



INCORPORATED VILLAGE OF OCEAN BEACH

POST OFFICE BOX 457
OCEAN BEACH, NEW YORK 11770-0457
TEL: (631) 583-5940 FAX: (631) 583-7597
www.villageofoceanbeach.org

JAMES S. MALLOTT *Mayor*
KENNETH E. KLEIN, *Trustee*
THOMAS J. NOLTER, *Trustee*
GREGORY J. PACE, *Trustee*
DOUGLASS J. WYCKOFF, *Trustee*

STEVEN W. BRAUTIGAM, *Clerk/Treasurer*
KEVIN J. SCHELLING, *Superintendent of Public Works*

PROCEDURES FOR SUBMITTING RENTAL PERMIT APPLICATIONS

INTENT TO RENT WITH NO TENANT SECURED (Prior to Listing with Realtor or advertising of any nature):

- Complete all portions of Rental Permit Application with the exception of tenant and dates
- Complete all portions of BBQ Permit Application section if appropriate
- Include any other attachments necessary as per application
- Submit with the \$100 Application Fee
- Upon approval, a **Letter Permit** will be issued
- When lease is secured, notify Village Office IN WRITING of tenant and date information
- Upon approval, a Rental Permit will be issued for posting at the property

INTENT TO RENT WITH TENANT SECURED (Not listing with Realtor, nor advertising of any nature):

- Complete all portions of the Rental Permit Application
- Complete all portions of BBQ Permit Application section if appropriate
- Include any other attachments necessary
- Submit with the \$100 Application Fee
- Upon approval, a Rental Permit will be issued for posting at the property

ALL PROVISIONS OF THE RENTAL LAW OF THE CODE
OF THE VILLAGE OF OCEAN BEACH APPLY



INCORPORATED VILLAGE OF OCEAN BEACH

P.O. BOX 457, OCEAN BEACH, NEW YORK 11770-0457

TEL: (631) 583-5940 FAX: (631) 583-7597

www.villageofoceambeach.org

2010

RENTAL PERMIT APPLICATION

*****FEE \$100.00 PER RENTAL *****

NON-REFUNDABLE

LATE FEES WILL APPLY

INCOMPLETE APPLICATIONS WILL BE RETURNED

FP

CO

Application No.: _____2010

Name of Applicant (Printed): _____

Address of Rental Property: _____

Name of Property Owner (Printed): _____

Mailing Address of Property Owner: _____

Telephone Number of Property Owner: _____

Number of Bedrooms: _____

Number of Tenants: _____

MUST BE SUPPLIED PRIOR TO ISSUANCE OF PERMIT :

Dates of Rental: _____

Tenant information must be submitted on page two of this application

Name of Realtor, If Applicable: _____

Address of Realtor, If Applicable: _____

Telephone Number of Realtor, If Applicable: _____

CERTIFICATE OF OCCUPANCY OR COMPLIANCE AND FLOOR PLAN OR SKETCH MUST ACCOMPANY THIS APPLICATION

RENTAL PERMITS MUST BE PICKED UP AT VILLAGE HALL

FOR OFFICE USE ONLY

Date Application Received: _____ **Fee Paid: \$100.00** **Cash Receipt No.:** _____

DATE OF PERMIT ISSUANCE: ____/____/2010 **PERMIT No.:** _____



INCORPORATED VILLAGE OF OCEAN BEACH

P.O. BOX 457, OCEAN BEACH, NEW YORK 11770-0457

TEL: (631) 583-5940 FAX: (631) 583-7597

www.villageofoceanbeach.org

RENTAL LAW §127: RENTAL PROPERTIES **CODE OF THE VILLAGE OF OCEAN BEACH** **ATTACHED**

I, _____, the undersigned applicant swear or affirm, under penalty of perjury, that all information contained in this application is true and accurate. I further swear or affirm, under penalty of perjury, that I am familiar with and shall remain in compliance with all aspects of the Village of Ocean Beach Code (including this Chapter) and that each dwelling unit referenced herein has the required working fire extinguisher and smoke detectors. I understand that offering to file a false instrument with the Village is a criminal act and can be prosecuted under NYS Penal Law §175 et seq.

(Signature of Applicant)

Subscribed and sworn to before me on the _____ day of _____, 20

Signature _____

Printed Name _____

Notary Public, State of New York,
County of _____

My Commission Expires _____



INCORPORATED VILLAGE OF OCEAN BEACH

P.O. BOX 457, OCEAN BEACH, NEW YORK 11770-0457

TEL: (631) 583-5940 FAX: (631) 583-7597

www.villageofocceanbeach.org

REQUIRED TENANT INFORMATION

1. NAME

ADDRESS

TELEPHONE

2. NAME

ADDRESS

TELEPHONE

3. NAME

ADDRESS

TELEPHONE

4. NAME

ADDRESS

TELEPHONE

5. NAME

ADDRESS

TELEPHONE

6. NAME

ADDRESS

TELEPHONE

HOMEOWNER:

PROPERTY LOCATION:

DATES OF RENTAL:



INCORPORATED VILLAGE OF OCEAN BEACH

P.O. BOX 457, OCEAN BEACH, NEW YORK 11770-0457

TEL: (631) 583-5940 FAX: (631) 583-7597

www.villageofocceanbeach.org

REQUIRED TENANT INFORMATION

7. NAME

ADDRESS

TELEPHONE

8. NAME

ADDRESS

TELEPHONE

9. NAME

ADDRESS

TELEPHONE

10. NAME

ADDRESS

TELEPHONE

11. NAME

ADDRESS

TELEPHONE

12. NAME

ADDRESS

TELEPHONE

INCORPORATED VILLAGE OF OCEAN BEACH

Chapter 127: RENTAL PROPERTIES

§ 127-1. Legislative findings.

