

Chapter 263. Rental Dwelling Units

§ 263-3. Definitions.

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

RENEWAL RENTAL OCCUPANCY PERMIT

A permit which is to be issued to the owner of a rental dwelling unit where such premises has secured a valid rental occupancy registration and successfully passes an safety inspection in accordance with §263-7 and been the subject of a rental occupancy permit continuously prior to the date of application for the permit.

RENTAL OCCUPANCY PERMIT

~~A permit which is issued upon application to the Code Enforcement Official and shall be valid for two years from the date of issuance.~~

A permit which is issued by the Code Enforcement Official (CEO) whereby an owner has secured a valid rental occupancy registration and successfully passes an safety inspection in accordance with §263-7 of this chapter and shall be valid for two years from the date of rental occupancy registration.

RENTAL OCCUPANCY REGISTRATION

~~The registration of a rental dwelling on a form that is approved by the Code Enforcement Official.~~

A registration which is valid for (90) days and issued upon filing of a completed rental permit application to the Rental Housing Division for which a rental occupancy permit is sought.

§ 263-4. Rental occupancy permit required.

- A. It shall be unlawful and a violation of this chapter for person or entity who owns, or is a managing agent of, as defined in this chapter, a dwelling unit in the Town, to use, establish, maintain, operate, let, lease, rent, or suffer or permit the occupancy and use thereof as a rental occupancy by someone other than the owner without first having obtained a valid rental occupancy permit therefor. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation.
[Amended 10-17-2017 by L.L. No. 21-2017]
- B. A rental occupancy permit issued under this chapter shall only be issued to the owner(s) of the real property at issue.

C. In the event that the ownership of a rental dwelling is transferred, the new owner shall register the property within 30 days of the closing of title pursuant to the requirements set forth in this chapter, as a rental occupancy permit issued under this chapter is not transferable. If the rental dwelling is not registered as required by this chapter, there will be a presumption that said property is being utilized as rental property by the new owner(s) in violation of this chapter.

D. Transient rentals.
[Added 10-16-2013 by L.L. No. 17-2013]

- (1) A transient rental is prohibited.
- (2) The prohibition on transient rental shall not apply to the following: any legally operating commercial hotel/motel business or bed-and-breakfast establishment operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

E. It shall be unlawful for any owners, persons or tenants to occupy or allow the occupancy of a rental dwelling unit within the Town of Riverhead which is not in conformance with this chapter's definition of Family or functional equivalent thereof.

In determining whether individuals are living together as the functional equivalent of a traditional family, the following presumptive evidence criteria must be present:

- (1) The group is one which in structure and function resembles a traditional family unit; and
- (2) The occupants must share the entire single or one-family dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family; and
- (3) The adult occupants share expenses for food, rent, ownership costs, utilities and other household expenses; and
- (4) The occupancy is permanent and stable. Presumptive Evidence of such permanence and stability includes, but is not limited to:
 - (a) The presence of minor children regularly residing in the household who are enrolled in local schools;
 - (b) Members of the household have the same address for purposes of voter registration, driver's licenses, motor vehicle registration, filing of taxes and delivery of mail;

- (c) Members of the household are employed in the area;
- (d) The household has been living together as a unit for a year or more, whether in the current dwelling unit or in other dwelling units;
- (e) Common ownership of furniture and appliances among the members of the household; and
- (f) Any other factor reasonably related to whether or not the occupants are the functional equivalent of a family.

F. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

§ 263-5. Application for rental occupancy permit.

- A. An application for a rental occupancy permit for a rental dwelling unit shall be made in writing to the Code Enforcement Official on a form provided therefor. Such application shall be filed and shall include the following:
 - (1) The name, address and telephone number of the owner of the dwelling unit intended for rental occupancy. In the event that said dwelling unit is owned by more than one individual or entity, each owner's name, address and telephone number shall be provided. In the event that the owner of the dwelling unit intended for rental occupancy is a corporation, partnership, limited-liability company or other business entity, the name, address and telephone number of each owner, officer, principal, shareholder, partner and/or member of such business entity shall be provided. In the event that the owner has an authorized agent acting on his behalf, that person's name, address and telephone number shall also be provided.
 - (2) Proof of residency of each owner.
 - (3) The street address and Tax Map designation (section, block and lot or lots) of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.
 - (4) A description of the structure, including the number of rental dwelling units in the structure.
 - ~~(5) A floor plan depicting the location, use and dimension of each room situated within the dwelling unit.~~
 - (5) An accurate and legible floor plan drawn with a straight edge in scale, including all floor levels and basement, neatly done which must include interior dimensions of all room walls and uses of all rooms i.e. hallways, kitchens, bathrooms, foyers, closets and any other common spaces; window

locations and sizes for sleeping rooms; door dimensions, locations of smoke detectors and carbon monoxide alarms. The exterior outline and dimensions of the floor plans are to reasonably match the property survey.

