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EDUCATION      CALENDAR (/CALENDAR)      MEMBER AREA      REALTOR SEARCH (/REALTOR-SEARCH)  
CHAPTER & DIVISIONS      BUSINESS CENTER

## Rental Permit Codes

[Government](#)

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Nassau County

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A. [Town of Hempstead - Visit Website \(<http://ecode360.com/HE0207>\)](#)

[Current Issues \(../current-issues\)](#)

- **Chapter 88: HOUSING AND REHABILITATION CODE**
- Whenever any owner or tenant of any apartment in a multiple residence shall rent such apartment or any part thereof to more than two (2) boarders, roomers or lodgers, such renting shall constitute a use of such apartment for single-room occupancy.
- It shall be unlawful for the owner or tenant of any multiple residences to rent any apartment therein for single-room occupancy, or to cause or permit any apartment so rented or any portion thereof to be used for single-room occupancy, without a permit.
- It shall be unlawful to occupy any frame multiple residence more than two (2) stories in height for single-room occupancy.
- This section shall not be construed to prohibit the letting by a family of one (1) or more rooms within their apartment to not more than two (2) boarders, roomers or lodgers, provided, however, that every room in such apartment shall have free and unobstructed access to each required exit.
- It shall be unlawful to rent any room in any such dwelling for a period of less than one (1) week.
- In each such dwelling, a register shall be kept which shall show the name, signature, residence, date of arrival and date of departure of each occupant and the room occupied by him.  
Comes from ordinance adopted 11-26-1963, effective 12-27-1963.

[New STAR Tax Deductions \(../new-star-tax-deductions\)](#)

[Find Your Legislator \(../find-your-legislator\)](#)

[RPAC \(../rpac\)](#)

Chapter 99 Registration and Permitting of Property

[Register to Vote \(../register-to-vote\)](#)

### Article II. Rental Dwelling Units

[Fair Housing \(../fair-housing\)](#)

#### § 99- 13. Rental occupancy Permit required.

[Housing Opportunities \(../housing-opportunities\)](#)

- It shall be unlawful and a violation of this article for any person or entity who or which owns a dwelling unit in the Town to use, establish, maintain, operate, let, lease, rent or suffer or permit or allow the occupancy and use thereof as a rental occupancy by someone other than the owner without first having obtained a valid rental occupancy permit therefor. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation.
- A rental occupancy permit issued under this article shall only be issued to the owner(s) of the real property at issue.
- As a rental occupancy permit issued under this article is not transferable, in the event that the ownership of a rental dwelling is transferred, the new owner shall register the property within 30 days of the closing of title pursuant to the requirements set forth in this article. If the rental dwelling is not registered as required by this article, there will be a presumption that said property is being utilized as rental property by the new owner(s) in violation of this article.
- No rental occupancy permit shall be granted to a transient rental property.
- Rental Occupancy Permit fees.
- The Owner of the Rental Dwelling Unit shall submit an application, to maintain rental occupancy. Such application shall be made upon forms to be furnished by the Town of Hempstead Department of Buildings.
- The fee for a Rental Occupancy Permit shall be \$ 500 for each property or structure containing one rental dwelling unit, and there shall be assessed an additional fee of \$200 for each additional rental dwelling unit permit within the same property or structure having the same ownership.

[Local Town Codes \(../local-town-codes\)](#)

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- The fees shall be as follows:
- Each applicant shall remit, upon the submission of an application under this chapter, a non-refundable rental occupancy permit application fee of 300 for each property or structure, which fee shall be reasonably related to the administrative costs for registering and processing the Rental Occupancy Permit Application form. Rental Occupancy Permit Application fees will not be accepted until the application is complete.
- Once the application is approved, the initial application fee shall be applied as credit to the Rental Occupancy permit fee of \$ 500 for each property or structure containing a single rental dwelling unit.
- If a property or structure contains more than one rental dwelling unit, each additional rental dwelling unit in that property or structure shall be subject to Rental Occupancy permit fee of \$200.
- If for any reason an application for a rental occupancy permit has been denied, the fee collected will be applied towards the administration costs of maintenance and enforcement of this article.
- The required renewal paperwork for a rental occupancy permit shall be accompanied by the nonrefundable renewal application fee of \$450; the fee shall be reasonably related to the administrative costs for processing the renewal of the Rental Occupancy Permit and for the costs of the Town in monitoring and inspecting the Rental Dwelling Unit. Each additional rental dwelling unit within the same structure, having the same ownership shall require a renewal fee of \$200. Rental Occupancy Permit renewal fees will not be accepted until the application is complete.
- The renewal application fee, once the renewal is approved shall be applied as credit to the Rental Occupancy permit fee of \$450 for properties containing a single rental dwelling unit.
- In the event any registration and permit, or renewal thereof, is not obtained on or before the commencement of occupancy of a rental dwelling unit, or such earlier act by any person or entity which would require registration and a permit for such rental dwelling unit, a late charge for such registration and permit, or renewal, shall be paid, in addition to the required registration and permit fee, in an amount equal to two times the fee, prorated for the length of time of the overdue period.

§ 99-25. Listing or advertising non-permitted rentals.

- It shall be unlawful and a violation of this article for any person, entity, corporation, broker or agent to list, advertise, repeatedly and/or knowingly show or otherwise offer for lease, rent or sale on behalf of the owner or authorized agent any dwelling unit which is, itself, a rental dwelling or which contains a rental dwelling, for which a current rental occupancy permit has not been issued by the Code Enforcement Official. It shall be the person's, entities, corporations broker's or agent's duty to verify the existence of a valid rental occupancy permit before listing, repeatedly and/or knowingly showing or otherwise offering for lease, rent or sale any such dwelling or dwelling unit in the Town of Hempstead.
- It shall be unlawful and a violation of this article for any person, entity, corporation, broker, or agent to cause an advertisement or solicitation for a rental dwelling or dwelling unit to be listed, placed, posted or submitted for inclusion on any website, in the mass media, or in printed materials, including flyers, handbill, mailed circular, social media, bulletin board, sign or electronic media, without such person, entity, corporation, broker or agent first verifying the existence of a valid rental occupancy permit. Violation of this section shall be unlawful and an offense within the meaning of the Penal Law of the State of New York

**B. Town of North Hempstead - Visit Website (<http://ecode360.com/NO0081>)**

- **ARTICLE VI: Rental Dwelling Units.**
- It shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York for any person or entity who owns a dwelling unit in the Town to establish, maintain, use, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without having a valid permit for such rental occupancy, as herein provided.
- The Code Enforcement Officer shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units.
- If satisfied that the proposed rental dwelling unit or units, as well as the premises in which the same are located, comply fully with all applicable state and local laws, ordinances, rules and regulations of the county and Town and that such rental dwelling unit or units would not create an unsafe or dangerous condition or create an unsafe and substandard structure as defined in Chapter 2A of the Town Code or create a nuisance to adjoining nearby property, the Code Enforcement Officer shall issue the permit or permits.
- No permit shall be issued or renewed until the Code Enforcement Officer shall inspect the rental dwelling unit to determine that it is equipped with a functioning smoke detector device and carbon monoxide alarm, in compliance with New York State Uniform Fire Prevention and Building Code.
- It shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York for any owner to permit any tenant or other person to take up residence by a rental occupancy in any dwelling unit without the owner's first having completed and filed with the Code Enforcement Officer a rental registration form approved by the Commissioner of Buildings.

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- A new form must be filed whenever 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.
- It shall be unlawful for any broker or agent to list, show or otherwise offer for lease, rent or sale on behalf of the owner any dwelling unit for which a current rental occupancy permit has not been issued by the Code Enforcement Officer.
- It shall be the broker or agent's duty to verify the existence of a valid permit before acting on behalf of the owner.
- Any broker or agent who has earned a commission or other compensation for renting or leasing a dwelling unit must, within five business days of earning said commission or other compensation, file with the Code Enforcement Officer a rental registration form, unless the owner has already filed such a form in the meantime.
- Failure to file shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York.
- No owner, broker or agent shall publish a written offer or solicitation of offers to rent or lease a rental dwelling unit, unless that offer or solicitation refers by number to a valid rental occupancy permit for the rental dwelling unit in question.
- For purposes of this section, "publish" means to promulgate to the general public or to selected segments of the general public, in a newspaper, magazine, flyer, handbill, mailed circular, bulletin board, sign or electronic media.
- Violation of this section shall be unlawful and an offense within the meaning of the Penal Law of the State of New York.

**FINES:**

1. By a fine of not less than \$1,000 and not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.
2. By a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second offense.
3. By a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years

\*Each week's continued violation shall constitute a separate additional violation.

Added 8/6/96, Last Amended 4/11/06.

**C. Town of Oyster Bay - Visit Website (<http://ecode360.com/ov1221>)**

- **Chapter 246: ZONING.**
- The owner of the property upon which the parent-child residence is located shall occupy either the principal or accessory dwelling unit on the premises as the owner's primary residence.
- A maximum of one parent-child residence shall be permitted on any lot.
- The accessory residence shall be subordinate in area to the principal unit and shall contain a maximum of two bedrooms.
- The principal use on the lot shall be a one-family dwelling.
- A lot which contains a home office shall not also contain a parent-child residence.
- The principal building on the lot must continue to maintain the outward appearance of a one-family dwelling. Both units shall share a common building entranceway, doorbell, mailbox and electric meter.
- A minimum of three off-street parking spaces shall be provided on the site to serve both units.
- In making its determination, the reviewing agency shall give consideration to the character of the area, including the exterior appearance, the number of parent-child residences in the neighborhood in relation to one-family dwellings and traffic and parking conditions.

Adopted 3/27/01.

**D. City of Glen Cove - Visit Website (<http://ecode360.com/GL1564>)**

- **ARTICLE IX: Landlord Registry.**
- Every owner of a one-family dwelling unit or a two-family dwelling unit in the City of Glen Cove, who is engaged in rental occupancy of such premises shall register within 30 days of the receipt of an application form which shall be delivered by the Building Department Administrator (BDA) of the City of Glen Cove through ordinary United States mail, based on the records of the City of Glen Cove Assessment Department.

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- It shall be unlawful and a violation of this article for any person or entity who owns or operates a dwelling unit within the City of Glen Cove to maintain, use, lease, rent or suffer or permit occupancy as a rental occupancy after the effective date of this chapter without having registered said dwelling with the Building Department.
- For the purposes of this article "rental occupancy" shall mean the occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant(s) thereof pay rent for such occupancy or use.
- There shall be a rebuttable presumption that any occupancy of a dwelling unit is a rental occupancy if the owner of such dwelling unit does not reside in said dwelling unit.
- This article shall not be construed to require the registration of any residential rental premises in the City of Glen Cove so long as the owner of record or a member of his/her immediate family maintains a bona fide occupancy of a dwelling unit on such premises.
- It shall be the responsibility of the owner of each residential rental premises which is subject to the provisions of this chapter to timely file a registry application form with the Building Department for each premises.
- The rental registry files and any list maintained by the Building Department pursuant to this chapter and any application form filed pursuant to this chapter shall be deemed confidential and shall not be subject to freedom of information laws to the extent provided by law.
- Nothing in this section shall prevent any member of the public, prospective tenant or any resident of the City of Glen Cove from inquiring as to whether a premise has been registered pursuant to this chapter or from filing a request for investigation with the Building Department to determine whether or not compliance with this article has been achieved.

