ARTICLE XV

**Landlord Registry Act and Short-Term Use of Property for Rental or Rental-Like Purposes**

**[Added 11-1-2016 by L.L. No. 11-2016; amended 9-26-2023 by L.L. No. 11-2023]**

**§ 15.1. Title.**

The Town Council of the Town of Orangetown determines that the title of this local law shall be "Article XV: Landlord Registry Act and Short-Term Use of Property for Rental or Rental-Like Purposes."

# § 15.2. Purpose and scope.

1. The purpose of this article is to establish a registry of all purported rental properties, as defined herein, in order to allow its police, building and code enforcement officials to identify and contact, as necessary, persons responsible for the ownership, care, maintenance, occupancy, management, leasing, renting or letting out, or other control, of such properties, and to prohibit certain short-term rentals of all properties in residential zoning districts, to protect and preserve the Town's goal of establishing residential zoning districts to protect the residential nature and tranquil neighborhood character in each and every such residential zoning district, and to better ensure the effective and efficient enforcement of local, state and federal safety regulations in furtherance of the health, safety and welfare of all of the residents of the Town.
2. The provisions of this article shall apply to all real property located in the Town of Orangetown that is zoned for residential purposes.

# § 15.3. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them:

ASSEMBLY — Any indoor or outdoor, or combination of both, gathering or get-together, or invitation or notification regarding the same, of four or more people for a common purpose, which includes, but is not limited to, a party, scheduled or nonscheduled event, celebration, festivity, concert, performance, or similar group activity.

BUILDING — Any structure within the Town wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

DWELLING UNIT — One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged in a Town zoning district for the exclusive residential use by one family.

[IMMEDIATE FAMILY MEMBER](https://ecode360.com/31593976#31593976) *-* A parent, child, sibling, spouse, grandparent, or domestic partner.

LANDLORD and OWNER — Any individual or individuals, human/natural person ("person"), sole proprietorship, partnership, corporation, limited-liability company, limited-liability partnership, limited partnership, organization, association, or any other type of business entity, or combination thereof (“business entity”), and regardless of whether for-profit or not-for-profit, in whose name the title to real property within the Town is vested.

[OWNER-OCCUPIED](https://ecode360.com/31593978#31593978)

[A. SINGLE-FAMILY RESIDENCES](https://ecode360.com/31593979#31593979) **-** For any rental property to be considered owner-occupied, a deeded owner of the rental property must prove that (i) at least one person who is a deeded owner with an ownership interest of at least 10% or more,, or (ii) at least one person who is a principal owner, partner, member or shareholder of at least a 10% share of a business entity, which business entity is the deeded owner, maintains his/her primary residence and abode at the rental property.

[B. TWO FAMILY RESIDENCES](https://ecode360.com/31593980#31593980) ***-*** The primary residential living unit of the owner is located within the rental property.

[C.](https://ecode360.com/31593981#31593981) At the request of the Town of Orangetown, any owner who claims to reside at the rental property shall provide an affidavit providing the necessary information to support his/her claim that the premises are owner-occupied.

RENTAL PROPERTY — ~~Includes all buildings, as defined herein, and/or land containing one or more spaces rented, leased, licensed, let, hired, or permitted to be occupied or used, whether for compensation or otherwise not, by persons or entities other than the record owner thereof, for a period of time that is 30 consecutive days or longer and that is not a short-term residential use of real property for rental or rental-like purposes as defined herein. This definition includes any building containing commercial rental space, residential rental space, or a combination of commercial and residential rental space, but does not include owner-occupied residential buildings or hotels and motels for purposes of this article.~~

Any house, structure or building that contains a residential rental unit, other than owner-occupied houses, structures or buildings.

[RENTAL UNIT](https://ecode360.com/31593984#31593984) *-* Any portion of a house, building or structure that is rented or leased, or offered for rent or lease, for the purpose of occupancy as an abode or for dwelling purposes, to a person or persons.

