
ARTICLE III, (Reserved) EN(224)

§ 208-22. (Reserved)

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Chapter 210, RENTAL PROPERTY

[HISTORY: Adopted by the Council of the City of Schenectady 10-9-2007 by L.L. No. 6-2007. EN(225) Amendments noted where applicable.]

GENERAL REFERENCES

Housing standards -- See Ch. 167.

Noise -- See Ch. 182.

Nuisances -- See Ch. 183.

Private property -- See Ch. 206.

Subdivision of land -- See Ch. 230.

Zoning -- See Ch. 264.

ARTICLE I, Purpose; Enforcement; Definitions

§ 210-1 Purpose.

The purpose of this chapter is to establish a procedure and standards for the identification and registration of rental properties, to ensure that the City has a meaningful, efficient and effective

means of communicating with those persons and companies who own rental properties, to provide for the inspection of certain residential rental property when there is a change in occupancy, and to fix the responsibilities on owners to ensure that residential rental property is maintained in accordance with the standards set forth in this chapter and the building and property maintenance codes promulgated by the New York State Department of State. This chapter is adopted to promote the health and safety of tenants and to alleviate conditions of substandard housing, including slums and blight.

§ 210-2 Enforcement.

This chapter shall be enforced by the Building Inspector.

§ 210-3 Definitions.

As used in this chapter, these terms shall have the meanings indicated as follows:

ACTION or PROCEEDING -- Any action or proceeding which may be instituted in the City Court of the City of Schenectady or the County Court of the County of Schenectady or the Supreme Court of the County of Schenectady or any court of competent jurisdiction with an alleged violation of any ordinance or law of the City of Schenectady.

BUILDING -- Any improved real property, residential or mixed use (commercial-residential) located within the City of Schenectady that is non-owner-occupied.

CHANGE IN OCCUPANCY -- Whenever a tenant shall move from, vacate or quit willingly or otherwise or express the firm intent to vacate or quit a rental unit.

EXIT -- That portion of the way of departure from the interior of a building or structure to the exterior at street or grade level accessible to a street consisting of:

- A. Corridors, stairways and lobbies enclosed in construction having a fire-resistance rating, including the door opening thereto from a habitable or nonhabitable space;
- B. An interior stairway;
- C. A horizontal exit;
- D. A door to the exterior at grade; or
- E. An exterior stairway or ramp.

HABITABLE SPACE -- Space occupied by one or more persons for living, sleeping, eating or cooking. Kitchenettes (kitchens) with less than 60 square feet shall not be deemed "habitable

space."

IDENTIFICATION OF BUILDING -- It is required that the house number be placed on the building in a conspicuous place.

NONHABITABLE SPACE -- Those spaces used for access and vertical travel between stories, and space used for kitchenettes, pantries, baths, toilets, laundry, rest, dressing, lockers, storage, utility, heaters and boiler rooms, closets and other spaces for service and maintenance of the building.

OWNER -- Any individual or individuals, partnership or corporation or any similar type business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the property.

PROCESS -- A summons or any notice, mandate or any other paper process issued under any provision of the Code of the City of Schenectady or any law or regulation of the State of New York.

RENTAL CERTIFICATE -- A document issued by the Building Inspector to a property owner in accordance with standards and requirements set forth in this chapter.

RENTAL PROPERTY -- Includes all properties which are either rented, leased, let or hired out to be occupied for residential or mixed use (commercial-residential), and are non-owner-occupied. For any rental property to be considered owner-occupied, the owner must prove that all individual owners, all partners, or all shareholders of a corporation actually have their principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of all individual owners, all partners, or all shareholders. At the request of the City of Schenectady, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner-occupied.

RENTAL UNIT -- A residential unit occupied by a party other than an owner.

RESIDENTIAL UNIT -- One or more rooms with provision for sanitary and sleeping facilities, for food preparation, for living and for working.

TEMPORARY RENTAL CERTIFICATE -- A document issued for a specified period of time by the Building Inspector.

TENANT -- A party whose right to possession of a rental unit is subject to the express or implied consent of the owner.

ARTICLE II, Property Registration

§ 210-4 Registration of owner.

- A. The owner of a property constituting a rental property shall register the same with the Building Inspector within 60 days of the effective date of this chapter on a form approved by the Building Inspector. This form shall be known as a "landlord registration statement," which shall be signed by the owner under oath.
- B. It shall be unlawful for any owner to offer any unit for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this chapter as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register rental property. It is the owner's responsibility to fulfill the requirements of this chapter.