- (6) The number of persons intended to be accommodated by, and to reside in, each such rental dwelling unit.
- (7) The name of each person that is and/or will be occupying the premises intended for rental occupancy. The name of each person that is and/or will be occupying the premises intended for rental occupancy shall not be required if:
 - (a) The rental dwelling unit only operates during a one-hundred-fifty-day period in the months of May, June, July, August and September and the person that is or will be occupying said rental dwelling unit shall not be occupying such rental dwelling unit for more than 30 consecutive days; or
 - (b) Said rental dwelling unit is a commercial hotel/motel business operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel operation. For the purposes of this chapter, a "short duration" shall be defined as not more than 21 consecutive days.
- (8) A copy of the most recent deed and real property tax bill, confirming the ownership of record of the dwelling unit.
- (9) A copy of the certificate of occupancy or certificate of existing use for the dwelling unit.
- (10) A property survey of the premises drawn to scale not greater than 40 feet to one inch or, if not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, driveways and other physical features of the premises and the number, location and access of existing and proposed on-site vehicle parking facilities.
- (11) A building permit application, properly prepared, for all proposed buildings, improvements and alterations to existing buildings on the premises, if any.
- (12) Each application shall be executed by and sworn to under oath by the owner of the dwelling unit.
- (13) If the owner or authorized agent of a dwelling unit resides or has his principal place of business located outside the County of Suffolk, he is required to designate an agent who resides in the County of Suffolk for the

service of process of any notices set forth in this chapter or for the service of process of a violation of this chapter. The failure to provide the name and address of an agent for service of process shall be deemed a violation of this chapter.

- B. New applications.
 - (1) A new application for a rental occupancy permit shall be filed whenever a dwelling unit or portion thereof, other than a rental dwelling unit that only operates during a one-hundred-fifty-day period in the months of May, June, July, August and September, has become vacant and the owner intends to permit a new tenant or other person to take up residence. No additional fee will be required if the owner is registering a change in tenancy only under an existing valid rental occupancy permit.
 - (2) A rental dwelling unit that only operates during a one-hundred-fifty-day period in the months of May, June, July, August and September shall be required to file a new application for a rental occupancy permit if any tenant occupies said rental dwelling unit for a period of 30 consecutive days or more. No additional fee will be required if the owner is registering a change in tenancy only under an existing valid rental occupancy permit.
- C. In the case of a condominium unit, the application for a rental occupancy permit shall be accompanied by a scale drawing or floor plan of the condominium unit in lieu of a survey or site plan.
- D. Each application for a rental occupancy permit shall be accompanied by an affidavit, signed by each owner and tenant named in the application, confirming that they have received copies of all Town laws and ordinances affecting rentals, noise, vehicle parking restrictions on residential lots and refuse disposal and agree to abide by the same.
- E. Notwithstanding the above, no rental occupancy permit shall be required for agricultural worker housing as defined in § **301-3** of the Riverhead Town Code.
- F. Notwithstanding the above, no rental occupancy registration or permit shall be required for a residential care facility established under federal, New York State or Suffolk County guidelines or for units where occupants are in an established care program.
- G. Notwithstanding the above, no rental occupancy permit shall be required for any commercial hotel/motel business operating exclusively and catering to transient clientele, that, is customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel operation, except that the exemption in this Subsection **G** shall not apply to any commercial hotel/motel whose primary purpose is to provide

permanent residences to its customers as defined in this chapter. [Added 2-17-2016 by L.L. No. 7-2016]

§ 263-6. Fees. [Amended 7-3-2007 by L.L. No. 22-2007; 2-17-2016 by L.L. No. 7-2016]

~~A. A nonrefundable biennial permit application fee shall be paid, upon filing an application for a rental occupancy permit or for a renewal rental occupancy permit, in accordance with the following schedule of rental dwelling units per structure:~~

Type of Dwelling	Fee
1 unit	\$300
2 unit	\$400
3 unit	\$500
4 unit	\$650
More than 4 units	\$1,000, plus \$100 for each unit in excess of 5

~~A. A nonrefundable rental permit application fee shall be paid, upon filing an application, or renewal application, in accordance with the fee schedule established by resolution of the Town Board of the Town of Riverhead.~~

B. The fee required by this section shall be waived for any applicant who demonstrates that the dwelling unit is occupied by the immediate family of the owner of the dwelling unit as defined in this chapter.

C. Any commercial hotel/motel business operating exclusively and catering to transient clientele, that, is customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel operation, shall be exempt from the fee required by this section. For the purposes of this chapter, a "short duration" shall be defined as not more than 21 consecutive days. The exemption in this Subsection C shall not apply to any commercial hotel/motel whose primary purpose is to provide permanent residences to its customers, and they shall pay shall pay a biennial fee based upon the number of rental units, as established by resolution of the Town Board of the Town of Riverhead. ~~a biennial fee of \$1,000 per application, plus \$100 for each unit.~~ For the purposes of this chapter, "permanent residence" shall be defined as more than 21 consecutive days.

