

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

August 20, 2020

Roert J Fitzsimmons
Fitzsimmons & Mills PC
44 Broad Street
Kinderhook NY 12106

RE: Village of Philmont, Local Law 1 2020, filed on August 18 2020

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County _____
City of Philmont
Town _____
Village _____

Local Law No. 1 of the year 2020

A local law amending Chapter 57, Article III of the Code of the Village of Philmont
in regard to Tenancy Certificates of Occupancy

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County _____
City of Philmont as follows:
Town _____
Village _____

Section 1. LEGISLATIVE INTENT.

The Village Board of the Village of Philmont finds that rental units, either short term, intermediate, or long term, should be registered and inspected so as to provide a safe premise for tenants. The Village Board finds that revisions to the existing Tenancy laws in the Village to ensure inspections, create a registry of rental units and to increase the monitoring of rentals will protect the health, safety and welfare of Village residents. Therefore, the Village Board adopts this law pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and New York State Municipal Home Rule Law Section 10 and New York State Village Law Section 4-412.

Section 2. ENACTMENT.

ARTICLE III
Tenancy Registration & Certificate of Occupancy

§ 57-15. Definitions.

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

LANDLORD — The owner in fee simple of property who has leased it for a term to another person called the "tenant. "

TENANT — An individual (or individuals) who holds or occupies premises of another for residential purposes; one who has a temporary use and occupation of real property owned by another person herein called the "landlord". The term TENANT shall include short term rentals for periods of less than 30 days, known as "Air-B-N-B" or other short term commercialized rentals, as well as month-to-month tenants, or longer term tenants, whether pursuant to a lease or not.

TENANCY REGISTRY — A listing of premises within the village that are subject to be utilized as rentals to tenants as defined herein.

§ 57-16. Tenancy Registry.

Prior to any landlord leasing any premises within the Village to a tenant, the landlord shall complete and submit a rental property registration form and submit the same to the Village Building Inspector together with any applicable fee. The Registration shall be valid for one year from the date of issuance. The property owner shall submit a renewal of said registration no less than 30 days prior to expiration of any existing registration for the premises rented. The registration application shall contain the following information:

- A. Property Owner, if a corporation, a list of the persons responsible for local corporate operations must be indicated.
- B. Property Address, physical and mailing for owner and the tenants if known.
- C. Zoning District.
- D. Tax Map Number.
- E. Number of unit(s) proposed.
- F. Floor plan sketch of unit(s) and facilities included for rental – in a form suitable for review in the discretion of Village Building Inspector for the application.
- G. The contact information for the landlord or landlord's agent that are available to respond to complaints, inspection requests or emergent situations at the rental property. The contact persons shall be available to respond to the rental property for emergent situations on no less than 1 hour notice.
- H. Anticipated tenancy conditions, typical term or terms of occupancy, obligations of tenant and landlord, such as garbage removal, maintenance, parking, snow removal and utility obligations.
- I. Any additional information required in the discretion of the Village Building Inspector.

The Village Philmont Tenancy Registry shall be maintained by the Village of Philmont Building Inspector. No property is subject to be rented until the Tenancy Registration is approved and the unit has received a Tenancy certificate of occupancy as provided herein.

§ 57-17. Tenancy certificate of occupancy.

Each residential apartment, house, dwelling or portion thereof that is to be rented to a tenant shall be inspected. The landlord is required to make application in writing to the Village of Philmont Building Inspector for a tenancy certificate of occupancy.

§ 57-18 Application for Tenancy certificate of occupancy.

The landlord of the premises shall complete and submit a tenancy certificate of occupancy application form and submit the same to the Village Building Inspector together with any applicable fee. The premises shall be made available for inspection by the Building Inspector.

§ 57-19. Correction of violations.

Any such violations found by the Village of Philmont Building Inspector shall be corrected before the tenancy certificate of occupancy issued.

§ 57-20. Issuance of certificate.

Upon inspection and approval of the premises by the Village of Philmont Building Inspector, the Building Inspector shall issue a tenancy certificate of occupancy certifying that the premises to be rented and the services to the unit are in compliance with the New York State Uniform Fire Prevention and Building Code and Chapter 160, Zoning, of the Village of Philmont.

§ 57-21. Duration of certificate.

The tenancy certificate of occupancy shall be valid for one year from the date of issuance. The property owner shall submit a renewal of said tenancy certificate of occupancy no less than 30 days prior to expiration of any existing certificate for the premises rented.

§ 57-22. Certificate required prior to occupancy.

No building, house or dwelling may be occupied by a tenant until such time a tenancy certificate of occupancy has been issued by the Building Inspector.

§ 57-23. Penalties for offenses.

- A. In addition to those remedies and penalties as set forth in Executive Law 382, any landlord who shall rent premises in violation of any provision or provisions of this law shall be guilty of a violation and shall be punishable by a fine of not more than \$250 or imprisonment not exceeding 15 days, or both.
- B. Each and every violation of a provision or provisions of this law shall be deemed a district and separate violation.

§ 57-24. Fees.

The fees for the Rental Property Registry, Tenancy Inspections and Tenancy Certificates of Occupancy shall be set by resolution of the Village Board of Trustees and shall be made payable to the Village of Philmont.

Section 3. VALIDITY AND SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 4. EFFECTIVE DATE.

This local law shall be effective in accordance with the applicable law after filing with the Secretary of State. All landlords that have premises subject to the tenancy registration and certificate of occupancy requirements as defined herein shall have a period of 6 months from the effective date of this law to make application as required herein. No tenancies as the term is defined herein are deemed exempt, pre-existing nonconforming uses or "grandfathered" from the provisions of this local law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2020 of the Village of Philmont was duly passed by the Village Board of Trustees on 08/10/2020 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.*)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.~~

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____, 20____, in accordance with the applicable provisions of law.~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ~~(special) (general)~~ election held on _____, _____, became operative.

6. ~~(County local law concerning adoption of Charter.)~~ I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



Carol Pickens, Village Clerk

(Seal)

Date: 8-10-20