§ 210-5 Landlord registration statement.

- A. Every owner of a rental property as above defined shall file with the Building Inspector, within 60 days after the adoption of this chapter, a landlord registration statement on forms to be supplied by the Building Inspector, containing the following:
 - (1) A description of the premises by street number or block and lot number, including tax identification number. The statement shall provide information concerning the rental property, including but not limited to the following: a) the number of bedrooms; b) the current tenants and the number of occupants; c) whether a current rental certificate has been obtained; d) whether the rental is by written lease; e) liability and property damage insurance; including the name and policy number of any insurance policy; and f) such other and further information as in the opinion of the Building Inspector, Fire Chief and Police Chief, and Corporation Counsel is necessary to protect the interests of the City, the owner, and/or any occupant of the rental property. The Corporation Counsel shall have the authority to require each property owner registration statement to include a copy of the current declaration page for any insurance required by this section to be disclosed. At the request of a registering property owner, insurance information shall be considered proprietary and shall not be disclosed to the public pursuant to the Freedom of Information Law until the owner is given notice of the request and an opportunity to object. [Amended 3-10-2008 by L.L. No. 2-2008]
 - (2) The owner's name, residential address, and mailing address, together with his/her

business telephone number, home phone number, and fax number, or, if such owner is a corporation, the name and address of such corporation and the name, residence, business address, together with the residence, business telephone numbers, and fax numbers of at least two officers or principals responsible for management of the premises.

- (3) Designation of managing agent. In the event the owner does not reside in Schenectady County, the owner must designate a managing agent. If a managing agent is required, then the owner shall provide the following information to the Building Inspector and Office of Code Enforcement: the name, residence, and business address and residence, business and telephone and fax numbers of a natural person, 18 years of age or over, who actually resides within the County of Schenectady, New York, and who shall be designated by such owner as a managing agent responsible for and in control of the maintenance and operation of such dwelling, and who shall be designated as the person upon whom process may be served on behalf of the owner. The managing agent and/or owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises. There shall be endorsed upon such statements a written consent to such designation signed by such managing agent. An owner who is a natural person and who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent may designate him/herself as such managing agent.
 - (4) The owner shall be obligated, at all times, to keep this information updated, and when there is a change in ownership or a change in the managing agent, the owner shall be obligated to update the information by amending the landlord registration statement within 15 days from the date of any such change.
 - (5) Nothing contained in this section shall be construed as preventing a corporation which is an owner of real property from designating as its managing agent with respect thereto any officer of such corporation who meets the requirements of this subsection as to location of the residence or the place of transacting business of the managing agent.
 - (6) Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.
- B. Upon completion and execution and submission of the landlord registration statement as aforesaid, said registration shall be reviewed by the Building Inspector or its designee for adequacy. Should the Building Inspector and/or its designee determine that said application is incomplete, defective or untruthful for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed compliant with the requirements of this chapter.
- C. It shall be the responsibility of each owner to timely notify the Building Inspector whenever

the information provided in the landlord registration statement has become outdated or for any reason is no longer accurate.

- D. A copy of the approved application shall be required and shall be a condition precedent before the owner shall be entitled to rent any unit contained in the rental property.
- E. In the event that the owner of the rental property or mixed use property does not reside in the County of Schenectady, the owner shall be required to hire a managing agent.
- F. Where, after filing of any landlord registration statement in relation to any rental property under the applicable provisions of this chapter, the owner of such property shall have granted or transferred his/her right, title or interest therein or in any part thereof, the new owner shall file with the Building Inspector within 15 days after such grant or transfer a written statement which, under oath, shall contain the name and residence, business addresses, business and home telephone, and fax number of the new owner, transferee or other successor of such right, title or interest, or if such grantee, transferee or successor is a corporation, the name and address of such corporation, including the names of all officers, and the addresses, business and residence phone and fax numbers of at least two officers or principals responsible for management of the premises.
- G. Where, after the filing of any landlord registration statement with the Building Inspector pursuant to the applicable provisions of this chapter, any change other than a designation of a different managing agent or a change of ownership or interest occurs in any name, residence or any business address of a list of officers required to be included in such statement, the owner, within 15 days after such change, shall file in duplicate, on forms to be furnished by the Building Inspector, a statement under oath setting forth the particulars of such change so as to supply the information necessary to make currently correct the last landlord registration statement filed pursuant to the applicable provisions of this section.
- H. Any designation of the managing agent made pursuant to the applicable provisions of this section shall cease to be effective if such agent shall die or be judicially declared incompetent.
- I. An owner may terminate such designation by filing with the Building Inspector a sworn written statement designating a new managing agent made in conformity with the provisions hereinabove cited.
- J. Any landlord registration statement or designation of a managing agent required to be filed with the Building Inspector by any owner of a rental property under the provisions of this section shall be signed by such owner, or if such owner is a corporation, by an officer thereof, or if such owner is a partnership, by a partner thereof, and said statements must be sworn to under the penalties of perjury.