- A. Chapter 164, Zoning, of the Code of the Village of Ocean Beach provides for residence housing, including single-family, two-family and condominium residence and accessory uses in conformance with the General Management Plan of the Fire Island National Seashore.
- B. This Board finds that in recent years an unhealthy, unsafe and dangerous practice has come about in connection with the rental and leases of single-family, two-family and condominium residence dwellings. Known as "group rentals," premises are often sublet to uncontrollable or indeterminate numbers of people. This Board finds that overcrowding of these residence dwellings is hazardous, unsafe, unsanitary, interferes with the interest of the public in the quality of life and total community environment and is not in conformance with acceptable building codes, fire laws, occupancy standards and Chapter 164, Zoning, and is detrimental to the health, safety and general welfare of the inhabitants of the Village of Ocean Beach and hereby enacts this chapter to secure the public health, safety and welfare.

§ 127-2. Definitions.

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

ADULT – A person who has attained the age of 18 years.

DWELLING - Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

MULTIPLE DWELLING – a dwelling which is either rented, leased, let or hired out to be occupied, or is occupied as a dwelling unit, residence or home of three or more families living independently of each other.

DWELLING, SINGLE-FAMILY — A detached building or a condominium unit as defined in the New York Real Property Law, Article 9-B, designed for the exclusive occupancy of one family doing its own cooking.

DWELLING, TWO-FAMILY — A detached building or a condominium unit as defined in the New York Real Property Law, Article 9-B, designed for the exclusive occupancy of two families, each doing its own cooking.

DWELLING UNIT – A building or part of a building where the unit consists of one or more rooms with provisions for cooking, living, sanitary and sleeping facilities designed exclusively for residential use and arranged or intended to be occupied by one individual household or family living independently of other individual households or families.

FAMILY – A. one or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, exclusive of household servants; or,

B. one or more persons living and cooking together as a single, permanent, nonprofit housekeeping unit and being the functional and factual equivalent of a traditional family, whether related by blood, adoption or marriage or not, shall be deemed to constitute a "family"; or,

C. A group of unrelated persons, limited in number to two persons per sleeping room of their dwelling, living and cooking together in a nonprofit housekeeping unit, whether or not their relationship constitutes the functional or factual equivalent of a "family" or whether such relationship is permanent or seasonal in nature.

RENTAL – An agreement which is either oral or written, whereby a dwelling unit is leased, used or occupied by a family for which compensation is paid, directly or indirectly.

SHARE — The grant of authority or permission to a person or persons to reside overnight in a single-family, two-family or condominium dwelling in any room, rooms or portion thereof.

BEDROOM — A room used for the purposes of overnight sleeping. A kitchen or bath shall not be considered a "bedroom". No dwelling shall have more than four bedrooms, except for dwellings with more than four bedrooms with a grandfathered exception to § 164-22 and/or § 164-35.

TENANT – An adult who leases, uses or occupies a dwelling unit.

TRANSIENT – A rental where the duration of the occupancy is less than seven (7) consecutive days.

USE - The purpose for which land or a building or structure is designed, arranged or intended or for which it is or may be occupied or maintained. The term "use" shall include any actions of any owner, operator, tenant or subtenant and/or realtor.

127-3. Leasing and renting restricted.

- A. No dwelling unit shall be leased or rented except as provided herein in this chapter.
- B. No dwelling unit shall be leased or rented, except to a family as defined in this chapter.
- C. No dwelling unit shall be leased unless the lease and the premises thereof fully conform to all of the provisions of this code and the laws of the State of New York.
- D. No rental shall be leased, occupied, or used by any tenant who is not listed as such on the rental application pursuant to § 127-4 of this Chapter. Where there is a change in the individual tenants who will be leasing, occupying, or using the dwelling unit, the rental application shall be amended to indicate the name of the new tenant before the new tenant may occupy the dwelling unit. There shall be a filing fee for each application change as determined by the Board of Trustees.
- E. Transient rentals of dwelling units are prohibited.
- F. The selling of shares to tenants where they obtain the rights of use and occupancy in a dwelling unit on a transient basis shall be prohibited. The rent or compensation paid for a rental shall not be shared by more than the permitted number of tenants.
- G. The leasing, use or occupancy by a tenant of less than the entire dwelling unit is prohibited.
- H. Subleasing by a tenant without the written approval of the owner of the dwelling unit and the Village of Ocean Beach shall be prohibited.