**FINES**

1. A fine of not less than \$500 and not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, upon conviction of a first offense.
2. A fine of not less than \$1,000 nor more than \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for a conviction of the second of two offenses, both of which were committed within a period of five years.
3. A fine of not less than \$3,000 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for a conviction of the third of three offenses, all of which were committed within a period of five years.

Added 1/25/00

**E. City of Long Beach - Visit Website (<http://ecode360.com/LO2927>)**

- **Chapter 13, Article 1, Section 13**
- It shall be the duty and obligation of every real estate broker and real estate agent to investigate and ascertain the use restrictions and requirements of the zoning law and ordinances of the City of Long Beach before soliciting, advertising or otherwise participating in any attempt to rent, or sell, or to offer for rental or sale, any improved property or portion thereof.
- Failure to make such adequate investigation and determination shall constitute a violation by such real estate broker or real estate agent.
- In every written lease or rental agreement for one-family or two-family dwelling units the following clause shall be attached and made a part of said lease or rental agreement. All parties to the lease or rental agreement including the real estate broker and/or agent, if any, must acknowledge and sign said clause. The owner and/or lessor of the premises shall have the duty to include such clause.
- "All parties hereby acknowledge that they are aware of and are in compliance with the following laws that exist within the City of Long Beach":
- A dwelling is a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons including one-family and two-family dwellings. A dwelling unit is a living unit containing one or more habitable rooms, with provisions for living, cooking, eating, sanitary and sleeping facilities arranged for the use of one family.
- The term "family" shall mean one of the following:
  - (1) One person living alone; or
  - (2) Two (2) or more persons, all of whom are related to each other by blood, adoption or marriage, living together in a single dwelling unit; or
  - (3) Not more than two (2) persons not related to each other by blood, adoption or marriage, living and cooking together in a single dwelling unit.

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- It is prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space. This includes bathrooms, water closet compartments, laundries, kitchenettes, serving and storage pantries, corridors, cellars, garages and similar spaces.
- No person shall occupy as owner-occupant, lessee or agent of the owner, or let, rent or sell, nor shall any realtor or real estate agent willfully, knowingly or intentionally let, rent or sell to another for occupancy, any dwelling, rooming house, dwelling unit or rooming unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the code requirements.

**FINES:**

1. A violation of any of the provisions of the Zoning Law shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding fifteen (15) days, or both.
2. A violation of any of the other provisions shall be punishable for each violation by a fine not exceeding two hundred fifty dollars (\$250.00), or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

\*Each day such violation continues shall constitute a separate violation.

Amended 2/15/00.

**F. Village of Freeport - Visit Website (<http://ecode360.com/FR0651>)**

- **ARTICLE IV: Rental Premises.**
- It shall be unlawful for any person to:
  - List, solicit, advertise or offer, exhibit or show to any person a rental dwelling unit located within the Incorporated Village of Freeport for the purpose of bringing about the rental thereof where no currently effective permit has been issued in respect of such rental dwelling unit by the Superintendent of Buildings.
  - Accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Incorporated Village of Freeport where no currently effective permit has been issued in respect of such rental dwelling unit, by the Superintendent of Buildings.
  - In the event that a person convicted of a violation of the above sections shall have been a real estate broker or sales person licensed by the State of New York at the time such violation was committed, it shall be the duty of the Superintendent of Buildings to transmit a record of such conviction to the Division of Licensing Services of the Department of State and to make complaint thereto against such license on behalf of the Village, pursuant to the provisions of the Real Estate Property Law.
  - It shall be unlawful to use, establish, maintain, operate or let any premises, entirely or partially for residence occupancy, where any rent is paid or charge is made for such use or occupancy in the Village of Freeport without first having obtained a permit.
  - Failure or refusal to procure a permit shall be deemed a violation.
  - Application for such permit shall be made, in writing, to the Superintendent of Buildings on a form provided and shall contain the name of the applicant, the location of the premises and the number of dwellings and units and persons to be accommodated.
  - No sleeping unit shall be rented or offered for rent in any cellar or basement.
  - Any dwelling, dwelling unit, rooming house, rooming unit or any other premises subject to this article shall be presumed to be rented for a fee, and a charge made if said premises are not occupied by the legal owner. This presumption shall be rebuttable.

**FINES:**

1. Any violation of this article shall be deemed to be a violation, and shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 15 days, or both such fine and imprisonment, said penalties to be in addition to suspension or revocation of any permit issued under the provisions of this article.
2. In the event of any failure to comply with this article, each and every day such violation continues shall constitute a separate offense, and the penalties prescribed herein shall be applicable to each separate offense, except that no further penalties shall be imposed for the period during which any appeal from a conviction of such offense is pending.
3. An injunction may be obtained by the Superintendent of Buildings in addition to any other remedy hereunder in the event of any violation or refusal to comply with the provisions of this article. Failure or refusal to procure a permit shall be deemed a violation.

Added 11/23/81, Amended 7/12/99

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**G. Village of Island Park**

- **Local Law 1 of 2008:** Rental dwelling units.
- It shall be unlawful and a violation of this Local Law for any person or entity who owns a dwelling unit in the Village to use, establish, maintain, operate, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy by someone other than the owner without first having obtained a valid rental occupancy permit.
- Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation.
- This local law shall not apply to mother/daughter - father/son dwelling situations for owners in compliance under Local Law 13 of 2006.
- A rental occupancy permit issued under this Local Law shall only be issued to the owner(s) of the real property at issue.
- As a rental occupancy permit issued under this Local Law is not transferable, in the event that the ownership of a rental dwelling is transferred, the new owner shall register the property within 30 days of the closing of title pursuant to the requirements set forth in this Local Law.
- If the rental dwelling is not registered as required by this Local Law, there will be a presumption that said property is being utilized as rental property by the new owner(s) in violation of this Local Law.
- A new application for a rental occupancy permit shall be filed whenever 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.
- Each application for a rental occupancy permit shall be accompanied by an affidavit signed by each owner and tenant named in the application, confirming that they have received copies of all Village laws and ordinances affecting rentals, noise, vehicle parking restrictions on residential lots and refuse disposal and agree to abide by the same.
- No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the last-issued certificate of occupancy for such building unless a new certificate of occupancy is secured.
- It shall be unlawful and a violation of this Local Law for any person, broker or agent to list, show or otherwise offer for lease, rent or sale on behalf of the owner or authorized agent any dwelling unit for which there is not in effect a valid current rental occupancy permit issued by the Village Clerk or her designee, in any situation where a rental occupancy permit is required by this Local Law.
- The aforesaid person, broker or agent has a duty to verify the existence of a valid rental occupancy permit where one is required.

**FINES:**

1. By a fine not exceeding \$2,000, or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.
2. By a fine not exceeding more than \$3,000, or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.
3. By a fine not exceeding more than \$5,000, or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.

\*The new Local Law shall take effect on **April 1, 2008**

**H. Village of Malverne - Visit Website (<http://www.malvernevillage.org/>)**

- **Chapter 49-A: Zoning**
- No person acting as a real estate broker, agent and/or salesperson, whether or not licensed by the State of New York, shall knowingly facilitate the use or occupancy of a detached dwelling or a two-family attached residence building in a manner which violates the use or occupancy of such dwelling or building, which is permitted by the certificate of occupancy or certificate of existing use issued by the Building Inspector, Assistant Building Inspector and/or Acting Building Inspector, for it or in a manner which violates the permitted use or occupancy of such dwelling or building under the Malverne Village Code.
- A person shall be deemed to facilitate a use or occupancy by, among other things, advertising or listing a dwelling or building, showing a dwelling or building to a prospective user or occupant or otherwise soliciting or encouraging another person to use or occupy a dwelling or building.
- Upon the conviction of a licensed broker, agent or salesperson for a violation of this subsection, in addition to the penalties provided for in this Article, the Clerk of the Malverne Justice Court shall forward a record of such conviction to the New York Department of State's licensing bureau.

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**FINES:**

1. Any person, corporation, company, partnership, firm or other legal entity violating any of the provisions of this Chapter shall commit an offense, the fine for which shall not exceed two thousand dollars (\$2000.00) for each offense.

\*Each separate advertising or listing of a dwelling or building, and/or showing of a dwelling or building to a prospective user or occupant in violation of this chapter shall constitute a separate offense.

Amendments enacted 2/7/05

**I. Village of Valley Stream - Visit Website (<http://ecode360.com/VA0219>)  
Permit Required**

Where a dwelling unit is to be used as a rental property, an application for a rental permit shall be filed with the Superintendent of Buildings Department before the term of the rental is to commence.  
All permits issued by the Superintendent of Buildings Department pursuant to this chapter shall be valid for a period of two years from the date of issuance.  
The owner of the premises and the managing agent, if applicable, shall submit an application that is signed, sworn to and notarized.  
The Superintendent of Buildings Department reviews each application and performs an on- site inspection of the proposed rental property.

**Fees**

The biennial rental permit application fee is \$400, paid upon the filing of an application for a rental permit or a renewal rental permit.

The Fee is \$ 200 if the owner of a rental property qualifies for any of the following real property tax exemptions at his or her primary residence located in the Village of Valley Stream.

1. Enhanced STAR;
2. Veterans exemption;
3. Senior citizens exemption.

The fee shall be \$100 if the owner of a rental property submits a sworn affidavit affirming that the rental property will be leased to any active member of a volunteer fire department or ambulance corps and/ or is qualified for a volunteer firefighters and ambulance workers real property tax exemption.

The fee shall be \$ 150 if the owner of a rental property elects to provide a written certification from a licensed architect or licensed engineer that states that the rental property fully complies with all of the provisions of §46A-3 of the Code of the Village of Valley Stream.

If an owner of a rental property is found to have violated this chapter, the nonrefundable biennial rental permit application fee will be \$ 500.

**Penalties**

Those who violate this law are subject to a fine not exceeding up to \$2,000 for the first offense, up to \$3,000 for the second offense, and up to \$3,000 for each separate and subsequent offense or 15 days in jail, or both.  
Each week's offense shall be deemed a separate offense, except that after more than two offenses, each day's offense may be deemed a separate offense.

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\$6/day

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**Owner's Information:**

Name of Owner: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Bus. Phone: (    ) \_\_\_\_\_

Emergency Telephone Number of Property Owner:(    ) \_\_\_\_\_

Fax Number of Property Owner:(    ) \_\_\_\_\_

**Managing Agent's Information:**

Name of Property Manager: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Emergency Telephone Number: (    ) \_\_\_\_\_ Fax Number: (    ) \_\_\_\_\_

**Name of Realtor, if applicable:**

Address: \_\_\_\_\_

Emergency Telephone Number:(    ) \_\_\_\_\_ Fax Number:(    ) \_\_\_\_\_

Mailing Address: \_\_\_\_\_





I \_\_\_\_\_, the undersigned applicant swear or affirm, under penalty of perjury, that all information contained in this application is true and accurate. I further swear or affirm, under penalty of perjury, that I am familiar with and shall remain in compliance with all aspects of the Code of the State of New York and the Village of Hempstead (including this Chapter & Section) and that each dwelling unit referenced herein has the required working smoke and carbon monoxide detectors. I understand that offering to file a false instrument with the Village is a criminal act and can be prosecuted under NYS Penal Law §175 et seq.

