

Proposed Local Law Number 1 Of 2020

County of Ulster

A Local Law Requiring That Property Owners Of Multi-Family Dwellings Located In Ulster County With Six Or More Units Have An Office In Ulster County

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT.

The Ulster County Legislature supports affordable, healthy and safe housing for families throughout the County of Ulster (“the County”) that are in a reasonable state of repair with operational facilities and utility services, provide thermal comfort, and are protected from environmental or human caused hazards.

Multi-family residential dwellings (also known as multi-dwelling unit or MDU) is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. Changing demographics in the County are creating challenges in providing safe and adequate housing for residents including concerns over maintenance and absentee landlords. There are multi-unit dwelling(s) with absentee landlords that do not have an office or a location used as a home office within the borders of Ulster County or access to an onsite responsible person for lessees to contact in the event of an emergency or maintenance problem. The Ulster County Legislature believes that lessees should have access to a local business office or a location used as a home office with a 24 hour emergency contact number or onsite responsible person for maintenance, rent payment and emergencies.

In order to assure safe housing that meets the standard Building Code requirements of each individual municipality, and that any concerns/violations can be addressed in a timely manner, the Ulster County Legislature supports local offices and points of contacts for lessees.

The purpose of this local law is to require owners of residential rental property(ies) to have an operating office established within the borders of Ulster County or an operating office located within fifteen (15) miles of a residential property or a location used as a home office meeting border requirements or an onsite responsible person as defined herein, enabling the identification and access to the person(s) responsible for the care and management of such properties, which will ensure the enforcement of local, state and federal regulations.

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SECTION 2. DEFINITIONS.

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

BUILDING: Any structure having a roof, supported by columns or by walls or self-supporting, and intended for the shelter, housing or enclosure of persons, animals or chattel.

HOME OFFICE: A place or location where business is conducted other than an operating office (i.e. place of residence); with a responsible person who can be contacted for maintenance issues, emergencies and other inquiries that is within the borders of Ulster County, or not more than fifteen (15) miles from the multi-family residential unit(s) with a 24 hour emergency contact number.

OPERATING OFFICE: A place where business is conducted; open at least 35 hours a week within the borders of Ulster County, or not more than fifteen (15) miles from the multi-family residential unit(s).

OWNER: Any individual or individuals, partnership or corporation, similar type of business organization or proprietary interest, whether for profit or otherwise, in whose name title to a building is vested.

RESIDENTIAL RENTAL PROPERTY: A building in which at least six dwelling units that are leased or otherwise rented to tenants solely for residential purposes are located.

RESPONSIBLE PERSON: A local responsible person over 21 years old, residing or doing business in Ulster 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 outside of Ulster County.

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SECTION 3. PROHIBITION.

No multifamily dwelling of six (6) units or more contained in one (1) building or several buildings in one (1) complex shall operate without having local office located within Ulster County or an office located within fifteen (15) miles of the multi-family unit; or, a location used as a home office within Ulster County borders or within fifteen (15) miles of the multi-family unit; or, an onsite responsible person for lessees to contact by telephone or in person.

SECTION 4. ENFORCEMENT.

The County Executive shall designate a County Department or Departments to have primary responsibility for enforcement of this Chapter. The Director of the designated Department(s) is authorized to promulgate rules and regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any residential rental property during normal business hours.

A copy of the rules and regulations will be provided to the Clerk of the Legislature before they are publicly disseminated.

SECTION 5. PENALTIES FOR OFFENSES.

A. No residential rental property as defined herein shall be in operation without compliance with the provisions herein, and failure to comply shall constitute a violation of the Code of Ulster County.

B. A violation of this article shall constitute an unclassified misdemeanor, and any person who shall violate any provision of this article, or any person who shall knowingly assist therein, shall be liable to a minimum fine of \$250 and a maximum fine of \$5,000 or imprisonment not exceeding six months, or both such fine and imprisonment.

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Each and every week that any such violation continues after 10 days following notification that such violation exists shall constitute a separate offense. Such initial notice of violation shall be served by mail or by personal service.

SECTION 6. PREEMPTIONS.

Nothing in this law preempts more restrictive state or local regulations or requirements

SECTION 7. SEVERABILITY.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the Secretary of State.