

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS
AMENDING TITLE IV OF THE WHITE PLAINS MUNICIPAL CODE BY ADDING A NEW
SECTION ENTITLED "RENTAL HOUSING REGISTRY AND LICENSE PROGRAM"**

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Article I of Title IV, of the White Plains Municipal Code, is hereby amended, in its entirety, as follows:

Sec. 4-28-1. Purpose

The City of White Plains finds that the establishment of a rental housing registry and license program is necessary to enhance the public health, safety, and welfare of tenants in certain rental properties by requiring that landlords of such rental properties proactively inspect their buildings on a regular basis to identify any building deficiencies and/or unsafe housing conditions and report those inspection results to the city. The collection of information associated with the landlord inspections, as well as building management information and the physical characteristics of each property, will strengthen the city's code enforcement capabilities.

Sec. 4-28-2 Definitions

As used in this chapter, the following words, terms, and phrases shall have the meanings indicated.

1. "City" The City of White Plains.
2. "Commissioner" The Commissioner of the Department of Building or his/her duly authorized representative.
3. "Dwelling unit" A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
4. "Inspector" A City of White Plains duly authorized individual that conducts inspections in accordance with the provisions of this chapter.
5. "Multi Family Dwelling Unit" Three or more dwelling units within a building.
6. "Owner" Any person, agent, operator, firm or corporation having a legal or equitable interest in a property; or recorded in the official records of the state, county or municipality as holding title to a property; or otherwise having control of a property; including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
7. "Rent" A return in money, property or other valuable consideration (Including payment in-kind or for services or other thing of value) for use and occupancy or the right to use and occupancy of a dwelling

06/18/18

unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

8. "Rental Housing Property" A parcel of real property, as shown on the latest equalized tax assessment roll as maintained by the assessor of the City of White Plains, upon which a rental housing unit is maintained.

9. "Rental Housing Unit" A dwelling unit that is being rented, or is intended to be rented.

10. "Tenant" A person or group of persons whether or not the legal owner of record, occupying a rental housing unit.

Sec. 4-28-3 Exemptions

Unless otherwise specified, the following rental housing units shall be exempt from the requirements of this chapter:

- (a) Owner occupied Single family dwelling units;
- (b) Two (2) family dwelling units where one of the units is owner-occupied;
- (c) Condominium and Co-operative buildings;
- (d) Multifamily rental buildings with more than twelve (12) dwelling units;
- (e) Hotels, Motels, Rooming Houses, Group Homes, Nursing Homes and Assisted Living facilities; or
- (f) Multifamily rental buildings managed by a State or Federal governmental agency or a quasi-governmental agency.

Section 4-28-4 License Required

It shall be unlawful for any person, firm, corporation, trust, partnership, or other legal entity, to conduct, keep, manage, or operate, or cause to be conducted, kept, managed or operated any rental housing unit until a Rental Housing License is issued by the Department of Building .

Section 4-28-5 Duration of License

Licenses shall be valid from January 1 through December 31 of a given year unless sooner terminated or revoked.

Section 4-28-6 License Application

An owner of rental housing property must complete a City of White Plains Rental Housing License Program application and submit the completed application, along with all applicable fees, to the Department of Building. All applications for existing rental housing shall be submitted between the first of October and the first of December of each calendar year. Notwithstanding the foregoing, an application for a rental license must be filed at least thirty days prior to offering a dwelling unit for rent.

Section 4-28-7 License Changes and Transfers

- A. An owner holding a rental housing license shall notify the Department of Building within 30 calendar days of any transfer of ownership of the rental property with the new property owner contact information.
- B. Any person who takes ownership of a licensed rental property may apply to the Department of Building within 30 calendar days after taking ownership of the rental property for a transfer of the license for the unexpired portion of the term for which the license was issued.
- C. Whenever the ownership of a rental housing property is transferred, the transferee shall promptly notify all tenants of the rental housing property of the name, street address, email address and telephone number of the transferee on matters relating to the rental housing property.
- D. The Department of Building shall be notified within 15 calendar days of any change to the information provided in the Rental Housing License program application.
- E. The Department of Building may reject an application or suspend or revoke a license if the applicant or licensee does not provide the notification required by this section.