- K. Any such landlord registration statement or designation of a managing agent shall be deemed prima facie proof of the statement therein contained, in any criminal or civil prosecution instituted by the City of Schenectady or by any proper prosecutorial agency against the owner or managing agent of a rental property.

ARTICLE III, Property Inspection

§ 210-6 Certificate required.

It shall be unlawful for any owner to permit the occupancy of any rental unit subject to this chapter, unless such unit has a current and valid rental certificate or temporary rental certificate.

§ 210-7 Required postings.

- A. A rental certificate shall be conspicuously posted inside each rental unit at all times. It shall be unlawful for any owner, tenant or occupant to remove or fail to post the current rental certificate.
- B. The Department of Public Works' trash/refuse policies and procedures shall be conspicuously posted in all rental buildings and units by the owner together with a current trash collection schedule.

§ 210-8 Application; standards; issuance; temporary certificate.

- A. Rental certificate.
- (1) This chapter shall apply to all buildings in the City of Schenectady which contain two or more rental units, except rental units inspected and leased under contract with the Schenectady Municipal Housing Authority and the United States Department of Housing and Urban Development.
 - (2) Whenever a vacancy shall exist in a rental unit and a leasing is about to occur, or whenever there is a change in occupancy, the owner shall submit a written application for a rental certificate. This application shall indicate the name and address of the owner, the location of the property and the identity of the rental unit by number or other suitable means.
 - (3) Within five working days of receipt of an application, the Building Inspector shall

inspect the rental unit to determine if the rental unit is in compliance with the following standards:

(a) Light and ventilation.

- [1] Habitable space shall be provided with artificial light.
- [2] Habitable space shall be provided with natural ventilation through openable parts of windows or skylights or other openings in exterior walls which face open space.
- [3] Stairs and common areas shall be provided with artificial light to allow safe passage.
- [4] Nonhabitable space shall be provided with working fixtures for artificial light.

(b) Access and vertical travel.

- [1] Stairs with more than three risers shall have handrails or railings on at least one side. Where stairs are open on both sides, railings shall be provided on both sides.
- [2] Railings or parapet walls shall be provided at open sides of balconies, porches and stairways.

(c) Exits. All exits from rental units shall provide safe, continuous and unobstructed means of exit from the interior of the building to the exterior at grade level. In addition to the primary exit of each rental unit, there shall be provided at least one additional exit.

(d) Structural requirements. Buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject.

(e) Exterior protection. Exterior doors, windows, skylights and similar openings shall be maintained weathertight. Roofing shall be maintained in watertight condition so as to prevent leakage into the building.

(f) Interior protection. Ceilings, walls, floors and stairways shall be maintained in a sound condition so that parts which become loose do not constitute a hazard to occupants. Ceilings, walls and floors shall be substantially free of cracks and holes so that the substructure is not exposed and so that drafts are prevented.

(g) Plumbing. Potable water from an approved source shall be available at all times. Hot water shall be supplied at a minimum temperature of 130° F. The hot-water supply

system shall have a safety device to relieve hazardous pressures and temperatures. Sewage and waste water drainage systems shall be maintained so as to function properly, without breaks, obstructions or leaks.

(h) Heating equipment.

- [1] Rental units must have equipment capable of supplying heat of not less than 68° F. between the first day of October and the 31st day of May.
- [2] Fireplaces and wood stoves used for burning fuel shall be connected to approved chimneys, and shall be installed so that adjacent combustible materials and structural parts are free from fire hazard, and shall be maintained so as to be structurally sound and to prevent the leakage of gases into the structure.

(i) Electrical.

- [1] Electrical wiring and equipment shall be installed and maintained so as not to be a source of electrical hazard.
- [2] Electrical wiring shall not be exposed, and wiring and equipment shall be firmly secured by suitable means.
- [3] Electrical wiring and equipment shall be protected by properly rated over current devices.

