annually, certifying that there has been no change in the status or ownership of the rental property or reflecting the nature of any change.

5. Designation of a Managing Agent

1. Every owner who rents a residential rental premises which is subject to the provisions of this chapter and who does not maintain a bona fide residence in the County of Wayne, shall designate a managing agent who maintains a bona fide residence in the county of Wayne. Such designation shall be indicated in the space provided by the owner on the registry application form as provided herein.
2. The managing agent shall be designated by the owner as the person responsible for and in control of the maintenance and operation of such rental property, and upon whom process may be served in lieu of the owner.

1. Registry Form & Filing

1. The registry form shall require the following information:

1. The property address and the number of residential dwelling units permitted to be occupied on each property.

1. The owner(s)' name(s), mailing address(s), street address(s), and telephone numbers (facsimile and email included, if and as available). Post office box numbers may be included, but the physical location at which the owner may be contact shall be required.

1. The name and names, titles, addresses and telephone numbers of any responsible person(s) of the corporation, LLC, partnership or other similar business entity if the ownership is held in a non-individual capacity.

1. The name, address and telephone number of a local responsible person at least twenty-one (21) years old, residing or doing business in Wayne County, who shall be responsible for the care and management of such property and is authorized by said owner to accept legal process on behalf of the owner when the owner resides or has its principal place of business/residence outside of Wayne County.

1. The form shall be signed by the owner and his or her designee and witnessed by a notary public and shall contain the following declaration: *"I certify that all information contained in this statement is true and correct to the best of my knowledge and belief. I understand that the willful making of any false statement of material facts herein will subject me to the provisions of law relevant to the making and filing of false instruments and shall constitute a violation of this chapter."*

1. It shall be the responsibility of each owner to timely notify the Building Department whenever the information provided in this form has become outdated or for any reason is no longer accurate. It shall be the responsibility of each owner to recertify the aforementioned information ANNUALLY.

7. Enforcement

This chapter shall be enforced by the Village of Wolcott Code Enforcement Officer through Local Law including but not limited to the Abatement of Chronic Nuisance Properties Law, Property Maintenance Law of the State of New York.

8. Penalties for Offenses

1. No rental property as defined herein, shall be occupied by any tenant without compliance with the provisions herein and failure to comply shall constitute a violation of a certification of occupancy.

1. Any person committing an offense against any provision of this chapter shall be guilty of a violation and shall be subject to immediate revocation of certificate of occupancy and/or another sanctions as set forth in the local law.