Section 4-28-8 Provisional License

The Commissioner may issue a provisional license to the owner of an existing rental property who has submitted an application, paid the license fee and had an inspection by the Department of Building that resulted in written orders to correct violations/deficiencies. A provisional license authorizes the continued occupancy of the rental dwelling unit (s) as long as the violations/deficiencies are not hazardous to the occupant(s) and the building is not over- occupied or illegally occupied. A provisional license is valid for up to 180 days.

Section 4-28-9 Application Process

A. Initial Application

- 1. An applicant for a Rental Housing License shall submit the following upon initial application:
 - a) Completed rental housing license application form;
 - b) Minimum 8-1/2"x11" sketch of each floor of the building showing dwelling unit(s) and common areas and providing approximate dimensions of each bedroom. Plans do not need to be drawn to scale but must be legible and each space shall be properly labeled (e.g. living rooms, kitchens, bedrooms, storage rooms, mechanical spaces, etc.); and
 - c) Application fee
- 2. An inspection by the Department of Building of the rental housing property including all public and private areas of the premises shall occur and a Rental Housing License Inspection Report shall be completed.

3. The Department of Building shall review the application for completeness and accuracy. The Department of Building shall issue a Rental Housing License certificate if the application is deemed complete and there are no outstanding Building Code violations for the property that affect the health and safety of the occupants.
4. The Building Commissioner or his/her designee may deny a Rental Housing License by notifying the property owner in writing. A license may be denied for any of the following reasons:
 - a) The applicant is found to have made false statements, misrepresentations, or fraudulent statements on the Rental Housing License application or other information required by this Chapter;
 - b) The applicant does not meet all the requirements set forth in the application;
 - c) The premises do not meet the minimum standards required by applicable state and city codes; or
 - d) The property owner fails to correct violations identified during the inspection.

B. Annual Renewal

1. Rental Housing Licenses shall be renewed annually as follows:
 - a) The owner shall inspect each rental housing unit for compliance with the requirements contained in the Rental Housing License Inspection Report form provided by the Department of Building;
 - b) Immediately make repairs to all items that are not in compliance
 - c) Complete and submit the Rental Housing License Inspection Report form to the Department of Building along with a completed application and updated floor sketches (if required) and the annual license fee.

The Department of Building shall review the application for completeness and accuracy and shall issue a Rental Housing License Renewal Certificate if the application is deemed complete and upon a finding that there are no outstanding Building Code violations for the property that affect the health and safety of the occupants.

In addition to the above, for three (3) family buildings and larger, the Department of Building will contact the Fire Department to determine if the property has a valid fire/PM inspection record. If an inspection record has expired or does not exist, the owner shall immediately contact the Fire Department and arrange for the inspection. The Department of Building will not renew a license until the inspection has occurred and there are no violations.

2. Licensees who fail to renew by the renewal date shall be subject to late fees per section 4-28-14. Renewal applications shall not be accepted until all late fees are paid. The late fees shall be exclusive of the renewal application fee and any penalties that may be imposed by a court.

C. Denial

The Building Commissioner or his/her designee may deny the renewal of a Rental Housing License by notifying the property owner in writing. A license may be denied for any of the following reasons:

- a. If the applicant is found to have made false statements, misrepresentations, or fraudulent statements on the Rental Housing License application or other information required by this Chapter;
- b. If the applicant does not meet all the requirements set forth in the application;
- c. If the premises do not meet the minimum standards required by applicable state and city codes; or
- d. If the property owner fails to correct violations identified during the inspection.

Section 4-28-10 Inspections

A. All rental housing property are subject to inspection by the Department of Building to determine the condition of the rental housing units and to safeguard the health, safety, and welfare of the public.