\_\_\_\_\_

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public, Nassau County, New York

K22



THE INCORPORATED VILLAGE OF HEMPSTEAD  
 99 NICHOLS COURT  
 P.O BOX 32 HEMPSTEAD, N.Y. 11551-0032  
 (516) 489-3400 FAX (516) 539-0116

## RENTAL PERMIT APPLICATION

For Office Use Only: Inspected by \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Date of Issuance \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Rental Permit No. \_\_\_\_\_  
 Date \_\_\_\_\_  
 Fee Paid: \$ \_\_\_\_\_  
 Rental Property Renewal Yes \_\_\_\_\_ No \_\_\_\_\_  
 Cash Receipt No. \_\_\_\_\_  
 Active Violations Yes \_\_\_\_\_ No \_\_\_\_\_

NON-REFUNDABLE APPLICATION FEE \_\_\_\_\_

APPLICATION NUMBER: 2013 \_\_\_\_\_

DATE: \_\_\_\_\_

INITIAL INSPECTION DATE: \_\_\_\_\_

RENTAL PROPERTY ADDRESS \_\_\_\_\_

SECTION \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT(S) \_\_\_\_\_

NUMBER OF RENTAL UNITS \_\_\_\_\_

### Check The Appropriate Rental Type Property Box

**Legend:**

Multiple Residence (MR) NYS approved Condominium (NYSCD) Bed and Breakfast (B&B)  
 Not-For-Profit Multiple Residence (NFPMR) Public Housing Authority (PHA) Single Family Dwelling (SFD)  
 Two Family Dwelling (TFD) Three Family Dwelling (THFD) Four Family Dwelling (FFD)

MR  NYSCD  B&B  NFPMR  PHA  SFD  TFD

THFD  FFD  Other  Explain: \_\_\_\_\_

### Send Renewel Notice and Correspondence to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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**Wayne J. Hall Sr., Mayor**

PATRICIA PEREZ, Village Clerk  
DEBRA URBANO-DISALVO, Village Attorney  
RAYMOND J. CALAME, Treasurer



WAYLYN HOBBS Jr., Deputy Mayor  
LUIS FIGUEROA, Trustee  
PERRY M. PETTUS, Trustee  
DON RYAN, Trustee

## RENTAL PERMIT APPLICATION GENERAL INFORMATION

### **Rental occupancy permit required.**

It shall be unlawful for the owner, owner's agent, real estate agent or any person with apparent authority over any residential building, apartment building, multiple-residence building, senior-citizen multiple-residence building, motels, hotels, extended-stay residences, bed-and-breakfasts and any dwelling units contained therein to allow, permit or suffer the occupancy of any residential building, apartment building, multiple-residence building, senior-citizen multiple-residence building, motels, hotels, extended-stay residences, bed-and-breakfasts and any dwelling units contained therein, without having first obtained a rental occupancy permit pursuant to this chapter. It shall be immaterial whether or not rent or any other consideration is paid to the owner by the occupant of the dwelling unit.

### **Fees.**

- A. Permit application fee. A nonrefundable permit application fee of \$50 shall be paid to the Village for each dwelling unit.
- B. Inspection fee. If the applicant seeks to have an inspection, a fee of \$150 shall be paid to the Village for each dwelling unit. Said application fee shall be paid upon the filing of an application for a rental occupancy permit.
- C. The fees in connection with a single rental dwelling unit contained in the primary residence of an applicant, submitted by a person 62 years of age or over, shall be 1/2 the amount indicated in the Village of Hempstead Fee Schedule.

### **Term of permits.**

All permits issued pursuant to this chapter shall be valid for a period of two years from the date of issuance.

### **Smoke detector device and carbon monoxide alarm.**

No permit shall be issued or renewed until the applicant has provided a certification that the rental dwelling unit is equipped with a functioning smoke detector device and carbon monoxide alarm in compliance with New York State Uniform Fire Prevention and Building Code. A smoke detector must be installed in all bedrooms. A smoke detector must be installed in the hallway outside the bedrooms. One carbon monoxide detector installed in each dwelling unit.

### **Enforcement.**

A. No permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the Code of the Village of Hempstead, the laws and sanitary and housing regulations of the County of Nassau and the laws of the State of New York.

B. Prior to the issuance of any such permit or renewal thereof, the property owner shall provide a certification from a licensed architect, a licensed professional engineer or a Village Building Inspector that the property which is the subject of the application is in compliance with the laws and sanitary and housing regulations of the County of Nassau, the State of New York and the Code of the Village of Hempstead.

K 24

## Chapter 2 Administration and Enforcement

### Article VI: Rental Dwelling Units

[Added 8-6-1996 by L.L. No. 12-1996]

#### Chapter 2: Administration and Enforcement Article VI Rental Dwelling Units

- § 2-100 Legislative intent.
- § 2-101 Definitions.
- § 2-102 Applicability; more restrictive provisions to prevail.
- § 2-103 Rental occupancy permit required.
- § 2-104 Application for rental occupancy permit.
- § 2-105 Fees.
- § 2-106 Review of application.
- § 2-107 Term of permits.
- § 2-108 Register of permits.
- § 2-109 Smoke detector device and carbon monoxide alarm.
- § 2-110 Inspections.
- § 2-111 Application for search warrant authorized.
- § 2-112 Revocation of permit.
- § 2-113 Rental registration required.
- § 2-114 Confidentiality of rental registration.
- § 2-115 Collection of rent.
- § 2-116 Broker's responsibility prior to listing.
- § 2-117 Broker's responsibility after renting.
- § 2-118 Offers to rent.
- § 2-119 Presumptions applicable to rental registration enforcement and prosecutions.
- § 2-120 Penalties for offenses.
- § 2-121 Severability.
- § 2-122 Implementation.

§ 2-100 **Legislative intent.**

The Town Board has determined that there exist in the Town of North Hempstead serious conditions arising from rental of dwelling units that are substandard or in violation of the Town Code and that tend to overburden municipal services and to promote or encourage deterioration of the housing stock of the Town. The Board finds that new Code provisions will serve to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Town will be enhanced by enactment of the regulations set forth in this article.

§ 2-101 **Definitions.**

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

**CODE ENFORCEMENT OFFICER**

The Commissioner of Buildings or the Commissioner of Public Safety of the Town of North Hempstead or their delegates or assistants.

[Amended 2-10-1998 by L.L. No. 3-1998]

**DWELLING UNIT**

A structure or building or part thereof or an area, room or rooms therein, occupied or to be occupied by one or more persons as a home or residence.

**OWNER:**

[Amended 5-18-1999 by L.L. No. 6-1999]

**A.**

Owner, lessee, agent or other person in control of a dwelling unit or any other person or persons or entity or entities having the right to possession of a dwelling unit, except:

[Amended 1-29-2008 by Ord. No. 1-2008]

**(1)**

A Public Housing Authority organized as such under the laws of the State of New York;

**(2)**

A cooperative corporation whose offering statement or prospectus has been accepted by the New York State Attorney General for filing under General Business Law § 352-e; and

**(3)**

A not-for-profit corporation organized to own and operate a low-income or moderate-income senior-citizen housing project in conjunction with the New York State Division of Housing and Community Renewal.

**B.**

Under this definition, a tenant can be an "owner" in relation to a subtenant.

**RENT**

A return, in money, property or other valuable consideration (including payment in kind or services or other thing of value), for use and occupancy or the right to the use and occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

**RENTAL DWELLING UNIT**

A dwelling unit established, occupied, used or maintained for rental occupancy.

**RENTAL OCCUPANCY**

The occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use. There is a rebuttable presumption that any occupancy or use of a dwelling unit is a "rental occupancy" if the owner of the building containing the dwelling unit does not reside in the same building.

§ 2-102 **Applicability; more restrictive provisions to prevail.**

**A.**

Scope. This article shall apply to all rental dwelling units located within the unincorporated area of the Town, whether or not the use and occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located, as in this article provided.<sup>m</sup>

[1]

*Editor's Note: See Ch. 70, Zoning.*

**B.**

Applicability. The provisions of this article shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations; and nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other applicable state or local laws, ordinances, codes or regulations. In case of conflict between any provision of this article and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail. The issuance of any permit or the filing of any form under this article does not make legal any action or statement of facts that is otherwise illegal under any other applicable legislation.

§ 2-103 **Rental occupancy permit required.**

It shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York for any person or entity who owns a dwelling unit in the Town to establish, maintain, use, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without having a valid permit for such rental occupancy, as herein provided.

§ 2-104 **Application for rental occupancy permit.**

A. Application for a rental occupancy permit for a rental dwelling unit shall be made in writing to the Building Department on a form provided by the Building Department for that purpose.

B. Such application shall be filed in duplicate and shall contain:

(1) The name, address and telephone number, if any, of the owner of the dwelling unit intended for rental occupancy.

(2) The street address and Tax Map description (section, block and lot or lots) of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.

(3) The number of persons under and over the age of 18 and the dates of birth of each person presently residing in or occupying such premises intended for rental occupancy.  
[Amended 6-29-2004 by L.L. No. 4-2004]

(4) A description of the structure, including:

(a) The number of rental dwelling units in the structure;

(b) The number of persons intended to be accommodated by and to reside in each such rental dwelling unit; and

(c) The number of rooms and the dimensions and use of each room in the structure but outside of the rental dwelling units.

(5) For each rental dwelling unit, a description of the unit, including:

(a) The number of rooms in the rental dwelling unit; and

(b) The dimensions and use of each such room.

(6) The name, address and telephone number, if any, of the managing agent or operator of each such intended rental dwelling unit.



C. Such application shall be signed by the owner of the premises, and the statements of such owner therein contained shall be verified under oath. If an owner is a natural person permanently residing outside of Nassau, Suffolk, Queens, Kings, New York, Richmond, Bronx and Westchester Counties, the application may be signed on behalf of the owner and may be verified by a managing agent having personal knowledge of the facts.

D. Such application shall be accompanied by the following:

(1) A property survey of the premises drawn to a scale not greater than 40 feet to one inch; or if not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, drives and other physical features of the premises and the number, location and access of existing and proposed on-site vehicle parking facilities.

(2) A building permit application, properly prepared, for all proposed buildings, improvements and alterations to existing buildings on the premises, if any.

(3) A copy of the certificate of occupancy or certificate of existing use. No application will be accepted without the submission of a valid certificate of occupancy or certificate of existing use.  
[Amended 6-3-2003 by L.L. No. 6-2003]

E. In the case of a condominium unit, the application shall be accompanied by a scale drawing or floor plan of the condominium unit, in lieu of a survey or site plan.

#### § 2-105 Fees.

A. Permit application fee. A nonrefundable permit application fee shall be paid, upon filing an application for a rental occupancy permit, in accordance with the Town of North Hempstead Fee Schedule.  
[Amended 4-11-2006 by L.L. No. 5-2006]

B. For a rental occupancy permit application submitted by a person 62 years of age or over, in connection with a single rental dwelling unit contained in the primary residence of the applicant, the permit application fee shall be the amount indicated in the Town of North Hempstead Fee Schedule. This provision shall not apply to applications for more than one rental dwelling unit in the same structure, nor shall it apply to applications for rental dwelling units located in structures other than the primary residence of the applicant.

