

Village of Fonda Rental Property Law

Purpose

The Village of Fonda hereby establishes a program for the enactment, enforcement and administration for the purpose of periodic registration of all rental units within the boundaries of the Village of Fonda. Landlords and rental property owners are therefore required to furnish emergency contact information and maintaining an inventor of available rental housing units.

Definitions

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

Absentee landlord - Any landlord who resides outside the designated boundaries of the Village of Fonda as those boundaries may be defined at the time of regular, periodic property registration.

Housing or Dwelling Unit - Any single unit which is capable of housing one (1) separate household,, whether a detached single-family structure or building or part of a multihousehold structure or building.

Immediate Family - The immediate family of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

Landlord - Any property owner or designated agent who offers a housing unit for occupancy

Rental Property - Any housing unit, commercial space or units which are occupied by persons other than the owner or his immediate family or for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for such occupation.

Rental Agent - A representative of a property owner or landlord who resides within the designated boundaries of the Village of Fonda as defined at the time of periodic property registration.

General Requirements

A. All landlords must initially register with the Village of Fonda on or before December 1 in the year this chapter becomes law. Upon adoption of this chapter, initial registration will begin as soon as practicable after this chapter is effective. It is the responsibility of the property owner to register any rental property or properties, and failure to do so constitute a violation of these regulations and is subject to the penalties set forth herein.

B. All absentee landlords must have an emergency contact person for each rental property.

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C. Should the property change ownership at any time, the new owner of the registered dwelling shall re-register the dwelling within sixty (60) days of assuming ownership.

D. All rental properties, whether residential or commercial in nature will require a regular inspection by the Village Code Enforcement Officer to determine whether said property meets applicable building and safety codes.

Registration Procedures

A. Properties shall be registered on a form provided by the Village of Fonda, Village Code Enforcement Officer and signed by each owner or managing agent of the property being registered. The following documentation shall be provided by the owner or managing agent at the time of registration:

- a. Proof of ownership of the property: (copy of deed)
- b. Proof of residency of each owner
- c. A certification in a form acceptable to the Village Code Enforcement Officer by each property owner or managing agent attesting to the total number of persons legally allowed to occupy each rental property owned or managed by such person within the Village as of the date of registration; and or modified within this Code.

B. At the time of registration, all absentee landlords are required to designate a Resident Agent for service of process of a violation of this chapter. If that Resident Agent's residence should be removed from the Village of Fonda during the yearly registration period, another agent must be designated for the duration of that period. Service of an appearance ticket as defined by New York State Criminal Procedure Law upon said agent shall constitute good and sufficient service as if the landlord had been served themselves within the Village of Fonda or Montgomery County. No landlord who designates an agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in person jurisdiction based solely upon the service of process upon his designated Residential Agent. The failure to provide the name and address of an agent for service of process shall be a violation of this chapter punishable by a fine not to exceed three hundred and fifty dollars (\$350.00)

C. Exemptions: None

D. The Village of Fonda Code Enforcement Officer shall provide copies of all rental property registration filed with the Village to the fire district servicing such properties by July 1 of every year.

E. It shall be unlawful for any landlord to offer any unit for rent or to allow any rental unit to be occupied without having first registered as a landlord as required herein within the time prescribed for such registration.

Violations and Penalties

A. Violations of the provisions of these standards or any rules or regulations established pursuant thereto shall be subject to applicable penalties under this chapter

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in addition to those imposed by other applicable code or ordinance including, without limitation Village of Fonda Code, Zoning Laws and the New York State Uniform Fire Prevention and Building Code.

B. Any persons, firm or corporation who violates, disobeys, neglects or refuses to comply with any of the terms of this chapter shall be guilty of a violation and be subject to one or more of the following remedies:

- 1) A fine not to exceed three hundred and fifty dollars (\$350.00) or imprisonment for a period not to exceed fifteen (15) days, or both or
- 2) A penalty of \$350.00 to be recovered by the Village in a civil action,
- 3) The Board of Trustees of the Village of Fonda may also maintain an action or other proceeding in the name of the Village in a court of competent jurisdiction to compel compliance of this law.
- 4) Each week or part of a violation continues shall be deemed a separate offense

Effective Date

In accordance with Village Law, this chapter or any amendments thereto shall take effect then days after the required publication, posting and filing with the New York State Department of State, but shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Village Clerk and showing the date of its passage and entry in the minutes.