

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of North Haven will hold a public hearing on the 15th day of February 2022, at 5:00 P.M., location to be determined based on current COVID-19 safety measures in place at the time of the meeting (please call 631-725-1378 for updates), to consider the adoption of a Local Law as follows:

**LOCAL LAW NO. OF 2022
A LOCAL LAW AMENDING VILLAGE CODE CHAPTER 163 - ARTICLE XI - RENTALS
SECTIONS 163-77, 163-81 AND 163-89**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to amend the title of Article XI to include all rentals and to include references to NYS GOL 7-108.

SECTION 2. AMENDMENT OF VILLAGE CODE § 163-77, 163-81 AND 163-89.

Article XI. ~~Summer Rentals~~ Rentals

Section 163-77 is amended to read as follows:

§ 163-77 Definitions.

The following terms shall have the meanings indicated:

DWELLING UNIT

As defined in § 163-5.

ENFORCEMENT AUTHORITY

The village agency or official charged with issuing rental permits and enforcing the provisions of this chapter. Said agency or official shall be designated by resolution of the Village Board but must be one of the following: the Chief Building Inspector or his designee, or the Code Enforcement Officer.

FAMILY

One of the following:

- A. One, two or three persons occupying a dwelling unit; or
- B. Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

(1) Evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal custody shall create a rebuttable presumption that such persons do not constitute the functional equivalent of a traditional family.

(2) The foregoing presumption may be rebutted by submitting evidence to the Chief Building Inspector that all of the following are present:

- (a) The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;
- (b) The occupants share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which various occupants act as separate roomers is not deemed to be occupied by the functional equivalent of a traditional family;
- (c) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
- (d) The group is permanent and stable. Evidence for such permanency and stability may include:

- [1] The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
- [2] Members of the household have the same address for purposes of voter registration, driver's license, motor vehicle registration and filing of taxes;
- [3] Members of the household are employed in the area;
- [4] The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
- [5] There is common ownership of furniture and appliances among the members of the household; and
- [6] The group is not transient or temporary in nature.

(e) Any other factor reasonably related to whether the group is the functional equivalent of a family.

(3) An appeal from the Chief Building Inspector's determination may be taken to the Village Board, by written request, within 30 days of such determination. The Village Board shall hold a public hearing on such appeal within 60 days after receipt of written notice of such appeal and, after such hearing, shall make written findings and a decision either sustaining or reversing such determination within 30 days after close of such public hearing.

IMMEDIATE FAMILY

The owner's spouse, children, parents, siblings, grandparents or grandchildren.

MANAGING AGENT

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

OWNER

Any person, individual, association, entity or corporation whose name is listed as grantee on the last deed of record for the property, as recorded with the Suffolk County Clerk.

PERSON

Includes any individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity.

PUBLISH

Promulgation of an available rental property 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.

REGIONALLY SIGNIFICANT EVENT

A major one-time or recurring event of limited duration that is expected to draw significant numbers of visitors to the Village of North Haven to attend, support or participate in such event.

RENEWAL RENTAL PERMIT

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

RENT

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

RENTAL PERMIT

A permit issued by the enforcement authority issued to the owner to allow the use or occupancy of a rental property.

RENTAL PROPERTY

A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or the owner's immediate family, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation. For purposes of this chapter, the term "rental property" shall mean all non-owner-occupied single-family residences, two-family residences, accessory apartments and townhouses, and shall exclude:

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

B. Any legally operating commercial hotel/motel business or bed-and-breakfast establishment 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.

SEASONAL USE DWELLING UNIT

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The dwelling unit is registered/identified as a seasonal use dwelling unit with the Village; the occupancy of the tenant is only for seasonal use not to exceed one hundred and twenty days or a shorter period provided in the lease; and such tenant has a primary residence to return to, the address which is expressly provided for in the lease.

TENANT

An individual who leases, uses or occupies a rental property.

TRANSIENT

A rental period of 14 days or less.

SECTION 6. AMENDMENT OF VILLAGE CODE § 163-81.

Section 163-81 is amended to read as follows:

§ 163-81 Application for rental permit.

A. Where a dwelling unit is to be used as a rental property, an application for a rental permit shall be filed with the enforcement authority before the term of the rental is to commence.

(1) The owner of a rental property having failed to comply with the requirements of § 163-81A shall file all appropriate rental application documents within 30 days of the receipt of actual notice of said failure to comply. Actual notice shall include but not be limited to the issuance of a summons or notice of violation and/or written notice from any North Haven Village official.

B. The application shall contain the following:

- (1) The name, date of birth, telephone number and address of the owner(s).
 - (a) Proof of the legal residence of each owner;
 - (b) In the event that the owner of the rental property is a corporation, partnership, limited liability company, or other business entity, the name, proof of legal residence, and telephone number of each owner, officer, principal shareholder, partner and/or member of such business entity shall be provided;
 - (c) A copy of the last deed of record for the property, as recorded with the Suffolk County Clerk, confirming the ownership of record of the property.
- (2) The name, address and telephone number of the managing agent, if applicable.
- (3) A writing, promulgated by the Office of the Village Attorney, executed by the owner(s) of the rental property, which designates either:
 - (a) A person, firm or corporation with an actual place of business, dwelling place, or usual place of abode located within the boundaries of the Village of North Haven; or
 - (b) The Village Clerk of the Village of North Haven as agent for service for criminal and civil process pursuant to CPLR Section 318. Every owner shall insure that the address for delivery of such process is current and shall advise the Village Clerk whenever the address is changed. The designated agent, upon receipt of service of process under this designation shall forthwith transmit by regular and certified mail to the owner(s) of the rental property at the address included on the owner(s) application.
- (4) The location of the rental property, including the street address and the Suffolk County Tax Map parcel number.
- (5) The number of tenants intended to occupy the rental property.
- (6) A copy of a contract with a carter providing for weekly pickup, at a minimum, of refuse and proof by letter from the carter indicating that full payment for the entire term of the rental has been made, or in the alternative, an affidavit from the owner acknowledging responsibility for refuse removal in a timely and efficient manner.
- (7) The period of the proposed occupancy.
- (8) A floor plan depicting the location and size of each conventional bedroom.
- (9) A copy of the certificate of occupancy or pre-existing certificate of occupancy for the rental property.
- (10) Written certification from a licensed architect or licensed engineer that states that the rental property fully complies with all of the provisions of the Code of the Village of North Haven. The certification shall include, but not be limited to, the number of each bedroom, the square footage of each bedroom, and a description of every improvement indicated on the survey the

existence of and location of all smoke and carbon monoxide detectors. In lieu of the provision of a certification, an inspection may be conducted by the enforcement authority.

(11) A copy of the executed lease agreement.

C. The owner(s) of the premises and the managing agent, if applicable, shall submit an application that is signed, sworn to and notarized.

SECTION 14. ENACTMENT OF VILLAGE CODE § 163-89.

Section 163-89 is enacted to read as follows:

§ 163-89 Collection of rent.

The following shall be conditions precedent to the collection of rent for the use and occupancy of a rental property:

A. The lease agreement must comply with NYS General Obligations Laws regarding the collection of rent. If the lease period is one hundred and twenty days or less, the dwelling unit must be properly identified and include all information required to qualify as a seasonal dwelling unit.

~~A.~~ B. The existence of a valid rental permit for the rental property.

~~B.~~ C. The tendering of a written receipt in exchange for any rent payment offered in cash.

SECTION 21. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: February 3, 2022

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NORTH HAVEN.

BY: Eileen M Tuohy, Clerk-Treasurer