[Amended 4-11-2006 by L.L. No. 5-2006]

- C. The fee for a multiple-residence inspection under § 2-28C(10) shall be waived for any applicant who pays the fee for a rental occupancy permit under this article, because the inspection provided under this article will also serve as a multiple-residence inspection.
- D. The fees required by this section shall be waived for any applicant which demonstrates that it is a not-for-profit housing development corporation organized under the laws of the State of New York and that it is providing housing for senior citizens or other designated special populations subject to income guidelines established by either federal or state regulation.

**§ 2-106 Review of application.**

The Code Enforcement Officer shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units. If satisfied that the proposed rental dwelling unit or units, as well as the premises in which the same are located, comply fully with all applicable state and local laws, ordinances, rules and regulations of the county and Town and that such rental dwelling unit or units would not create an unsafe or dangerous condition or create an unsafe and substandard structure as defined in Chapter 2A of the Town Code or create a nuisance to adjoining nearby property, the Code Enforcement Officer shall issue the permit or permits.

**§ 2-107 Term of permits.**

All permits issued pursuant to this article shall be valid for a period of two years from date of issuance.

**§ 2-108 Register of permits.**

It shall be the duty of the Code Enforcement Officer to maintain a register of permits issued pursuant to this article. Such register shall be kept by street address, showing the name and address of the permittee, the number of rental dwelling units at such street address, the number of rooms in each such rental dwelling unit and the date of expiration of permit for such unit.

**§ 2-109 Smoke detector device and carbon monoxide alarm.**

[Amended 6-3-2003 by L.L. No. 6-2003]

No permit shall be issued or renewed until the Code Enforcement Officer shall inspect the rental dwelling unit to determine that it is equipped with a functioning smoke detector device and carbon monoxide alarm, in compliance with New York State Uniform Fire Prevention and Building Code.

**§ 2-110 Inspections.**

The Code Enforcement Officer is authorized to make or cause to be made inspections to determine the condition of rental dwelling units. The Code Enforcement Officer is authorized to enter, upon consent of the owner if the unit is unoccupied or upon consent of the occupant if the unit is occupied, any rental dwelling unit and the premises in which the same is located, at the reasonable time or at such other time as may be necessary in an emergency for the purpose of performing duties under this article.

**§ 2-111 Application for search warrant authorized.**

The Code Enforcement Officer is authorized to make application to the District Court of Nassau County or other court of competent jurisdiction for the issuance of a search warrant, to be executed by a police officer, in order to conduct an inspection of any premises covered by this article where the owner or occupant refuses or fails, after due notice by certified mail, to allow an inspection of the rental dwelling unit or premises and where there is reasonable cause to believe that a violation of this article or a violation of the Multiple Residence Law, the New York State Uniform Fire Prevention and Building Code, the Nassau County Fire Prevention Ordinance or the Town Code has occurred. The application for a search warrant shall, in all respects, comply with applicable laws of the State of New York.

**§ 2-112 Revocation of permit.**

**A.**

The Code Enforcement Officer shall revoke a rental occupancy permit where he or she finds that the permit holder has caused, permitted, suffered or allowed to exist and remain upon the premises for which such permit has been issued, for a period of 10 days or more after written notice has been given to the permit holder or the managing agent of such rental dwelling unit, a violation of the Multiple Residence Law, New York State Uniform Fire Prevention and Building Code, the Nassau County Fire Prevention Ordinance or a violation of this article or other chapter of the Town Code. Revocation of a permit under this subsection cannot be done by a delegate or assistant of the Code Enforcement Officer.

**B.**

An appeal from such revocation may be taken by the permit holder to the Town Board, by written request, made within 30 days from the date of such revocation. The Town Board shall hold a public hearing on such appeal within 30 days after receipt of written notice of such appeal and, after such hearing, shall make written findings, a conclusion and a decision either sustaining such permit revocation or reinstating such permit within 30 days after close of such public hearing. Unless the Town Board directs otherwise in circumstances constituting serious threats to health and safety, the filing of an appeal shall stay the effectiveness of a permit revocation until the Town Board has considered and ruled upon the issue.

**§ 2-113 Rental registration required.**

It shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York for any owner to permit any tenant or other person to take up residence by a rental occupancy in any dwelling unit without the owner's first having completed and filed with the Code Enforcement Officer a rental registration form approved by the Commissioner of Buildings. A new form must be filed whenever 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.

**§ 2-114 Confidentiality of rental registration.**

Under Public Officers Law § 872(b), rental registration forms and that portion of the rental occupancy permit application required under § 2-104B(3) shall be exempt from disclosure under the Freedom of Information Law,<sup>(1)</sup> on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Code Enforcement Officer will institute strict policies to ensure that such information is available only to Town personnel who are engaged in the enforcement of the provisions of this article.

[1]

*Editor's Note: See Art. 6 of the Public Officers Law.*

**§ 2-115 Collection of rent.**

The following shall be conditions precedent to the collection of rent for the use and occupancy of any dwelling unit:

- A. The issuance of a rental occupancy permit for the premises, as required by § 2-103;
- B. The filing of a valid rental registration form for the tenancy as required by § 2-113; and
- C. The tendering of a written receipt in exchange for any rent payment offered in cash.

**§ 2-116 Broker's responsibility prior to listing.**

[Amended 6-19-2012 by L.L. No. 10-2012]

It shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York for any broker or agent to list, show or otherwise offer for lease or rent on behalf of the owner any dwelling unit for which a current rental occupancy permit has not been issued by the Code Enforcement Officer. It shall be the broker or agent's duty to verify the existence of a valid permit before acting on behalf of the owner.

**§ 2-117 Broker's responsibility after renting.**

Any broker or agent who has earned a commission or other compensation for renting or leasing a dwelling unit must, within five business days of earning said commission or other compensation, file with the Code Enforcement Officer a rental registration form,

unless the owner has already filed such a form in the meantime. Failure to file shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York.

§ 2-118 **Offers to rent.**

No owner, broker or agent shall publish a written offer or solicitation of offers to rent or lease a rental dwelling unit, unless that offer or solicitation refers by number to a valid rental occupancy permit for the rental dwelling unit in question. For purposes of this section, "publish" means to promulgate to the general public or to selected segments of the general public, in a newspaper, magazine, flyer, handbill, mailed circular, bulletin board, sign or electronic media. Violation of this section shall be unlawful and an offense within the meaning of the Penal Law of the State of New York.

§ 2-119 **Presumptions applicable to rental registration enforcement and prosecutions.**

[Added 5-2-2006 by L.L. No. 7-2006<sup>m</sup>]

**A.**

Within the context of rental registration enforcement and prosecutions, the presence or existence of any of the following shall create a rebuttable presumption that a premises is being used as a rental occupancy:

- (1) The property is occupied by someone other than the owner, and the owner of the property represents in writing or otherwise, to any person or establishment, business, institution or government agency, that he resides at an address other than the rental property;
- (2) Utilities, cable, phone or other services are in place or requested to be installed or used at the premises in the name of someone other than the record owner;
- (3) There are separate entrances for segregated parts of the dwelling;
- (4) There are partitions or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms;
- (5) There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof;
- (6) Any occupant or person in possession thereof does not have unimpeded and/or lawful access to all parts of the dwelling unit;
- (7)

Two or more kitchens each containing one or more of the following: a range, oven, hot plate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator;

- (8) A premises has been advertised in any newspaper, magazine, local advertising publication, or posted or billed as being available for rent.

**B.**

Within the context of rental registration enforcement and prosecutions, the presence or existence of any two of the following shall create a rebuttable presumption that a premises is being used as a rental occupancy:

- (1) There is more than one mailbox at the premises;
- (2) There is more than one gas meter at the premises;
- (3) There is more than one electric meter at the premises;
- (4) There is more than one doorbell at the premises;
- (5) There are three or more motor vehicles registered to the dwelling and each vehicle owner has a different surname;
- (6) There are more than three waste receptacles, cans, containers, bags, or boxes containing waste from the premises placed for pickup at least twice during a weekly garbage pickup period; or
- (7) There is no electric meter annexed to the exterior of the premises.

**C.**

The presumptions set forth in Subsections **A** and **B** above, subject to the limitations contained therein, shall also be applicable to enforcement and prosecution of residential illegal use and occupancy violations.

**D.**

Nothing herein shall be construed to prevent persons living together as a family unit, with the owner, as defined by this Code.

[1]

*Editor's Note: This local law also renumbered former §§ 2-119 through 2-121 as 2-120 through 2-122, respectively.*

§ 2-120 Penalties for offenses.

[Amended 6-3-2003 by L.L. No. 6-2003; 5-2-2006 by L.L. No. 7-2006]

A.

Any person, association, firm or corporation which violates any provision of this article or assists in the violation of any provision of this article shall be guilty of a violation, punishable:

(1)

By a fine of not less than \$1,000 and not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

(2)

By a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second offense.

(3)

By a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years.

B.

Each week's continued violation shall constitute a separate additional violation.

§ 2-121 Severability.

If any 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 clause, sentence, paragraph, section or part thereof directly involved in said judgment.

§ 2-122 Implementation.

A.

For rental dwelling units in structures containing four or fewer rental dwelling units, this article shall be effective on January 1, 1997, or upon filing with the Secretary of State, whichever is later. No violation of this article will be charged prior to March 31, 1997, and no violation of this article regarding failure to obtain a permit will be charged against a person or entity which:

(1)

Has filed the necessary application in proper form and in good faith, with all required information and attachments, on or before March 31, 1997;

(2)

Has consented to an inspection of the premises in question; and

(3)

Has not received a final determination on the application, for reasons over which the applicant has no control.

B.

For rental dwelling units in structures containing more than four rental dwelling units, this article shall be effective on January 1, 1998. For such structures, no violation of this article will be charged prior to March 31, 1998, and no violation of this article regarding failure to obtain a permit will be charged against a person or entity which:

- (1) Has filed the necessary application in proper form and in good faith, with all required information and attachments, on or before March 31, 1998;
- (2) Has consented to an inspection of the premises in question; and
- (3) Has not received a final determination on the application, for reasons over which the applicant has no control.



# TOWN OF NORTH HEMPSTEAD

Department of Building, Safety Inspection and Enforcement  
210 Plandome Road, P.O. Box 3000, Manhasset, NY 11030 Phone: 516-869-2464/ Fax: 516-869-7675  
[www.northhempsteadny.gov](http://www.northhempsteadny.gov)

## RENTAL OCCUPANCY PERMIT APPLICATION/ RENEWAL

For an individual Rental Dwelling Unit.  
Issued pursuant to Chapters 2 and 28 of the Code of the Town of North Hempstead.

