



TOWN OF RIVERHEAD **RENTAL LAW SUMMARIZED**

- Town Code Chapter 263 deals with Rental Dwelling Units
- Chapter 263 requires any property owner intending to rent the dwelling to first obtain a rental permit.
 - Rental Permit applications are available at the Code Enforcement Office in Town Hall.
 - Only the property owner may obtain a Rental Permit
 - Failure to obtain a Rental Permit is a violation
 - The fee for a single rental dwelling unit is \$300.00
 - Permit is valid for 2 years
 - Tenants and the belongings of tenants are ultimately the property owners responsibility
 - Rental Permits are NOT transferrable owner to owner. The new owner must register the property within thirty (30) days of closing of title.
- *NOTE: A Rental Permit is issued for the entire premises. Thus, if you have a single family residence, all areas of the premises are considered “the dwelling unit” for the permitting process.*
 - *As the owner, it is not acceptable to rent the main floor and continue residing in the basement, even with proper Certificates of Occupancy. Such circumstances would constitute a change of use violation as the premises will be treated as having been converted to a multiple-family dwelling.*
- *NOTE: If you own a multiple family dwelling, a Rental Permit is required for EACH separate unit within the dwelling that is being rented.*
- §263-4 prohibits “transient” rentals, defined as rental durations of 29 days or less
- Rental Permits must be renewed by application which must be completed and filed no later than sixty (60) days prior to expiration of the current/existing permit.
 - Renewal requires payment of a \$300.00 fee
- A validly issued Rental Permit may be revoked based upon Town Code, Multiple Residence Law, and/or New York State Uniform Fire Prevention and Building/Property Maintenance Code violations. *See, §263-15.*
- Under Chapter 263, the following constitutes presumptive evidence that a dwelling unit is rented:



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- Occupancy by someone other than the titled owner and the titled owner has made a public representation that they reside at an address other than the dwelling in question
 - Occupants residing in a dwelling represent that they pay rent to the owner of the premises
 - Utilities, cable, telephone and/or other services at the dwelling are requested or registered in a name other than the titled owner
 - Testimony from a witness indicating that it is common knowledge in the community that the dwelling is occupied by someone other than the owner
- Further, under Chapter 263, the following constitutes presumptive evidence of a dwelling unit owner's residence:
 - Voter Registration
 - Motor Vehicle Registration
 - Driver's License
 - Any other document filed with a public agency
 - Violations under Chapter 263 are as follows:
 - First offense no less than \$250.00 and no more than \$1,000.00 and/or 15 days in jail
 - Second offense within 5 years no less than \$1,000.00 and no more than \$5,000.00 and/or 15 days in jail
 - Third and subsequent offenses within 5 years no less than \$2,000.00 and no more than \$5,000.00 and/or 15 days in jail.
 - Each subsequent week being a separate violation.
- ** Violations are prosecuted in Town Justice Court
- Be aware that construction, removal, demolition, renovations and additions, except under limited circumstances, require obtaining a Building Permit, Demolition Permit and/or a Certificate of Occupancy.
 - Failure to obtain either or both can result in Town Code violations (which can result in revocation of a previously issued Rental Permit).
 - *See, §217 and/or §310-318 of the Town Code*

****THIS SUMMARY IS NOT EXHAUSTIVE AND IS FOR GENERAL INFORMATIONAL PURPOSES ONLY. ANY OWNER OF PROPERTY INTENDING TO RENT SHOULD FAMILIARIZE THEMSELVES WITH THE ENTIRETY OF CHAPTER 263****