B. The Building Commissioner or his/her designee is authorized to enter any rental housing property or any rental housing unit within the building, upon consent of the owner if the rental unit is unoccupied or upon consent of the occupant if the rental unit is occupied. The Building Commissioner or his/her designee may enter between the hours of 9:00 a.m. and 7:00 p.m. Monday through Friday or as scheduled with the owner and/or tenant.

C. The Building Commissioner or his/her designee is authorized to make an application to the City Court of White Plains or Supreme Court of Westchester County for the issuance of an administrative search warrant in order to conduct an inspection of any premises covered by this chapter where the owner refuses or fails to allow an inspection of its rental premises and where there is a reasonable cause to believe that a violation of this chapter has occurred.

Section 4-28-11 Posting of License Certificate

Owners shall conspicuously post their Rental Housing License Certificate within the building vestibule or lobby where it can be readily seen by all tenants. It shall be permanently affixed to the wall under clear glass or plastic.

Section 4-28-12 Vacant Buildings

If an owner that has a valid license elects to vacate a building, he/she shall notify the Department of Building in writing immediately. The license for the building will remain in effect for the duration of the licensing period. The owner is not required to perform interior self-inspections while the building is vacant, however, it is the owner's responsibility to turn off gas at the street, secure all doors and windows and maintain exterior areas of the building/property in accordance with the New York State Property Maintenance Code and the White Plains Supplemental Building Code. Periodic inspections (at a minimum of once per month) of the property are required to ensure that the building remains secure. Re-occupancy and rental of the building after the license period has expired will require a new application.

Section 4-28-13 Revocation and Appeals

- A. A Rental Housing license may be revoked upon the occurrence of any of the following events:
1. If the applicant is found to have made false statements, misrepresentations, or fraudulent statements on the Rental Housing License application or other information required by this Chapter;
 2. Upon a finding of guilt in City Court for failure to comply with any property maintenance, zoning, building, fire, or other applicable city, county, or state codes; or failure to correct deficiencies stated in Violation Notice(s) or Court Appearance Ticket(s).
 3. The recipient of a provisional rental housing license fails to correct the deficiencies/violations prior to the 180 day expiration date.
 4. Failure to comply with the provisions of this ordinance or other relevant City of White Plains ordinances.
- B. The Building Commissioner may revoke a Rental Housing license by notifying the owner in writing via hand delivery or certified mail. A license revocation shall take effect 14 business days after a notice of revocation is sent to the owner. Prior to the effective date of a revocation, a property owner may request a hearing. The Building Commissioner shall hold a hearing on the revocation, and shall issue a ruling in writing within seven business days of the conclusion of the hearing.
- C. When a Rental Housing License has been revoked, or when an application for a Rental Housing License has been denied, it shall be unlawful for the property owner to rent or lease the rental housing unit(s) until the Rental Housing License for the property has been issued, re-issued or reinstated.

Section 4-28-14 Penalties

Any person, firm, association or corporation which violates any provision of this Chapter shall be guilty of a violation, punishable by a fine of \$200.00 per day for a first offense; \$500.00 per day for a second offense; and \$1,000.00 per day for a third or subsequent offense. Each and every day said violation continues to exist constitutes a separate and distinct violation.

Section 4-28-15 License Fees

A non-refundable license application fee shall be paid upon the filing of an application for a Rental Housing License or for a renewal Rental Housing License in accordance with the following schedule:

Initial License Application:	\$125.00 plus \$10.00 per each non-owner occupied unit
Annual Renewal License Application:	One half the amount of the total Initial License Application fee
Renewal Late Fee: expiration	\$250.00 (up to seven (7) business days past date
Renewal Per Diem Late Fee	\$25.00 (beyond seven (7) day grace period)

06/18/18

*Note: Applications that are more than 60 days late may be subject to court action.

Section 4-28-16 Effective Date

This ordinance shall take effect on July 3, 2018.