SHORT-TERM RESIDENTIAL RENTAL — A dwelling unit, as defined herein, including, but not limited to, a house, condominium, townhome, townhouse, cooperative unit, apartment, or any other residential building or land, that is rented or leased, or otherwise allowed to be occupied, in whole or in part, to any person or persons, or business entity, such as a partnership, corporation, limited-liability company, limited-liability partnership, limited partnership, organization, association ("business entity"), for a period of time that is less than 30 consecutive days. "Rental," for these purposes, means an understanding, agreement or contract, written or oral, granting, allowing or permitting the use, occupancy or possession of a residentially zoned building, land or property, in whole or part, by a person or business entity in exchange for monetary payment, remuneration, compensation, barter arrangement, or other consideration ("compensation"). The term "short-term rental" does not include hotel or motel rooms, or month-to-month tenancies in dwelling units authorized in a Town zoning district for that purpose, but includes rentals, licenses, leases, letting or hiring out, or other such uses, as defined herein, for purposes of assembly.

TENANT — Any person or business entity who has leased, rented or licensed the use or occupancy of any dwelling unit from the owner, or from any other person or business entity with a right to allow or permit the same, regardless of the type of tenancy under which they use or occupy the renal unit.

# § 15.4. Registration of ownership rental property.

1. Registration. Every owner of rental property, as defined ~~herein~~ in this article, shall be required to register such property, within a period of thirty (30) days from the effective date of this article, as amended and at all times thereafter as set forth in this article, with the Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement (OBZPAE) ~~Clerk~~ on such forms as shall be prescribed by the Director of OBZPAE. ~~the Town Clerk~~.
	1. A registration form shall be filed within thirty (30) days of receipt of a notice from the Town of Orangetown of a failure to have filed a registration as required by this article. Said notice shall be deemed sufficient if mailed via USPS First Class Mail or overnight delivery to the deeded owner of record as per the most recent Orangetown tax rolls, or by electronic mail to an electronic mail address that has previously been provided to the Town as part of a registration under this article.
	2. A new registration form shall be filed whenever there is a change of deeded ownership (and, in the case of a business entity, as well as whenever there is a change in the controlling interest in the business entity) of a rental property, and it shall be the responsibility of the new owner to file such form within 30 days of taking deeded ownership of the property.
	3. A registration form shall be filed by every owner of a rental property within 30 days of whenever such property first becomes a rental property.
	4. Following the initial registration, an annual filing shall be made, between January 1 and February 1 of each calendar year, certifying that there has been no change in the status or ownership of the rental property, or reflecting the nature of any change in ownership or other information that is required to be provided on the registry form.
2. Registry fee. Every owner of rental property, required to register with ~~the Town Clerk~~ OBZPAE, shall pay a ~~biennial~~ registration fee as ~~follows:~~ set by Resolution of the Town Board.
	1. ~~For a building having one to four units: $20 per rental space or unit;~~
	2. ~~For a building having five to 20 units: $20 for units one through four, and $10 per unit for units five through 20;~~
	3. ~~For a building having more than 20 units: the above stated fees for units one through 20, and $5 for each unit over 20.~~
	4. ~~Such fee shall be paid to the Town of Orangetown, and shall represent the cost of maintaining the registry and conducting periodic inspections and other activities, as may be required in furtherance of the purposes of this article.~~

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# § 15.4.1 Exemptions.

1. This article shall not be construed to require the registration of a residential rental premises if the premises is owner occupied as defined in this Article. Any person who is a beneficiary or a trustee of a Trust, which Trust is a deeded owner of such property, as well as any person who occupies a premises under a “life estate,” shall be considered an “owner” for purposes of this article.
2. In no case may more than one residential rental premises qualify for the exemption in this section by any one deeded owner.
3. The registration requirements of this article shall not apply to hotels and motels when operating for their intended purpose within the meaning of State law and the Orangetown Zoning Code and other Orangetown land use regulations; hospitals, congregate care housing for seniors, assisted living for seniors, nursing homes, and similar living arrangements; apartment houses and complexes, garden apartments and public housing owned and operated by governmental agencies.