Owner / Agent: \_\_\_\_\_

Address of Owner / Agent \_\_\_\_\_

Rental Property Address: \_\_\_\_\_

Tax Map: Sec \_\_\_\_\_ Blk \_\_\_\_\_ Lot \_\_\_\_\_

Status: *First time applicant*  **OR** *Permit Renewal*

**FEES:**  
The proper fee must be submitted with the Rental Occupancy Permit Application. Fees for Rental Dwelling Units per structure are as follows:

One Unit- \$300.00, Two Units- \$600.00

\*\*\* *A late fee of two (2) times the standard renewal fee may be charged for any Rental Permit Renewal Application filed more than thirty (30) days after the expiration of the previous Rental Application.*

An applicant over sixty-two (62) years of age, renting only one apartment in a house which is their primary residence, shall submit a single fee of \$ 150.00. Proof of age must be submitted with the application.

*Applicants filing for a Rental Occupancy Permit (new application) must provide the information outlined in items A-E. Applicants filing for a Renewal must provide this information when applicable and when updating of information is necessary.*

- A) A property survey of the premise drawn to scale not greater than forty (40) feet to one (1) inch.
- B) If not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, drives and other physical features of the premise and the number, location and access to existing and proposed onsite vehicle parking facilities.
- C) If new construction, alterations or improvements are being made, a properly prepared Building Permit.
- D) A copy of either the Certificate of Occupancy or Certificate of Existing Use (if none, a completed application for same). Also, any Certificates of Completion or Certificates of Approval issued to the property.
- E) In the case of a condominium unit, a scale drawing or floor plan of the condominium unit, in lieu of a survey or site plan.

The following information is required of all applicants: *(Owners and Agents must provide the address where they reside).*

Owner Name \_\_\_\_\_ Telephone ( ) \_\_\_\_\_ - \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Cell phone ( ) \_\_\_\_\_ - \_\_\_\_\_

Address \_\_\_\_\_

Managing Agent (if any) \_\_\_\_\_ Telephone ( ) \_\_\_\_\_ - \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Cell phone ( ) \_\_\_\_\_ - \_\_\_\_\_

Address \_\_\_\_\_

TOWN OF NORTH HEMPSTEAD

Department of Building, Safety Inspection and Enforcement

210 Plandome Road, P.O. Box 3000, Manhasset, NY 11030 Phone: 516-869-2464/ Fax: 516-869-7675
www.northhempsteadny.gov

Building Information : (Provide ages and dates of birth of tenants when unit(s) are occupied).

Premises- Section Block Lot(s)

Street Address

Premise Description: Single Family Two Family

Type of Construction

Number of Stories

Type of Heating System

Number of Rental Units- Occupied Vacant Total Units

Number of occupants currently occupying each rental unit. Unit 1 Unit 2

Occupants ages and dates of birth (Must be Provided) Unit 1 Unit 2

Unit Information:

Provide dimensions of each room: \* (Do Not include cellar or attic when counting floors or rooms).

Table with 2 columns for Unit # and Floor #, and rows for Living Room, Dining Room, Kitchen, Bedroom 1, 2, 3.

Other/ Notes

The provided information is truthful and accurate to the best of my knowledge. I understand that false statements made herein may result in a criminal penalty and/or revocation of any issued Rental Permit.

I understand this application does not become a permit until approved by a Rental Registration Inspector and the Commissioner of Buildings. Failure to abide by the listed regulations may result in the revocation of any approved Rental Permit. I also understand a Rental Occupancy Permit is valid for two years from the date of issuance and I am responsible for renewal of same.

Sworn to before me this Day of , 20

Signature of Owner

Notary Public

For office use only

Application Fee: \$ Date application filed

Based on the statements in this application, inspection reports, office reports and other relevant information, it is recommended that a Rental Permit be:

Approved Denied Date Maximum Occupancy

Permit # Permit Expiration

Inspected by Date (s) Inspected

Rental Registration Inspector

Building Commissioner

# TOWN OF NORTH HEMPSTEAD

## Department of Building, Safety Inspection and Enforcement

210 Plandome Road, P.O. Box 3000, Manhasset, NY 11030 Phone: 516-869-2464/ Fax: 516-869-7675

[www.northhempsteadny.gov](http://www.northhempsteadny.gov)

### Minimum Requirements for a Successful Rental Inspection

*\*The items listed below must be addressed prior to receiving a Rental Inspection. While not meant to be all encompassing, compliance with these items is mandatory and increases the likelihood of a successful Rental Inspection.*

#### Smoke Alarms

Smoke alarms shall be installed in each sleeping room (*bedroom*).

Smoke alarms shall be installed in common areas in the immediate vicinity of bedroom(s) (*hallways etc*).

Smoke alarms shall be installed on each additional story of the dwelling including basements (*not uninhabitable attics or crawlspaces*).

**Smoke Alarms shall be installed in common hallways**

#### Carbon Monoxide Alarms

Carbon monoxide alarms shall be installed within each dwelling on any story having a sleeping area (*within 15 feet of the sleeping area*).

Carbon monoxide alarms shall be installed on any story where a carbon monoxide source is located (*ex. fuel fired appliances, solid fuel burning appliances [oil burners, gas burners etc.], fireplaces or attached garages*).

*\*\*\*Smoke and Carbon monoxide alarms must be in working order at all times. Combination Smoke/ Carbon monoxide alarms may be utilized.*

#### Kitchen/ Bathroom(s)

Hot and cold water must be provided.

Sink(s), Toilet(s), Tub(s)/Shower(s) must be in proper working order.

Flooring and Tub(s)/ Shower(s) must be sound to prevent water penetration.

Bathroom(s) shall have a working exhaust fan or operable window.

#### Miscellaneous

Electrical wiring must be properly installed and maintained.

Electrical outlets must be in proper working order with covers.

Plumbing systems/ fixtures must be in working order.

Window(s) are required in habitable rooms (*bedrooms, kitchen, living room, den etc.*).

Windows must be operable.

Handrails are required for steps (*both interior and exterior*).

All rooms must have appropriate floor covering.

All rooms must have appropriate ceiling/ wall covering and lighting fixtures.

Heating equipment must be in working order.

No storage/ combustible materials are permitted in the area of heating equipment.

Home must be free from infestation.

Home must be maintained in a clean, safe and habitable condition.

*\*Key locks are prohibited on bedroom doors.*

Town of Hempstead Ordinance  
Chapter 99  
Enacted July 11, 2017  
Effective July 21, 2017

Vacant Building Registry  
Article I  
Sections 99-1 through 99-9

Rental Dwelling Units  
Article II  
(Permits required)  
Sections 99-10 through 99-33

Notes: See Section entitled TRANSIENT RENTAL PROPERTY,  
subdivision A, which presumably prohibits rentals for  
less than 28 days.

Violation:

First conviction \$1,000 to \$5,000 15 days

Second conviction within two years:

\$2,500 to \$10,000 15 days

Third conviction within ten years:

\$5,000 to \$20,000 15 days

Fourth conviction or more within ten years:

unclassified misdemeanor \$10,000 to \$30,000  
one year

ADOPTED: July 11, 2017  
EFFECTIVE DATE: July 21, 2017

Pursuant to the provisions of the New York State Constitution and the Municipal Home Rule Law of the State of New York, as amended, the Town Board of the Town of Hempstead, Nassau County, New York, has hereby enacted the following Local Law:

**A LOCAL LAW TO AMEND CHAPTER 99 OF THE CODE  
OF THE TOWN OF HEMPSTEAD RELATING TO "REGI-  
STRATION & PERMITTING OF PROPERTY WITHIN THE  
TOWN OF HEMPSTEAD.**

Section 1. Chapter 99 of the code of the town of Hempstead, as constituted by ordinance number ninety two of two thousand sixteen, adopted October fifth, two thousand sixteen, hereby is amended insofar as to henceforth read as follows:

**Chapter 99  
Registration and Permitting of Property**

**Article I. Vacant Building Registry**

**§ 99-1. Intent and purpose.**

It is the finding of the Town Board that buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in residential and neighborhood commercial neighborhoods. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose of this chapter is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant properties. Buildings which become vacant due to foreclosure or that are vacant when foreclosed upon present additional problems. It is often more difficult to secure compliance with this chapter when the property is owned by a bank or mortgage company located in another jurisdiction. As the number of vacant properties increases due to foreclosure, the maintenance of vacant buildings becomes even more critical.

**§ 99-2. Definitions.**

In addition to the definitions of this Town Code, the following special definitions are applicable to this Article. In the event of conflict, the following definitions shall be controlling:

**ENFORCEMENT OFFICER**

A duly authorized representative of the Town of Hempstead empowered with enforcement authority under § 2-1 of the Town Code.

**OWNER**

Those shown to be the owner or owners on the records of the Nassau County Clerk's Office, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises, a duly authorized agent(s), or a mortgagee that has filed an action in foreclosure on the particular premises at issue, until title to the premises is transferred to a third party. Any such person shall have a joint and several obligation for compliance with the provisions of this chapter.

**SECURED BY OTHER THAN NORMAL MEANS**

A building secured by means other than those used in the design of the building.

**UNOCCUPIED**

A building which is not being used for an occupancy authorized by the owner.

**UNSECURED**

A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

VACANT BUILDING

A building or portion of a building which is:

- A.  
Unoccupied and unsecured;
- B.  
Unoccupied and secured by other than normal means;
- C.  
Unoccupied and an unsafe building as determined by the Department of Buildings;
- D.  
Unoccupied and has multiple housing or building code violations;
- E.  
Illegally occupied;
- F.  
Unoccupied for a period of time over 365 days, and during which time the enforcement officer has issued an order to correct code violations.

§ 99-3. Registration required: fees.

A.  
The owner shall register with the Department of Buildings not later than 30 days after any building in the Town of Hempstead becomes a vacant building or not later than 30 days after being notified by the Department of Buildings of the requirement to register. The Building Department may identify vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry.

B.  
The registration shall be submitted on forms provided by the Department of Buildings and shall include the following information supplied by the owner:

(1)  
A description of the premises.

(2)  
The names, addresses, copy of driver's licenses, and telephone numbers of the owner or owners.

(3)  
If the owner does not reside in Nassau County or any adjoining county, the name, address, copy of driver's license, and telephone number of any third party with whom the owner has entered into a contract or agreement for property management.

(4)  
The names and addresses of all known lienholders and all other parties with an ownership interest in the building.

(5)  
A telephone number where a responsible party can be reached at all times during business and nonbusiness hours.

(6)  
A vacant building plan as described in Subsection C.

(7)  
Provide an undertaking to the Town of Hempstead in the form of cash or certified funds acceptable to the Town Attorney, in the sum of \$25,000 for residential property or \$35,000 for commercial property, in order to secure the continued maintenance of the property throughout its vacancy and reimburse the Township for any expenses incurred in inspecting, remediating, or securing such property when such property is not in compliance with this chapter. Any undertaking posted pursuant to Chapter 128 of the Town Code shall satisfy this requirement.

(8)  
Incomplete registration forms will not be accepted, and if the lack of compliance results in nonregistration of the building, the owner can be prosecuted under § 99-7.

C.  
The owner shall submit a vacant building plan which must meet the approval of the Building Department. The plan, at a minimum, must contain information from one of the following three choices for the property:

(1)

If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition and the proposed time frame for any necessary permitting through the Town of Hempstead.

(2)

The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained and monitored as provided in Chapter 90, Chapter 95, and Chapter 128 of the Town Code.