(j) Cooking and refrigeration equipment. Utility hookups for cooking and refrigerating equipment shall be available in each unit, and, if provided, such equipment shall be maintained in proper working condition.

(k) Fire protection.

- [1] Fire alarm equipment shall be maintained in proper working condition at all times.
- [2] Smoke detectors in operable condition shall be properly mounted in all dwelling units.

(l) Maintenance requirements. Floors, walls, ceilings, furnishings and fixtures of rental units shall be maintained in a clean and sanitary condition and shall be free of insect, rodent and vermin harborage and infestation.

(m) Registration of rental unit. The rental unit must be a unit of record listed with the City's Building Inspection and Assessor's offices prior to the time of inspection.

(n) Exterior property areas. Yards, courts and lots shall be kept clean and free of

garbage, refuse and all other conditions which may threaten the health and safety of the occupant.

- (o) Prohibited storage. The accumulation or storage of garbage and refuse in halls, stairways and residential units shall be prohibited. The accumulation or storage of such volatile and combustible materials as paints, paint thinners, liquid fuels and other like materials in halls, stairways and residential units shall be prohibited.
- (4) If the residential unit is in compliance with this chapter, then the Building Inspector shall issue a rental certificate at the time of inspection.
- (5) If violations are found to exist, the Building Inspector shall deny the application and notify the owners of such denial with a notice of denial.
 - (a) A notice of denial is a written notice which specifies the alleged violations and which advises the owner of his/her right to a hearing before the Building Inspector.
 - (b) Notice shall be served either personally or by registered mail to the owner at the address given on the rental certificate application.

B. Temporary rental certificate.

- (1) An owner may apply for a temporary rental certificate whenever the Building Inspector is unable to inspect the unit within five working days of receipt of an application for a rental certificate. The application for a temporary rental certificate must be accompanied by a sworn affidavit of the owner that the rental unit substantially complies with the standards set forth in this section.
- (2) A temporary certificate of rental is valid for 60 days or until the unit is inspected by the Building Inspector, whichever is less.

§ 210-9 Inspection.

- A. During regular business hours or in an emergency, the Building Inspector or his representative or any duly authorized City representative, upon the showing of proper credentials and in the discharge of his duties, may enter any building or rental unit within a building.
- B. At the request of the Building Inspector, the Corporation Counsel is authorized to make application to the City Court of the City of Schenectady or any 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 believed to be subject to this chapter. The Building Inspector may seek a search warrant whenever the owner, managing agent or occupant fails to

allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of this chapter, or a violation of the New York Uniformed Fire Prevention Building Code Act or of any code of the City of Schenectady or any applicable fire code.

§ 210-10 Term of certificate.

The rental certificate shall be valid until such time that there is a change in occupancy, unless the Building Inspector revokes such permit pursuant to § 210-11 of this chapter.

§ 210-11 Revocation.

- A. The Building inspector may revoke a rental certificate after notice to the owner and an opportunity for the owner to be heard upon a finding that the requirements of this chapter or any conditions of said rental certificate have been violated or that the premises are not being maintained in accordance with the requirements of this chapter or any applicable law, rule or regulation.
- B. Whenever the Building Inspector revokes the rental certificate, he shall serve the owner with a written notice of revocation which shall include a statement of the grounds for revocation and a statement of particulars specifying in what respect the rental unit or building in which it is located is in violation.

§ 210-12 Transfer of title.

Within 10 days of transfer of legal or equitable title, the owner of the building must submit a written application for a rental certificate.

§ 210-13 Contents.

A rental certificate shall state the identity of the owner; the address of the premises and owners; the identity of the unit by number or other suitable means; the identity of the existing or proposed tenants; the date of inspection; the finding of the inspector concerning the habitability of the premises, and signature of the inspector.

§ 210-14 Fees.

- A. The fees for the inspection and the issuance of a rental certificate for each rental unit are as

follows: inspection: \$50; reinspection: \$25. During each calendar year, an owner shall be charged for no more than two inspections for each rental unit and for as many reinspections as necessary, regardless of the number of inspections requested.

- B. The fee for the issuance of a rental certificate whenever an owner fails to submit an application for a rental certificate as required by this chapter prior to renting a unit is \$100.

§ 210-15 Public to have access to records.

Nothing in this chapter shall prevent any member of the public, prospective tenant or any resident of the City of Schenectady from determining whether any particular rental property has been registered, inspected and certified as habitable pursuant to this chapter. The general public shall have full access to said landlord registration statements and rental certificates upon filing of the proper Freedom of Information Act application.