# § 15.5. Registry form and filing.

1. The registry form shall require the following information:
	1. The property address and section, block and lot number as appears on the Tax Map of the Town of Orangetown, and the number of residential dwelling units and/or commercial units, as the case may be, permitted to be occupied on each property.
	2. The owner's name(s), mailing address(s), street address(s) and all functioning telephone numbers, including, but not limited to, a functioning cell phone number and a functioning email address (and a functioning facsimile/fax number, if and as available). Post office box numbers may be included, but the physical location at which the owner may be contacted shall be required and submitted to the Town at all times. All such information shall be together referred to herein as "contact information."
	3. Where the property is owned by a corporation, the contact information of the person designated by the corporation as responsible for the management, maintenance, care or supervision of the property, and to receive service of process in addition to the Secretary of State, and of each shareholder thereof.
	4. Where the property is owned by a limited-liability company ("LLC"), limited-liability partnership ("LLP") or partnership, the contact information of each manager or managing member or partner and of each member or partner.
		1. Where an LLC, LLP, LP or partnership is owned or operated, in whole or in part, by a different LLC, LLP, LP or partnership, then the contact information of all the managers or managing members or partners, as the case may be, of the LLC, LLP, LP or partnership that owns the registering LLC, LLP, LP or partnership.
	5. Where day-to-day responsibility for the management, supervision, care or maintenance of the property rests with a person other than the officer, shareholder, manager or managing member or partner set forth on the registration, the contact information of the person so responsible shall be submitted to the Town.
	6. Any owner who rents a residential rental premises which is subject to the provisions of this article and who does not maintain a bona fide residence in the County of Rockland shall designate an agent who maintains a bona fide residence in the County of Rockland for purpose of receiving notices and other communications from the Town pursuant to this article. Every owner who designates such an agent authorizes such designated agent to be served with a notice of violation, appearance ticket, or other service of process for any matter related to enforcement of this article.
2. The form shall be signed by all of the owners before a notary public and shall bear the following statement directly above such signatures: "I certify that all information contained in this statement, including the number of lawful rental spaces or units represented, is true and correct to the best of my knowledge and belief. I understand that the willful making of a false statement of material fact herein will subject me to the provisions of law relevant to the making of false instruments and shall constitute a violation of this article."
3. It shall be the obligation of each owner to timely notify OBZPAE ~~the Town Clerk~~ whenever the information provided on the biennial registry form has become outdated or for any reason is

no longer accurate. It shall be the responsibility of each owner to recertify the aforementioned information every ~~two~~ year~~s~~.

# § 15.6. Short-term residential rentals and other rental-like purposes.

1. Short-term residential rentals and other rental-like purposes prohibited. No owner, lessee, licensee, tenant or occupant, or other person or business entity having any right to, or interest in, or claiming any right or interest in, any real property within the jurisdiction of the unincorporated area of the Town of Orangetown and located in an R-80, R-40, R-22, R-15, RG, MFR or PAC Zoning District shall license, rent, lease, hire out, let, or otherwise allow or permit, for compensation or not,, the use or occupancy of such property, or any part thereof, whether such use or occupancy is daily, hourly, overnight or weekly, for a period of time that is less than 30 consecutive days.
2. Short-term rental of outdoor pools and spaces. No owner, lessee, licensee, tenant, or occupant, or other person or business entity having any claimed and/or actual right to, or interest in, any real property within the jurisdiction of the unincorporated area of the Town of Orangetown and located in an R-80, R-40, R-22, R-15, RG, MFR or PAC Zoning District shall license, rent, lease, hire out, let, or otherwise allow or permit, for compensation, the use or occupancy of any outdoor spaces, including, but not limited to, swimming pools, spas, playgrounds and yards, for purposes of assembly.
3. Exception. Occupancy or use pursuant to a post-real estate closing (conveyance) possession agreement by the seller of any dwelling unit shall not be a violation of short term rentals, provided that title has passed to the purchaser and the deed for the dwelling unit to the new owner has been filed in the Rockland County Clerk's office on the same day, or within five days, of closing of title to the property.