(3)

If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days, unless the Commissioner of Buildings grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. If no building permit has been applied for within the 365 days, the Enforcement Officer will send written notification to the owner of the lack of compliance with § 99-3C. The owner will be required to file an extension with a revised rehabilitation plan and reasons for noncompliance. Failure to respond may result in prosecution as prescribed in § 99-7. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and the structure must remain secured, if applicable, during the rehabilitation.

D.

All applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Enforcement Officer.

E.

The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained and monitored at all times.

F.

Failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the Town of Hempstead shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

G.

The new owners shall register or re-register the vacant building with the Department of Buildings within 30 days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Commissioner.

H.

Vacant building fees.

(1)

The owner of a vacant building shall pay an annual fee as set forth in Subsection H(2) for the period the building remains a vacant building. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the Town in monitoring and inspecting the vacant building site. Vacant building registration fees will not be accepted until an application is complete.

(2)

The first-year annual fee shall be \$500 and shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in § 99-7. If a plan is extended beyond 365 days, subsequent annual fees shall be paid as follows:

(a)

For the second year that the building remains vacant: \$1,000;

(b)

For the third year that the building remains vacant: \$1,500;

(c)

For the fourth year that the building remains vacant: \$2,000; and

(d)  
For the fifth, and each succeeding year that the building remains vacant:  
\$3,000.

(3)  
The fee shall be paid in full prior to the issuance of any building permits,  
with the exception of a demolition permit.

(4)  
All delinquent fees shall be paid by the owner prior to any transfer of an  
ownership interest in any vacant building. If the fees are not paid prior to  
any transfer, the new owner shall pay the annual fee no later than 30 days  
after the transfer of ownership, and subsequent annual fees shall be due on  
the new anniversary date.

I.  
The Building Department shall include in the file any property-specific  
engineering reports, written statements from community organizations,  
other interested parties or citizens regarding the condition, history,  
problems, status or blighting influence of a vacant building.

J.  
The purchaser/buyer of any vacant building within the Town of Hempstead  
shall, at the time of closing, file a new and complete vacant building  
registration form. The purchaser shall also pay to the Town of Hempstead, at  
the time of closing, the fees associated with registering such vacant building.

K.  
The seller of any vacant building within the Town of Hempstead shall, at the  
time of closing, pay any and all past due vacant building registration fees  
associated with said building that is being sold.

L.  
In the event that any such funds are utilized as set forth above, such person,  
business, organization, bank or lender shall restore it to the full amount  
referenced in Subsection B(7) above, within 15 calendar days after written  
demand by the Town of Hempstead, sent by regular mail and certified mail,  
return receipt requested, to such person, business, organization, bank or  
lender at an address designated by them for service of notices, or else to their  
last known address. It shall be unlawful for such person, business,  
organization, bank or lender to fail to timely restore funds as required  
herein.

§ 99-4. Exemptions.

A building which has suffered fire damage or damage caused by extreme  
weather conditions shall be exempt from the registration requirement for a  
period of 90 days after the date of the fire or extreme weather event if the  
property owner submits a request for exemption, in writing, to the  
Department of Buildings. Upon evaluation of the circumstances and at the  
discretion of the Commissioner of Buildings, additional time beyond the  
ninety-day period may be granted. This request shall include the following  
information supplied by the owner:

A.  
A description of the premises.

B.  
The names, addresses, copy of driver's licenses, and telephone numbers of  
the owner or owners.

C.  
If the owner does not reside in Nassau County or any adjoining county, the  
name, address, copy of driver's license, and telephone number of any third  
party with whom the owner has entered into a contract or agreement for  
property management.

D.  
A statement of intent to repair and reoccupy the building in an expedient  
manner or the intent to demolish the building.

§ 99-5. Inspections.

The Department of Buildings shall inspect any premises in the Town of  
Hempstead for the purpose of enforcing and assuring compliance with the  
provisions of this chapter. Upon the request of the Enforcement Officer, an  
owner shall provide access to all interior portions of an unoccupied building  
in order to permit a complete inspection.



§ 99-6. Corrective measures.

Where it reasonably appears that there is failure to maintain a vacant property in accordance with the applicable Town of Hempstead Town Code, as evidence by the issuance of a notice of a violation or an appearance ticket, that persists for more than 10 days after such notice or appearance has been served, the Town may take remedial action to bring the property into compliance with the Town Code, utilizing the deposited funds established in § 99-3B(7) in order to pay the full and actual cost of the work that was completed. An administration fee of \$100 shall be assessed against the undertaking for each instance that a corrective measure is taken.

§ 99-7. Emergency measures.

Where it reasonably appears that there is imminent danger to the life or safety of any person unless a vacant building, as defined herein, is immediately repaired, secured, or demolished, the Department of Buildings shall cause the immediate repair, fencing, board-up or demolition of such dangerous property, building, or structure. In the event that an emergency measure must be taken, in addition to or in lieu of any other enforcement remedy at his disposal, the Commissioner of Buildings may utilize the deposited funds established in § 99-3B(7) to pay the full and actual cost of actions necessary to eliminate the imminent danger, life safety, or hazard. In the absence of the necessary funds to cover the cost of an emergency measure, the cost shall be recovered in the same manner as provided in Chapter 90 of the Town Code of the Town of Hempstead.

§ 99-8. Penalties for offenses.

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violations have been committed or shall exist, or the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part in or assists in any such violation or who maintains a building or premises in which any violation shall exist, shall be guilty of an offense punishable by a fine of not less than \$1,000 and not exceeding \$2,500 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$2,500 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both; and, upon conviction of a third or subsequent offense, all of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.

§ 99-9. Severability.

If any provision of this Article is declared unenforceable for any reason by a court of competent jurisdiction, such declaration shall affect only that provision and shall not affect the remainder of this chapter, which shall remain in full force and effect.

Article II. Rental Dwelling Units

§ 99-10. Purpose and intent.

A.

The Town Board has determined that there exist in the Town of Hempstead serious conditions arising from rental of dwelling units that are substandard or in violation of the Town Code, New York State Uniform Fire Prevention and Building Code and Building Zone Ordinance, that tend to overburden municipal services and to promote or encourage deterioration of the housing stock of the Town. The Board finds that new Code provisions will serve to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Town will be enhanced by enactment of the regulations set forth in this article.

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B. The Town Board intends to preserve the health, safety and welfare of residents within the jurisdictional limits of the Town of Hempstead exclusive of its Incorporated Villages by establishing a permitting system which will enhance the delivery of municipal services, such as sanitation and code enforcement services, and emergency services such as fire, water and police services when such services are needed, and effectively aid in the maintenance of the peace and good order and a tool for the establishment of efficient planning.

C. The intent of this legislation is not to legalize the occupancy of any structure that predates the year 1930 or possesses a letter-in-lieu, nor is it an admission by the Town of Hempstead that said structures are legally occupied or habitable.

D. Nothing in this Chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state, or extinguish the requirements of any local law, rule or statute of any agency having jurisdiction. In the case of a conflict between this Chapter and other regulations, the more stringent requirement shall prevail.

§ 99-11. Scope: applicability.

A. Scope. This article shall apply to all rental dwelling units located within the Town of Hempstead, whether or not the use and occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located, as provided in this article. Any dwelling unit or any other premises subject to this article shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.

B. Applicability. The provisions of this article shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other provision of local laws or ordinances of the Town or county or state laws and regulations. In case of conflict between any provisions of this article and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail. The issuance of any permit or the filing of any form under this article does not make legal any action or state of facts that is otherwise illegal under any other applicable legislation.

§ 99-12. Definitions.

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

APARTMENT

An entirely self-contained dwelling unit containing complete housekeeping facilities, including cooking facilities, for only one family. An apartment shall have no enclosed space in common with any other dwelling or apartment other than vestibules, entrances, hallways or porches.

APARTMENT HOUSE OR GARDEN APARTMENT

A building or buildings arranged, intended or designed to be occupied by two or more individuals or families living independently of each other in apartments.

AUTHORIZED AGENT

Any person, organization, partnership, association, corporation or other legally recognized entity having actual or apparent authority to act on behalf of an owner regarding this article and all state and local rules, regulations and ordinances referenced herein. It shall be a rebuttable presumption that any person, organization, partnership, association, corporation or other legally recognized entity that accepts or receives rent or any other consideration from the occupant of a dwelling unit is an authorized agent.

BUILDING

A structure having a roof supported by columns or walls. When separated by a party wall without openings, it shall be deemed a separate building.

CODE ENFORCEMENT OFFICIAL

The official who is charged with the administration and enforcement of this article, or any duly authorized representative of such person, including but not limited to Building Inspector I, Code Enforcement Officer I, Code Enforcement Officer II, Code Enforcement Officer III, Plan Examiner I, Plan Examiner II, Plan Examiner III, Plumbing Inspector III, Assistant Supervisor of Inspection Services, Supervisor of Inspection Services, Deputy Commissioner of Buildings, Commissioner of Buildings of the Town of Hempstead, and such person(s) shall be certified as a New York State Code Enforcement Official.

DWELLING

A building designed exclusively for residential purposes and arranged or intended to be occupied by one individual or one family only. A dwelling shall not have a separate entrance leading to a separated living space which contains a stove, kitchen and/or attached plumbing fixtures.

DWELLING, MULTIPLE

A building or portion thereof arranged, designed for or occupied by three or more families living independently of each other with separate cooking facilities. A boardinghouse, furnished-room house, dormitory, rooming house, tourist house or fraternity house is a building in which there are fewer than 30 sleeping rooms occupied primarily by transients who are lodged with or without meals and in which there are provided such services as are incidental to its use as a temporary residence, and is a multiple dwelling; a dwelling occupied by one or two families with five or more transient boarders, roomer or lodgers in one or both households.

DWELLING, TWO-FAMILY

A building arranged, designed for or occupied exclusively as a home or residence for not more than two families living independently of each other.

DWELLING UNIT

A structure or building, one-, two- or three-family dwelling, apartments, multiunit apartments, apartment houses, condominiums, cooperatives, garden apartments or townhouses, occupied or to be occupied by one or more persons as a home or residence.

FAMILY

One or more persons, whether or not related to each other by blood, marriage or adoption, all occupying a single, whole, legal single- or one-family dwelling unit as a traditional family or the functional equivalent of a traditional family, having access to and utilizing the whole of such dwelling unit, including but not limited to all rooms and housekeeping facilities, in common.

A.

In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:

(1)

The group is one which in structure and function resembles a traditional family unit; and

(2)

The occupants must share the entire single- or one-family dwelling unit and live and cook together as a single housekeeping unit without separation created by key locks, partitions, or walls. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family; and

(3)

The occupants share expenses for food, rent, ownership costs, utilities and other household expenses; and

(4)

The occupancy is permanent and stable. Evidence of such permanence and stability includes, but is not limited to:

(a)

The presence of minor children regularly residing in the household who are enrolled in local schools;

(b) Members of the household have the same address for purposes of voter registration, drivers' licenses, motor vehicle registration, filing of taxes and delivery of mail;

(c) Members of the household are employed in the area;

(d) The household has been living together as a unit for a year or more whether in the current dwelling unit or in other dwelling units.

