

VILLAGE OF SUFFERN

LOCAL LAW NO. 8 of 2023

**A LOCAL LAW LOCAL LAW AMENDING CHAPTER 215
OF THE CODE OF THE VILLAGE OF SUFFERN
REGULATING RENTAL PROPERTIES
IN THE VILLAGE OF SUFFERN**

BE IT ENACTED, by the Board of Trustees of the Village of Suffern as follows:

Section 1. Section 215-1(A) of the Code of the Village of Suffern is hereby amended by deleting from the definition of “Rental Property” the term “and are non-owner-occupied” so that the definition of “Rental Property” provides as follows:

RENTAL PROPERTY — Includes all properties which are either rented, leased, let or hired out to be occupied for residential or mixed use (commercial-residential).

Section 2. Section 215-1(A) of the Code of the Village of Suffern is hereby amended by deleting from the definition of “Building” the term “that is non-owner-occupied” so that the definition of “Building” provides as follows:

Any improved real property, residential or mixed-use (commercial-residential), located within the Village of Suffern.

Section 3. The definition of the term “Owner” contained in Section 215-1 of the Code of the Village of Suffern is hereby amended to provide as follows:

OWNER — Any individual or individuals, partnership, limited-liability corporation (LLC), 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.

Section 4. Section 215-1 of the Code of the Village of Suffern is hereby amended by deleting therefrom subsection “B”.

Section 5. Section 215-2(A) of the Code of the Village of Suffern is hereby amended to provide as follows:

The owner of a property constituting a rental property shall register the same with the Building Department within 60 days of the effective date of this article and annually during the month of January thereafter on a form approved by the Building Department. This form shall be known as a "landlord registration statement" which shall be signed by the owner under oath.

Section 6. Section 215-3(A) of the Code of the Village of Suffern is hereby amended to provide as follows:

- (1) A description of the premises by street number and section, block and lot number, including tax identification number.
- (2) The owner's name, residential address, and mailing address, together with his/her business telephone number, home phone number, cell phone number, fax number, as well as e-mail address, or, if such owner is a corporation or LLC, the name and address of such corporation or LLC and the name, residence, business address, together with the residence, business telephone numbers, cell phone numbers, fax numbers and e-mail addresses of all officers.
- (3) Proof of residency of each owner.
- (4) A description of the structure, including the number of rental dwelling units or rooms let for rent in the structure.
- (5) A floor plan depicting the location, use and dimension of each room situated within the dwelling unit.
- (6) The number of persons intended to be accommodated by, and to reside in, each room of such rental dwelling unit.
- (7) A copy of the most recent deed and real property tax bill, confirming the ownership of record of the dwelling unit.
- (8) Designation of a managing agent. In the event the owner does not reside within 30 miles of the property, then the owner must designate a managing agent. If a managing agent is required, then the owner shall provide the following information to the Building Department: the name, residence, business and e-mail address and residence, business and fax telephone numbers of a natural person, 18 years of age or over, who actually resides within 30 miles of the property, and who shall be designated by such owner as a managing agent responsible for and in control of the maintenance and operation of such dwelling, and who shall be designated as the person upon whom process may be served on behalf of the owner. The managing agent and/or owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or

living in the premises. There shall be endorsed upon such statements a written consent to such designation signed by such managing agent. An owner who is a natural person and who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent may designate himself/herself as such managing agent.

- (9) Each application shall be executed by and sworn to under oath by the owner of the dwelling unit.
- (10) The owner shall, at all times, keep this information updated, and when there is a change in ownership, a change in the managing agent, a change in tenant(s), or a change in any information set forth on the registration form, the owner shall update the information by amending the landlord registration statement within 15 days from the date of any such change.
- (11) Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.

Section 7. Section 215-3(H) of the Code of the Village of Suffern is hereby amended to provide as follows:

In addition to the annual filing of an application for a rental occupancy permit, a new application for a rental occupancy permit shall be filed whenever the ownership of the property changes or a dwelling unit or portion thereof has become vacant and the owner intends to permit a new tenant or other person to take up residence. No additional fee will be required if the owner is registering a change in tenancy only under an existing valid rental occupancy permit.

Section 8. Section 215-6(A) of the Code of the Village of Suffern is hereby amended to provide as follows:

Criminal proceeding. A summons or appearance ticket for any violation of this chapter may be served in the County of Rockland as defined within the meaning of New York Criminal Procedure Law § 150.40. In the event that the owner does not reside in the County of Rockland, then the owner shall be obligated to designate a managing agent who maintains a bona fide residence.

Section 9. Section 215-8(A) of the Code of the Village of Suffern is hereby amended to provide as follows:

A. Rental permits.

- (1) No rental property and/or building as defined herein shall be occupied by anyone, including any tenants, without a valid rental permit.
- (2) In reviewing the application, if the Building Inspector shall have the right to inspect the property for purposes of ensuring compliance with this Chapter. If an inspection authorized herein is conducted, the Building Inspector may use the results of such inspection in determining whether to issue the permit, with or without conditions, or to not issue the permit.
- (3) The Building Department shall issue such permit after receipt of a valid landlord registration statement which complies with all of the requirements set forth herein. In issuing a permit, the Building Inspector may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for residential rentals.
- (4) No rental permit shall be issued for any property for which a violation of the Zoning Law exists. In order to issue such permit, the Building Inspector must determine that adequate on-site parking is provided and that the parking area is improved in accordance with the provisions of the Zoning Law and to the satisfaction of the Building Inspector. Tenants and guests shall park in the off-street parking spaces and shall not park on any part of the lawn of the property nor on the public or private street. The property must, in the opinion of the Building Inspector, have sufficient off-street parking spaces improved in accordance with Section 266-22 of the Zoning Law.
- (5) In addition, the Building Inspector may decline an application for any of the following reasons:
 - a) If the application is incomplete or the documentation required by this section or regulations adopted by the Village was not included with the application.
 - b) If the Building Inspector previously issued a permit to any of the owners needing to sign the permit application and any of such owners had a permit revoked within the previous year.
 - c) If the affidavit from the owners or if an inspection conducted by the Enforcement Officer as authorized in this section evidences that the subject property is not in compliance with this section or the Village of Suffern Code.
- (6) Such rental permit shall be valid for a period of one year from its issuance or until such time as the owner or any new owner is required to file a new landlord registration statement.
- (7) The owner and/or managing agent must present the previous rental permit at the time that the new landlord registration statement is submitted.

Section 10. Section 215-8 of the Code of the Village of Suffern is hereby amended by

deleting therefrom subsection “B”.

Section 11. Section 215-10(A) of the Code of the Village of Suffern is hereby amended to provide as follows:

Violations of this chapter will constitute an offense within the meaning of the Penal Law of the State of New York, punishable as provided for herein. In addition, a violation of any provision of this chapter shall constitute a municipal infraction and will be subject to applicable penalties under this chapter, and the Village of Suffern may choose to enforce this chapter as a criminal or civil matter, or both. Any owner who violates, disobeys, neglects or refuses to comply with any of the terms of this chapter shall be subject to a fine of not more than \$10,000. Each week a violation continues shall be deemed a separate offense and so subject the owner to an additional fine of up to \$10,000. In addition, if the Village of Suffern chooses to proceed under this chapter as a criminal offense, the violation of this chapter shall be subject to a fine of up to \$10,000 and/or up to 30 days in jail, it being understood that each week a violation continues shall be deemed a separate offense subjecting the offender to additional weekly fines of up to \$10,000 and/or additional jail sentences of up to 30 days.

Section 12. This local law shall take effect immediately upon filing with the Secretary of State.