

**LOCAL LAW NO. 8 OF 2025, AMENDING  
ARTICLE XV OF CHAPTER 43 (ZONING) OF THE  
CODE OF THE TOWN OF ORANGETOWN TO  
ADDRESS CHANGES TO LANDLORD REGISTRY  
RULES AND REGULATIONS**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

**Section 1 –Article XV, Chapter 43, of the Code of the Town of Orangetown, entitled “Landlord Registry Act and Short-Term Use of Property for Rental or Rental-Like Purposes”, Adopted 11/1/2016, amended 9/26/2023, is amended to read as follows:**

**§15-3 Definitions**

For the purposes 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.

**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**

A. SINGLE-FAMILY RESIDENCES - 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 - The primary residential living unit of the owner is located within the rental property.

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

RENTAL UNIT - 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 rental unit.

#### **§ 15.4. Registration of ownership rental property.**

A. Registration. Every owner of rental property, as defined 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) on such forms as shall be prescribed by the Director of OBZPAE.

- (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.

B. Registry fee. Every owner of rental property, required to register with OBZPAE, shall pay a registration fee as set by Resolution of the Town Board.

#### **§ 15.4.1 Exemptions.**

- A. 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.
- B. In no case may more than one residential rental premises qualify for the exemption in this section by any one deeded owner.
- C. 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; and public housing owned and operated by governmental agencies.
- D. Apartment houses, apartment complexes, and garden apartments located in Multi Family Residence (MFR) and Planned Adult Community (PAC) zones may request an exemption from registration from OBZPAE, which exemption may be granted if the owner or agent of such properties provides OBZPAE with the most recent contact information for a management company or operator for the properties, and the owner

or agent shall be required to provide updates to OBZPAE whenever there is a change in such management.

**§ 15.5. Registry form and filing.**

A. 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.
  - (a) 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.

B. 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."

- C. 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~~-years.

#### **§ 15.7. Penalties for offenses; enforcement.**

- A. 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.
- B. 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.
- C. 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.
- D. 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.

- E. 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.

## **Section 2 - Severability.**

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Town Board of the Town of Orangetown hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

## **Section 3 - Authority**

This proposed Local Law is enacted and adopted pursuant to NYS Municipal Home Rule Law §10, and in accordance with the procedures prescribed in NYS Municipal Home Rule §20.

## **Section 4 - Effective Date.**

This Local Law shall take effect immediately upon the filing of a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.