(e) Common ownership of furniture and appliances among the members of the household; and

(f) Any other factor reasonably related to whether or not the occupants are the functional equivalent of a family.

KITCHEN

An area within a building which contains a sink, a refrigerator and an element utilized for heating or cooking of consumable goods.

MANAGING AGENT

Any individual, business, partnership, firm, corporation, enterprise, trust, company, industry, association, public utility or other legal entity responsible for the maintenance or operation of any rental property as defined within this article.

NEW PERMIT

A permit which is to be issued to the owner of an intended rental premises where such premises have not been the subject of a rental occupancy permit continuously prior to the date of application for the permit.

OCCUPANT

A natural person who leases, uses or occupies a dwelling unit.

OWNER

Any person or entity in whose name the real property upon which the dwelling unit is situated is recorded in the office of the Nassau County Clerk. The person or entity in whose name the real property is recorded in the Office of the Nassau County Clerk shall be presumed to be the owner thereof.

RENEWAL RENTAL OCCUPANCY PERMIT

A permit which is to be issued to the owner of a rental dwelling unit where such premises have been the subject of a rental occupancy permit continuously prior to the date of application for the permit.

RENT

A return in money, property or other valuable consideration (including payment in kind or for services or other thing of value) for the use and occupancy or the right to the use and occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL DWELLING

A dwelling unit established, occupied, used or maintained for rental occupancy.

RENTAL OCCUPANCY

The occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use.

RENTAL OCCUPANCY PERMIT

A permit which is issued upon application to the Code Enforcement Official and shall be valid for two years from the date of issuance.

TRANSIENT RENTAL PROPERTY

A. A rental dwelling or dwelling unit occupied by persons other than the owner or a family member of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period of less than 28 nights. For the purposes of this chapter, the term "transient rental property" shall mean all non-owner-occupied dwelling units rented for a period of less than 28 nights and shall not include:

(1)

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Properties used exclusively for nonresidential commercial purposes in any zoning district; or

(2)

Any legally operating hotel/motel business operating exclusively and catering to transient clientele; that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

B.

Presumption of dwelling unit as transient rental property.

(1)

The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

(a)

The dwelling unit or any room therein, is offered for lease on a short-term rental website, including Airbnb, Home Away, VRBO and the like for a period of less than 28 days; or

(b)

The dwelling is offered for lease in any medium for a period of less than 28 nights.

(2)

The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Official that the dwelling unit is not a transient rental property.

§ 99-13. Rental occupancy permit required.

A. It shall be unlawful and a violation of this article for any person or entity who or which owns a dwelling unit in the Town to use, establish, maintain, operate, let, lease, rent or suffer or permit or allow the occupancy and use thereof as a rental occupancy by someone other than the owner without first having obtained a valid rental occupancy permit therefor. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation.

B. A rental occupancy permit issued under this article shall only be issued to the owner(s) of the real property at issue.

C. As a rental occupancy permit issued under this article is not transferable, in the event that the ownership of a rental dwelling is transferred, the new owner shall register the property within 30 days of the closing of title pursuant to the requirements set forth in this article. If the rental dwelling is not registered as required by this article, there will be a presumption that said property is being utilized as rental property by the new owner(s) in violation of this article.

D. No rental occupancy permit shall be granted to a transient rental property.

E. Rental Occupancy Permit fees.

The Owner of the Rental Dwelling Unit shall submit an application to maintain rental occupancy. Such application shall be made upon forms to be furnished by the Town of Hempstead Department of Buildings.

The fee for a Rental Occupancy Permit shall be \$500 for each property or structure containing one rental dwelling unit, and there shall be assessed an additional fee of \$200 for each additional rental dwelling unit permit within the same property or structure having the same ownership.

The fees shall be as follows:

(1) Each applicant shall remit, upon the submission of an application under this chapter, a non-refundable rental occupancy permit application fee of \$300 for each property or structure, which fee shall be reasonably related to the administrative costs for registering and processing the Rental Occupancy Permit Application form. Rental Occupancy Permit Application fees will not be accepted until the application is complete.

(2) Once the application is approved, the initial application fee shall be applied as credit to the Rental Occupancy permit fee of \$500 for each property or structure containing a single rental dwelling unit.

(3) If a property or structure contains more than one rental dwelling unit, each additional rental dwelling unit in that property or structure shall be subject to Rental Occupancy permit fee of \$200.

(4) If for any reason an application for a rental occupancy permit has been denied, the fee collected will be applied towards the administration costs of maintenance and enforcement of this article.

(5) The required renewal paperwork for a rental occupancy permit shall be accompanied by the nonrefundable renewal application fee of \$450; the fee shall be reasonably related to the administrative costs for processing the renewal of the Rental Occupancy Permit and for the costs of the Town in monitoring and inspecting the Rental Dwelling Unit. Each additional rental dwelling unit within the same structure, having the same ownership shall require a renewal fee of \$200. Rental Occupancy Permit renewal fees will not be accepted until the application is complete.

(6) The renewal application fee, once the renewal is approved shall be applied as credit to the Rental Occupancy permit fee of \$450 for properties containing a single rental dwelling unit.

(7) In the event any registration and permit, or renewal thereof, is not obtained on or before the commencement of occupancy of a rental dwelling unit, or such earlier act by any person or entity which would require registration and a permit for such rental dwelling unit, a late charge for such registration and permit, or renewal, shall be paid, in addition to the required registration and permit fee, in an amount equal to two times the fee, prorated for the length of time of the overdue period.

#### § 99-14. Application for rental occupancy permit.

A.  
An application for a rental occupancy permit for a rental dwelling unit shall be made in writing to the Building Department on a form provided therefor. Such application shall be filed and shall include the following:

(1)  
The name, address and telephone number of the owner of the dwelling unit intended for rental occupancy. In the event that said dwelling unit is owned by more than one individual or entity, each owner's name, address and telephone number shall be provided. In the event that the owner of the dwelling unit intended for rental occupancy is a corporation, partnership, limited-liability company or other business entity, the name, address and telephone number of each owner, officer, principal, shareholder, partner and/or member of such business entity shall be provided. In the event that the owner has an authorized agent acting on his behalf, that person's name, address and telephone number shall also be provided.

(2)  
Proof of residency of each owner.

(3)  
The street address and Nassau County Tax Map designation (section, block and lot or lots) of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.

(4)  
A description of the structure, including the number of rental dwelling units 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 such rental dwelling unit.

(7)  
A recent copy of the certified deed recorded with the office of the Nassau County Clerk and real property tax bill, confirming the ownership of record of the dwelling unit.

(8)  
A copy of the certificate of occupancy or certificate of compliance for the dwelling unit.

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(9)  
A property survey of the premises drawn to scale not greater than 40 feet to one inch or, if not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, driveways and other physical features of the premises and the number, location and access of existing and proposed on-site vehicle parking facilities.

(10)  
A building permit for all buildings, improvements, alterations, and structures on the property, if any.

(11)  
Each application shall be executed by and sworn to under oath by the owner of the dwelling unit.

(12)  
If the owner or authorized agent of a dwelling unit resides or has his principal place of business located outside the County of Nassau, he is required to designate an agent who resides in the County of Nassau for the service of process of any notices set forth in this article or for the service of process of a violation of this article. The failure to provide the name, address and contact number of an agent for service of process shall be deemed a violation of this article.

B.  
Notwithstanding the above, no rental occupancy registration or permit shall be required for a residential care facility established under federal, New York State guidelines or for units where occupants are in an established care program.

§ 99-15. Compliance with Town, county and state laws required.  
No rental occupancy permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the Code of the Town of Hempstead, the Building Zone Ordinance of the Town of Hempstead, New York State Uniform Fire Prevention and Building Code, the laws and sanitary and housing regulations of the County of Nassau and the laws of the State of New York.

§ 99-16. Review of application; issuance of permit.

A.  
The Code Enforcement Official shall review each rental permit application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units.

B.  
If satisfied that the proposed rental dwelling unit or units, as well as the premises in which the same are located, comply fully with all applicable state and local laws, ordinances, rules and regulations of the county and town, and that such rental dwelling unit or units would not create an unsafe or dangerous condition or create an unsafe and substandard structure as defined in the Hempstead Town Code or create a nuisance to nearby properties, the Commissioner of Buildings Official shall issue the rental occupancy permit or permits. Notwithstanding the foregoing, the Commissioner of Buildings may deny such registration and permit, or renewal thereof, where there is an existing violation of any provision of the Hempstead Town Code, Building Zone Ordinance or New York State Uniform Fire Prevention and Building Code, at such property which is reasonably related to the safe use and occupancy of the property for residential purposes.

§ 99-17. Carbon Monoxide Alarms.

A.  
Board intent and purpose. The Town Board hereby finds that carbon monoxide, a colorless, odorless, poisonous gas produced by incomplete burning of solid, liquid and gaseous fuels used to heat homes or to operate motor vehicles, cook and produce heated water, presents a danger to the health of Town of Hempstead residents. The Town Board further finds that the loss of life caused by carbon monoxide poisoning is preventable by the proper installation and use of carbon monoxide alarms in rental dwellings.

B.  
Carbon monoxide alarms required in rental dwellings.

(1)

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Every rental dwelling, which contains a fuel-burning appliance or equipment, which shall be defined as any appliance capable of burning organic materials in accordance with this provision, shall have installed and shall maintain, in good working condition, the required number of carbon monoxide alarms, which shall have a battery backup if electrically operated. Such carbon monoxide alarm may be combined with a smoke-detecting device which complies with the New York State Uniform Fire Prevention and Building Code.

(2)

Installation location:

(a)

In every rental dwelling, a carbon monoxide alarm shall be installed adjacent to any bedroom maintained in such rental dwelling, as per manufacturer's specifications.

(b)

In any additional area the Code Enforcement Official deems necessary.

(3)

Compliance with other standards. Each approved carbon monoxide alarm shall comply with all applicable state, county and Town regulations, shall bear the label of a nationally recognized standard testing laboratory, and shall meet the standard of UL 2034, the standard for Single and Multiple Station Carbon Monoxide Alarms, or its equivalent.

(4)

Rendering alarm inoperable prohibited. Except as herein provided, it shall be prohibited to render an installed carbon monoxide alarm inoperable by breaking such alarm, painting the exterior, taping over the alarm, disabling the alarm, removing the battery or using any other method which prevents such carbon monoxide alarm from operating in the manner for which it was intended. This provision shall not apply to the normal procedure of replacing batteries in such carbon monoxide alarm.

C.

Duty of owner.

(1)

It shall be the duty of the owner of a rental dwelling to:

(a)

Provide and install operational carbon monoxide alarm(s) in each rental dwelling as required that shall have a battery backup if electrically operated.

(b)

As part of the rental permit application process, and in order to receive or renew a rental permit, complete a Town of Hempstead carbon monoxide detector certificate of installation and deliver the completed certificate to the Town of Hempstead Code Enforcement Official, depending upon the number of rental units prior to receiving or renewing a rental permit.

(c)

Replace any carbon monoxide alarm that has been stolen, removed, found missing or rendered inoperable within five days of receiving notification from the occupant, as described in § 99-17D(1), that said alarm has been stolen, removed, found missing or rendered inoperable.

