

## Local Law Filing

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of Kinderhook  
~~Town~~  
Village

Local Law No. 2 of the year 2023

A local law amending The Code of the Village of Kinderhook to add Chapter 132  
in regard to Tenancy Registration and Certificates of Occupancy

Be it enacted by the Village Board of Trustees of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Kinderhook as follows:  
~~Town~~  
Village

### SECTION 1. LEGISLATIVE FINDINGS, INTENT AND PURPOSE

The Village Board of the Village of Kinderhook finds that certain rental units, either short term, intermediate, or long term, should be registered and inspected so as to provide a safe premises for tenants. The Village Board finds that a tenancy law in the Village to ensure inspections, create a registry of rental units and to increase the monitoring of rentals will protect the health, safety and welfare of Village residents. Therefore, the Village Board adopts this law pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and New York State Municipal Home Rule Law Section 10 and New York State Village Law Section 4-412.

### Section 2. ENACTMENT.

**Chapter 132**  
**Tenancy Registration & Certificate of Occupancy**

**§ 132-1 Definitions.**

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

**LANDLORD** — Any property owner or designated agent who offers a housing unit for occupancy to persons other than members of immediate family in exchange for a fee or compensation, whether monetary or otherwise. The "immediate family" of the owner of a housing unit consisting of the owner's spouse, children, parents, grandparents or grandchildren.

**RENTAL UNIT** — Any premises utilized for a Short Term Rental and any Multiple Dwellings. This definition specifically excludes single family residences used for long term rentals, periods of more than 30 days.

**TENANT** — An individual (or individuals) who holds or occupies premises of another for residential purposes; one who has a temporary use and occupation of real property owned by another person herein called the "landlord". The term TENANT shall include short term rentals for periods of less than 30 days, known as "Air-B-N-B" or other short term commercialized rentals, as well as month-to-month tenants, or longer-term tenants, whether pursuant to a lease or not.

**TENANCY REGISTRY** — A listing of premises within the village that are subject to be utilized as rentals to tenants as defined herein.

**§ 132-2. Tenancy Registry.**

Prior to any landlord leasing any rental unit as defined above within the Village to a tenant, the landlord shall complete and submit a rental property registration form and submit the same to the Village Code Enforcement Officer together with any applicable fee. The Registration shall be valid for two years from the date of issuance. The property owner shall submit a renewal of said registration no less than 30 days prior to expiration of any existing registration for the premises rented. The registration application shall contain the following information:

- A. Property Owner, if a corporation, a list of the persons responsible for local corporate operations must be indicated.
- B. Proof of ownership.
- C. Property Address, physical and mailing for owner and the tenants if known.
- D. Zoning District.
- E. Tax Map Number.
- F. Number of unit(s) proposed.
- G. Floor plan sketch of unit(s) and facilities included for rental – in a form suitable for review in the discretion of Village Code Enforcement Officer for the application.
- H. Demonstration of suitable parking for the rental.
- I. The contact information for the landlord or landlord's agent inclusive of the name, address, telephone number and email. Such person must be available to respond to complaints, inspection requests or emergent situations at the rental property. The contact persons shall be available to respond to the rental property for emergent situations on no less than 1 hour notice.

- J. Anticipated tenancy conditions, typical term or terms of occupancy, obligations of tenant and landlord, such as garbage removal, maintenance, parking, snow removal and utility obligations.
- K. Any additional information required in the discretion of the Village Code Enforcement Officer.

The Village Tenancy Registry shall be maintained by the Village Building Inspector. No property subject to this registry shall be rented until the Tenancy Registration is approved and the unit has received a Tenancy certificate of occupancy as provided herein.

**§ 132-3. Application for Tenancy certificate of occupancy.**

The landlord of the premises shall complete and submit a tenancy certificate of occupancy application form and submit the same to the Village Code Enforcement Officer together with any applicable fee. The premises shall be made available for inspection by the Code Enforcement Officer.

**§ 132-4. Tenancy inspection.**

Each Rental Unit, as defined herein, that is to be rented to a tenant shall be inspected at no less than 2-year intervals. Inspections are mandated by this Chapter for all residential rental units that have a tenant as defined above. Inspections are also required in certain instances by Chapter 62 of the Code of the Village of Kinderhook, entitled Fire Prevention and Building Code, as well as NYS Regulations 19 NYCRR – 1203.3.

**§ 132-5. Correction of violations.**

Any such violations found by the Village of Kinderhook Code Enforcement Officer shall be corrected before the tenancy certificate of occupancy issued.

**§ 132-6. Issuance of certificate.**

Upon inspection and approval of the premises by the Village of Kinderhook Code Enforcement Officer, the Code Enforcement Officer shall issue a tenancy certificate of occupancy. It is the intent that the premises rented meet the applicable New York State Uniform Fire Prevention and Building Code and Chapter 130, Zoning, of the Village of Kinderhook.

**§ 132-7. Duration of certificate.**

The tenancy certificate of occupancy shall be valid for two years from the date of issuance. The property owner shall submit a renewal of said tenancy certificate of occupancy no less than 30 days prior to expiration of any existing certificate for the premises rented.

**§ 132-8. Certificate required prior to occupancy.**

No Rental Unit may be occupied by a tenant until such time a tenancy certificate of occupancy has been issued by the Code Enforcement Officer.

**§ 132-9. Penalties for offenses.**

- A. In addition to those remedies and penalties as set forth in Executive Law 382, any landlord who shall rent premises in violation of any provision or provisions of this law shall be guilty of a violation and shall be punishable by a fine of not more than \$250 or imprisonment not exceeding 15 days, or both.
- B. Each and every violation of a provision or provisions of this law shall be deemed a district and separate violation.

**§ 132-10. Fees.**

The fees for the Rental Property Registry, Tenancy Inspections and Tenancy Certificates of Occupancy shall be set by resolution of the Village Board of Trustees and shall be made payable to the Village of Kinderhook.

**Section 3. VALIDITY AND SEVERABILITY.**

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

**Section 4. EFFECTIVE DATE.**

This local law shall be effective in accordance with the applicable law after filing with the Secretary of State. All landlords that have premises subject to the tenancy registration and certificate of occupancy requirements as defined herein shall have a period of 6 months from the effective date of this law to make application as required herein. No tenancies as the term is defined herein are deemed exempt, pre-existing nonconforming uses or “grandfathered” from the provisions of this local law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2023 of the Village of Kinderhook was duly passed by the Village Board of Trustees on \_\_\_\_\_, (Name of Legislative Body) in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.\*)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_, (Name of Legislative Body) (Elective Chief Executive Officer\*) in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was (Name of Legislative Body) (Elective Chief Executive Officer\*) submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was subject (Name of Legislative Body) (Elective Chief Executive Officer\*) to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.~~

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on \_\_\_\_\_, \_\_\_\_\_, became operative.

6. ~~(County local law concerning adoption of Charter.)~~ I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Nicole Heeder, Village Clerk

(Seal)

Date: \_\_\_\_\_