ARTICLE IV, Enforcement

§ 210-16 Enforcement.

The City of Schenectady shall have a choice of enforcing this chapter by seeking civil penalties or by instituting a criminal proceeding or may choose to do both.

- A. Criminal proceeding. A summons or appearance ticket for any violation of this chapter may be served in the County of Schenectady, New York as defined within the meaning of New York Criminal Procedure Law § 150.40. In the event that the owner does not reside in the County of Schenectady, then the owner shall be obligated to designate a managing agent, who maintains a bona fide residence in the County of Schenectady.
- B. A designating managing agent of an owner may be served with a notice of violation, order of remedy, order of violation, an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as if actually served upon the owner.
- C. No owner who designates a managing agent pursuant to the provisions of this chapter may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process upon his designated agent.
- D. Nothing contained in this section shall limit the discretion of the Building Inspector or Corporation Counsel from seeking an arrest warrant from a Court of competent jurisdiction

where permitted by law and as the circumstances may require.

§ 210-17 Service of papers; notice of violations.

Service of papers, notice of violations shall be:

- A. By delivering to and leaving a copy of the same with any person or persons violating, or who may be liable under any of the several provisions of this chapter; and
- B. By registered or certified mail to the most current address on file in the landlord registration statement upon the owner and/or managing agent; or
- C. If none is on file to the most current address in the City Assessors Office by registered or certified mail to the owner and/or managing agent; and if such person or persons cannot be served by any of the aforesaid methods after diligent search shall have been made for him/her or them, then such notice or order may be served by posting the same in a conspicuous place upon the rental property where such violation is alleged to exist, or to which such notice may refer, or which may be deemed unsafe or dangerous, which shall be the equivalent of personal service of said notice upon all parties, including the owner and/or managing agent for whom such search shall have been made; or
- D. By any other method or service authorized pursuant to Article III of the New York State Civil Practice Law and Rules.
- E. Notice by mail to owners residing out of state. If the person or persons or any of them to whom said notice is directed do not reside in the State of New York and have no known place of business therein, the same may be served by delivering to or leaving with such person or persons or either of them a copy of said notice. If said person or persons cannot be found with a due diligence search, then by posting a copy of the same in a manner aforesaid and depositing a copy thereof in a post office in the City of Schenectady, enclosed in a sealed wrapper addressed to said person or persons at his/her last known place of residence with the postage paid thereon, and said posting and mailing a copy of said notice shall be equivalent to personal service of said notice.

§ 210-18 Penalties for offenses.

A. Violations of Article II:

- (1) A violation of Article II of this chapter will constitute an offense within the meaning of the Penal Law of the State of New York, punishable as provided for herein. In addition, a violation of any provision of this article shall constitute a municipal infraction and will

be subject to applicable penalties under this article, and the City of Schenectady may choose to enforce this article as a criminal or civil matter, or both. Any owner who violates, disobeys, neglects or refuses to comply with any of the terms of this article shall be subject to a fine of not less than \$100 and not more than \$500. Each week a violation continues shall be deemed a separate offense.

B. Violations of Article III:

- (1) A violation of Article III of this chapter shall be an offense and shall be punishable by a fine of not less than \$150 and not exceeding \$250, or by a civil penalty of not less than \$250. A separate offense shall be deemed committed on each day on which a violation occurs or continues.
- (2) A second, independent violation of Article III during an eighteen-month period, and any willfully, intentional and knowingly made violation of Article III, shall be a Class A misdemeanor and shall be punishable by a fine of not less than \$500 and not exceeding \$1,000 and a period of incarceration of not less than ten (15) days, nor exceeding one year. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

§ 210-19 Fines to be received in dedicated fund.

All fines and penalties collected under this chapter shall be received in a dedicated fund for the purpose of offsetting personnel costs of Code Enforcement Officers employed by the City of Schenectady.

Chapter 214, SALES, SPECIAL

[HISTORY: Adopted by the Council of the City of Schenectady 2-9-1970 by Ord. No. 15274.^{EN(226)} Section 214-14 amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Other amendments noted where applicable.]

GENERAL REFERENCES

- Advertising -- See Ch. 117.**
- Auctions and auctioneers -- See Ch. 131.**
- Garage sales -- See Ch. 159.**
- Pawnbrokers -- See Ch. 189.**
- Precious metal dealers -- See Ch. 203.**