# § 15.7. Penalties for offenses; enforcement.

1. No rental property or short-term rental or rental-like purpose, as defined herein, shall be used or occupied except in strict compliance with the provisions herein, and the failure to comply shall constitute a violation of a certificate of occupancy or other legal status permitting the use and occupancy of the building.
2. Any person or business entity who shall violate any provision of this article, including, but not limited to, failing to register a rental property as required under this article, and/or each and every person and/or business entity that is identified as being present at any residential property located in the Town that is covered by this article at the time of any violation and/or participating in any such assembly prohibited by this article, shall be punishable as provided in § 41A-1 of the Orangetown Code.
3. Civil remedies. In the event an owner foils, neglects or refuses, whether intentional or unintentional, to correct, cure and remedy, as well as abate, a violation under this article within 24 hours of any notice of a violation by the Town, either posted on the subject property or otherwise provided to the owner thereof, the Town may commence, or cause to be filed, a criminal summons, as well as additionally file, or cause to be filed, a civil action requesting injunctive and/or other relief, and seek monetary damages to compensate the Town for the costs it has, and will incur, because of the violation and any efforts to stop the violation from continuing, including reasonable attorney's fees expended or otherwise

incurred by the Town. Nothing in this article requires that any such notice of violation be issued before the Town pursues any and all available remedies provided for herein.

1. Other remedies. The remedies provided for in this section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Town to address any violation of the Orangetown Code or other public nuisance, as well as including, but not limited to, by any Town resident under New York State Town Law § 268. In the event any Town resident: brings such an action under NYS Town Law § 268, or otherwise, said Town resident: shall be entitled to recover reasonable attorney's fees, costs and disbursements, as well as any damages any said Town resident has sustained by the person or business entity that caused, or contributed to, any violation herein of this article or other Orangetown Code provision, or state law, rule or regulation; however, such Town resident's entitlement to recover reasonable attorney's fees, costs and disbursements, and damages, etc., shall not be recoverable from, or awarded in favor of the Town resident against, the Town of Orangetown.
2. This article may be enforced by the Orangetown i) Office of Building, Zoning and Planning Administration and Enforcement, ii) Bureau of Fire Prevention iii) Police Department, and/ or (iv) any other law enforcement agency having lawful jurisdiction to do so.

# § 15.8. Presumptive evidence of violation.

1. The presence or existence of any of the following is presumptive evidence that a building is being used in violation of this article:
	1. Person(s) occupying, using or present at the residence or property state that he/she/they have leased, rented, licensed or hired, or otherwise are allowed or have consent or permission to be present at the residence or property, from the owner, representative of the owner, or other person or business entity associated with the property, and/or paid, or offered to pay, any compensation, or otherwise provided any benefit, to the owner or representative of the owner, directly or indirectly, or any other person or business entity to be a guest, invitee or licensee, or otherwise allowed to use, occupy or be present at said residence or property for a time period of less than 30 consecutive days.
	2. The residence has been published in printed or online/internet sources as being available for short-term rental.
2. If any of the following documents related to a property owner sets forth any address, other than that of a residential property located in the Town it is presumptive evidence that an owner of a property does not reside at said property in the Town:
	1. Voter registration.
	2. Motor vehicle registration.
	3. Driver's license.
	4. Any other document signed, or otherwise acknowledged, by the owner.
3. The issuance and/or wearing and/or possession of any wristbands, tickets, receipts, or other such documents related to and/or evidencing any assembly prohibited by this article.
4. The deposit of garbage and/or debris on any public road or other properties nearby any property where a violation of this article occurs, as well as parking of vehicles on public roads associated with any assembly prohibited by this article, shall be evidence of a violation of this article.
5. The generation of any noise coming from any property that is in violation of this article at or above the noise levels proscribed by the Orangetown Code shall be evidence of a violation of this article.
6. The foregoing may be rebutted by evidence admissible in any court in New York State that is presented to the Town of Orangetown.

# § 15.9. Severability.

If any provision, clause, sentence, paragraph, section or part of this Article XV 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 provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

# § 15.10. When effective.

This article shall take effect upon publishing and posting and upon filing a copy with the New York State Secretary of State, as may be required by law.