§ 127-4. Permit required; application; term; fee; posting; revocation.

- A. It shall be unlawful to use, occupy, offer for rent, establish, maintain, operate or let a dwelling unit entirely or for partial occupancy where any rent is paid or charge is made for such use or occupancy in the Village of Ocean Beach without first having obtained a permit therefor. Failure or refusal to procure a permit hereunder shall be deemed a violation.
- B. Prior to occupancy by any tenant, the owner or his designee shall file on a form provided, names, addresses and telephone numbers for all tenants and realtor, if any.
- C. Each application shall be accompanied by a certificate of occupancy or compliance or a special permit as may be required and by a plot plan or sketch showing the approximate size and location of all buildings and structures and the floor plan of each dwelling unit and accommodation. Each application shall include a sworn affidavit signed by the applicant(s) attesting that they are familiar with and shall remain in compliance with all aspects of the Village Code (including this Chapter) and that each dwelling unit has a working fire extinguisher and smoke detectors.
- D. Terms of permits. All permits shall be valid for the calendar year in which they are issued.
- E. Fee. The fee for each rental permit shall be determined by the Board of Trustees from time to time by a duly adopted resolution.

§ 127-5. Penalties for offenses.

- A. Any person who violates the provisions of this chapter shall, upon conviction, be punished by a fine of not less than \$250 nor more than \$3,000.00. Each day such violation of the above provisions exists shall constitute a separate offense.
- B. In addition to all other remedies available to the village, the Village Attorney, at the request of the Mayor or Village Administrator, is authorized to bring and maintain a civil proceeding in the name of the village in Supreme Court to restrain and enjoin the rental or sub-rental of a single-family residence dwelling in violation of this chapter.
- C. Public nuisance.
 - (1) Upon issuance of a summons for a violation of any provisions of the Code of the Village of Ocean Beach against an owner, operator, tenant, subtenant and/or occupant of a rental property, the Police Department shall forward a

copy of said summons to the owner(s) of the property, along with a copy of this chapter of the Code, for informational purposes only.

- (2) Two or more convictions of any provision of the Code of the Village of Ocean Beach against an owner, operator, tenant, subtenant and/or occupant of the same rental property within one calendar year during the tenure of ownership by the same record owner or owners thereof shall constitute a public nuisance. A "conviction" is as defined in § 1.20, Subdivision 13, of the Criminal Procedure Law, and two or more such convictions shall be presumptive evidence that the leased residence is a public nuisance.
- (3) The owner and/or sublessor of premises that constitute a public nuisance shall be presumed to be conducting, maintaining and permitting a public nuisance under this chapter, provided that notice of such conviction has been sent to or provided such owner or sublessor.
- (4) A rental permit issued pursuant to the provisions of this chapter shall be revoked by the Village upon the determination by the Village Board of Trustees that a rental property is a public nuisance, as defined in this chapter. In addition, no rental permit shall be issued or granted for a dwelling the calendar year following such a revocation.
- (5) Upon conviction of any provision of the Code of the Village of Ocean Beach against an owner, operator, tenant, subtenant and/or occupant of a rental property, the Court Clerk shall forward a copy of said conviction to the owner(s) of the property, along with a copy of this chapter of the Code.

D. Permanent injunctions; penalties for offenses.

- (1) Action for permanent injunction. At the request of the Mayor or Village Administrator, the Village Attorney shall bring and maintain a civil proceeding in the name of the Village in Supreme Court to permanently enjoin a public nuisance and revoke the rental permit, as defined in this chapter, and the person(s) conducting, maintaining or permitting the public nuisance. The owner and/or sublessor of the rental property wherein the public nuisance is conducted, maintained or permitted shall be made defendants in the action, and the lessee or sublessees and/or realtor of such residence may be joined as defendants in the action.
- (2) Presumption of ownership. The person in whose name the real estate upon which the rental property is situate as recorded in the office of the Clerk of the County of Suffolk shall be presumed to be the owner thereof.
- (3) The owner of the residence may apply to the Court to vacate the judgment upon the filing of a bond, in such amount as the Court may direct, and upon such other terms and conditions as the Court may impose.
- (4) Penalty. If, upon the trial of an action under this section or upon a motion for summary judgment in an action under this section, a finding is made that the defendants or any of them has conducted, maintained or permitted a public nuisance, as defined in this chapter, a penalty, to be included in the judgment, may be awarded at the discretion of the Court in an amount not to exceed \$1,000 for each day it is found that the defendants or any one of them individually conducted, maintained or permitted the public nuisance.

E. Civil penalties.

- (1) Action for civil penalty. At the request of the Mayor or Village Administrator, the Village Attorney shall bring and maintain a civil proceeding in the name of the Village in the Supreme Court to recover a civil penalty against any person conducting, maintaining or permitting a public nuisance as defined in this chapter. The amount of any civil penalty awarded a judgment entered pursuant to this section may be at the discretion of the Court in an amount of \$1,000 for each day the public nuisance has been conducted, maintained or permitted. Upon recovery, such penalty shall be paid into the general fund of the Village.