(d)

Any carbon monoxide alarm(s) must be replaced as per manufacturer's specifications.

D.

Duty of occupant. It shall be the duty of the occupant of a rental dwelling to:

(1)

Notify the owner of the rental dwelling in writing if any carbon monoxide alarm has been stolen, removed, found missing or rendered inoperable.

(2)

Test, maintain and replace required batteries for carbon monoxide alarms located in the rental dwelling at least every six months.

E.

Severability.

(1)

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid or

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unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

§ 99-18. Term and renewal.

A.

All rental occupancy permits issued pursuant to this article shall be valid for a period of two years from the date of issuance.

B.

Renewals.

(1)

A renewal rental occupancy permit application signed by the owner on a form provided by the Building Department shall be completed and filed with the Building Department no later than 60 days before the expiration of any prior valid rental occupancy permit. A renewal rental occupancy permit application shall contain a copy of the prior valid rental occupancy permit issued by the Building Department.

(2)

A renewal rental occupancy permit application shall contain a signed sworn statement setting forth the following:

(a)

That there are no existing or outstanding violations of any federal, state or county laws, rules or regulations or of any Town of Hempstead local laws or ordinances pertaining to the property; and

(b)

That there are no changes to any information as provided on the prior valid rental occupancy permit registration and application.

(3)

The Code Enforcement Official shall review all paperwork submitted with each renewal rental permit application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units.

(4)

If satisfied that the proposed rental dwelling unit or units, as well as the premises in which the same are located, comply fully with all applicable state and local laws, ordinances, rules and regulations of the county and town, and that such rental dwelling unit or units would not create an unsafe or dangerous condition or create an unsafe and substandard structure as defined in the Hempstead Town Code or create a nuisance to nearby properties, the Code Enforcement Official shall renew the rental occupancy permit or permits.

§ 99-19. Register of permits.

It shall be the duty of the Code Enforcement Official to maintain a register of the rental occupancy permits issued pursuant to this article. Such register shall be kept by Nassau County. County Tax Map designation (section, block and lot or lots), Permit number, and street address showing the name and address of the permittee, the number of rental dwelling units at such street address, the number of rooms in each such rental dwelling unit and the date that said rental occupancy permit expires for such unit.

§ 99-20. Authorization for inspections.

The Code Enforcement Official is authorized to make, or cause to be made, inspections to determine the condition of rental dwelling units to safeguard the health, safety and welfare of the public. The Code Enforcement Official is authorized to enter, upon consent of the owner if the unit is unoccupied, or upon consent of the occupant if the unit is occupied, any rental dwelling unit and the premises in which the same is located, at any reasonable time, or at such other time as may be necessary in an emergency, without consent of the owner, authorized agent and/or tenant for the purpose of performing his duties under this article.

§ 99-21. Application for search warrant.

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The Code Enforcement Official is authorized to make application to any court of competent jurisdiction for the issuance of a search warrant in order to conduct an inspection of any premises covered by this article where the owner refuses or fails to allow an inspection of its rental premises and where there is reasonable cause to believe that a violation of this article has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.

§ 99-22. Search without warrant restricted.

Nothing in this article, except for provisions concerning emergency inspections, shall be deemed to authorize the Code Enforcement Official to conduct an inspection of any premises subject to this article without the consent of the owner of the premises and without a warrant duly issued by an appropriate court.

§ 99-23. Change of occupancy prohibited.

No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the certificate of occupancy or last-issued certificate of completion for such building unless a permit is secured. In the case of an existing building, no change of occupancy that would bring it under some special provision of this chapter shall be made unless the Code Enforcement Official, or his designee, upon inspection, finds that such building conforms substantially to the provisions of this chapter with respect to the proposed new occupancy and use, and issues a certificate of occupancy or a certificate of completion therefor.

§ 99-24. Confidentiality of rental registration.

Under New York State Public Officers Law § 87(2)(b), rental registration forms, and that portion of the rental occupancy permit application required, shall be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Code Enforcement Official will institute strict policies to ensure that such information is available only to Town personnel who are engaged in the enforcement of the provisions of this article.

§ 99-25. Listing or advertising non-permitted rentals.

A.  
It shall be unlawful and a violation of this article for any person, entity, corporation, broker or agent to list, advertise, repeatedly and/or knowingly show or otherwise offer for lease, rent or sale on behalf of the owner or authorized agent any dwelling unit which is, itself, a rental dwelling or which contains a rental dwelling, for which a current rental occupancy permit has not been issued by the Code Enforcement Official. It shall be the person's, entities, corporations broker's or agent's duty to verify the existence of a valid rental occupancy permit before listing, repeatedly and/or knowingly showing or otherwise offering for lease, rent or sale any such dwelling or dwelling unit in the Town of Hempstead.

B.

It shall be unlawful and a violation of this article for any person, entity, corporation, broker, or agent to cause an advertisement or solicitation for a rental dwelling or dwelling unit to be listed, placed, posted or submitted for inclusion on any website, in the mass media, or in printed materials, including flyers, handbill, mailed circular, social media, bulletin board, sign or electronic media, without such person, entity, corporation, broker or agent first verifying the existence of a valid rental occupancy permit. Violation of this section shall be unlawful and an offense within the meaning of the Penal Law of the State of New York.

§ 99-26. Presumptive evidence of violations of article.

A.  
It shall be presumed that a single- or one-family dwelling unit is occupied by more than one family if it contains more than one kitchen or if two or more of the following features are found to exist on the premises by the Code Enforcement Official authorized to enforce or investigate violations of Chapter 99 of the Code of the Town of Hempstead or any laws, codes, rules and regulations of the State of New York:

(1)

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More than one mailbox, mail slot or post office address;

(2)  
More than one doorbell or doorway on the same side of the dwelling unit;

(3)  
More than one gas meter;

(4)  
More than one electric meter;

(5)  
More than one connecting line for data and/or cable television service;

(6)  
More than one antenna, dish antenna or related receiving equipment;

(7)  
Separate entrances for segregated parts of the dwelling unit, including but not limited to bedrooms;

(8)  
Partitions or internal doors with locks which may serve to bar access between segregated portions of the dwelling unit, including but not limited to bedrooms;

(9)  
Separate written or oral leases or rental arrangements, payments or agreements for portions of the dwelling unit among its owners and occupants;

(10)  
The inability of any occupant to have lawful access to all parts of the dwelling unit; or

(11)  
A separate entrance leading directly to a separated living space containing a bathroom.

B.

All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

§ 99-27. Presumptive evidence dwelling unit is rented.

A.

Within the context of rental registration enforcement and prosecutions, the presence or existence of any of the following shall create a rebuttable presumption that a premises is being used as a rental occupancy:

(1)  
The dwelling unit is occupied by someone other than the owner and the owner of the dwelling unit represents in writing or otherwise, to any person, establishment, business, institution or government agency, that he or she resides at an address other than the dwelling unit in question.

(2)  
Persons residing in the dwelling unit represent that they pay rent to the owner of the premises.

(3)  
Utilities, cable, telephone or other services are in place or are requested to be installed or used at the dwelling unit in the name of someone other than the owner.

(4)  
Testimony by a witness that it is common knowledge in the community that a person other than the owner resides in the dwelling unit.

(5)  
Persons residing in the dwelling unit represent that they pay rent to the owner of the premises.

(6)  
There are separate entrances for segregated parts of the dwelling;

(7)  
There are partitions, key locks, or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms;

(8)  
There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof;

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(9) Any occupant or person in possession thereof does not have unimpeded and/or lawful access to all parts of the dwelling unit;

(10) Two or more kitchens each containing one or more of the following: a range, oven, hot plate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator;

(11)

A premises has been advertised on the internet, in any newspaper, magazine, on a website, local advertising publication, or posted or billed as being available for rent.

B.

Within the context of rental registration enforcement and prosecutions, the presence or existence of any two of the following shall create a rebuttable presumption that a premises is being used as a rental occupancy:

(1)

There is more than one mailbox at the premises;

(2)

There is more than one gas meter at the premises;

(3)

There is more than one electric meter at the premises;

(4)

There is more than one doorbell at the premises;

(5)

There are three or more motor vehicles registered to the dwelling and each vehicle owner has a different surname;

(6)

There are more than three waste receptacles, cans, containers, bags, or boxes containing waste from the premises placed for pickup at least twice during a weekly garbage pickup period; or

(7)

There is no electric meter annexed to the exterior of the premises.

C.

The presumptions set forth in Subsections A and B above, subject to the limitations contained therein, shall also be applicable to enforcement and prosecution of residential illegal use and occupancy violations.

D.

Nothing herein shall be construed to prevent persons living together as a family unit, with the owner, as defined by this Code.

E.

All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

§ 99-28. Presumptive evidence of owner's residence.

A.

It shall be presumed that an owner of a dwelling unit does not reside within said dwelling unit if one or more of the following sets forth an address which is different than that of the dwelling unit:

(1)

Voter registration;

(2)

Motor vehicle registration;

(3)

Driver's license; or

(4)

Any other document filed with a public agency.

B.

All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

§ 99-29. Penalties for offenses.

Any person, association, firm or corporation who or which violates any provision of this article or assists in the violation of any provision of this article shall be guilty of a violation, punishable:

A.

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By a fine of not less than \$1,000 and not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

B.

For any second conviction, committed within a period of ten years of the first conviction, such violation will be subject to a fine of not less than \$2,500 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both.

C.

For any third conviction, committed within a period of ten years of the first conviction, such violation will be subject to a fine of not less than \$5,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both.

D.

For any fourth or subsequent offense, after having been convicted three or more times within a period of ten years, such violation shall be prosecuted as an unclassified misdemeanor, with a minimum fine of \$10,000 and a maximum fine of \$30,000 and/or a maximum period of incarceration of one year.

E.

Each day's continued violation shall constitute a separate additional violation of this article.

§ 99-30. Administration.

This article shall be enforced by the Code Enforcement Official as defined by this article.

§ 99-31. Exemption.

A.

A Rental Unit where the owner has been granted a Mother Daughter Residence permit pursuant to § 85-2 does not require a rental occupancy permit.

B.

A Rental Unit where the owner has been granted a Senior Residence permit pursuant to § 26-256(E) does not require a rental occupancy permit.

C.

Rental units owned and operated by a government agency or housing authority do not require a rental occupancy permit.

§ 99-32. Severability.

If any 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 clause, sentence, paragraph, section or part thereof directly involved in said judgment.

§ 99-33. Implementation.

A.

No violation of this article will be charged prior to August 1, 2017, and no violation of this article regarding failure to obtain a permit will be charged against a person or entity which:

- (1) Has filed the necessary application in proper form and in good faith, with all required information and attachments, on or before August 1, 2017;
- (2) Has consented to an inspection of the premises in question; and
- (3) Has not received a final determination on the application, for reasons over which the applicant has no control.

\* \* \* \* \*

I, Nasrin Ahmad, Town Clerk of the Town of Hempstead, do hereby certify that the foregoing is a true and correct transcript of the above local law enacted by Local Law No. 58 - 2017 effective on July 21, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Hempstead on this 18<sup>th</sup> day of August, 2017.

NASRIN AHMAD  
TOWN CLERK  
TOWN OF HEMPSTEAD, N.Y.

(SEAL)  
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