~~D. Any rental dwelling unit that only operates during a one-hundred-fifty-day period in the months of May, June, July, August and September only shall pay a biennial fee of \$50 per unit, as established by resolution of the Town Board of the Town of Riverhead.~~

~~E. Notwithstanding any other section of this chapter, any violation of § 263-6 § 263-9 for the failure to obtain or timely renew a rental permit by the owner(s) and/or~~

~~tenant(s) shall be punishable as by the fines set forth in § 263-21 of this chapter. follows:~~

- ~~(1) — By a fine of not less than \$250 and not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.~~
- ~~(2) — By a fine of not less than \$1,000 nor more than \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.~~
- ~~(3) — By a fine of not less than \$2,000 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.~~

~~F. — Each week's continued violation shall constitute a separate additional violation.~~

§ 263-7. Compliance with Town, county and state laws required. [Amended 5-7-2019 by L.L. No. 13-2019]

- A. No rental occupancy permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.
- ~~B. — Prior to the issuance of any rental occupancy permit or renewal thereof, the property owner shall provide a certification from a licensed architect, a licensed professional engineer or a Code Enforcement Official that the property which is the subject of the application is in compliance with all of the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.~~
- ~~€: B.~~ In the case of mobile home units situated within a mobile home park, it shall be the responsibility of the applicant and owner of such unit to provide a copy of the permit issued hereunder to the office, owner, agent and/or manager of the mobile home park within 30 days of same being issued.

§ 263-8. Review of application; inspections and issuance of permit.

~~The Code Enforcement Official shall review each rental permit application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units unless the property owner has chosen to provide a certification from a licensed architect or a licensed professional engineer that the property which is the subject of the application is in compliance with all of the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York. If satisfied that the proposed rental dwelling unit or units, as well as the premises in which the same are located, comply fully with all applicable state and local laws, ordinances, rules and regulations of the~~

~~county and Town, and that such rental dwelling unit or units would not create an unsafe or dangerous condition or create an unsafe and substandard structure as defined in the Riverhead Town Code or create a nuisance to adjoining nearby property, the Code Enforcement Official shall issue the rental occupancy permit or permits.~~

- A. The Code Enforcement Official (CEO) or his designee shall review each application for completeness and reject incomplete applications. The Code Enforcement Official (CEO) shall create and approve the application requirements in accordance with this chapter.
- B. Upon properly filing a completed application with the Rental Housing Division, the Code Enforcement Official (CEO) shall grant a rental occupancy registration valid for 90 days.
- C. Inspection report. Within 90 days of receiving a temporary rental occupancy registration, the owner of the rental dwelling unit shall:
 - (1) arrange for an inspection of the unit or units and the premises on which the same are located by the Code Enforcement Official (CEO) or his designee employed by the Town of Riverhead, or
 - (2) provide to the Code Enforcement Official (CEO) an inspection report designed and approved by the Code Enforcement Official (CEO), signed by either a New York State licensed professional engineer, New York State licensed architect or home inspector who has a valid New York State Uniform Fire Prevention Building Code certification either as a Building Safety Inspector or Code Enforcement Official that the structure and the dwelling units contained therein meet all applicable housing, sanitary, building, electrical and fire codes, rules and regulations. Upon receipt of the approved inspection report, the Code Enforcement Official (CEO) shall issue a rental occupancy permit valid for two-years from the date of the issuance of the temporary rental occupancy registration.
- D. Any owner for which a (90)-day valid rental occupancy registration has expired and who has failed to arrange for an approved method of inspection pursuant to **§263-8 subsection C** of this chapter will be administratively penalized and charged a re-registration submittal fee \$100.00 per rental unit. No rental occupancy permit will be processed until such fee is paid.

§ 263-9. Term and renewal.

- A. All rental occupancy permits issued pursuant to this chapter shall be valid for a period of two years from the date of issuance of the rental occupancy registration.
- B. Renewals.

- (1) A renewal rental occupancy permit application signed by the owner on a form provided by the Code Enforcement Official shall be completed and filed with the Code Enforcement Official no later than thirty (30) days after the expiration of any prior valid rental occupancy permit. A renewal rental occupancy permit application shall contain a copy of the prior valid rental occupancy permit issued by the Code Enforcement Official.
- (2) A renewal rental occupancy permit application shall contain a signed sworn statement setting forth the following:
 - (a) That there are no existing or outstanding violations of any federal, state or county laws, rules or regulations or of any Town of Riverhead local laws or ordinances pertaining to the property; and
 - (b) That there are no changes to any information as provided on the prior valid rental occupancy permit registration and application.
- (3) Prior to the issuance of a renewal rental registration, the owner shall cause an inspection of the unit or units and the premises on which the same are located to take place pursuant to §263-8 subsection C of this chapter.
- (4) The Town of Riverhead shall not accept, review or approve any rental permit renewal applications for dwellings wherein the approved rental registration is expired in excess of one hundred and twenty (120) days without an inspection in conformance with §263-8 subsection C of this chapter. If the expiration date is beyond one hundred and twenty (120) days, the owner must file a new application in accordance with §263-5 hereinabove.
- (5) Failure to file a rental permit renewal application shall be a writable offense after thirty (30) days of expiry of the prior rental permit up to one hundred and twenty (120) days of expiry of the prior rental permit with a penalty set forth hereinbelow. Rental without a valid rental permit after one hundred and twenty days (120) shall be a violation as described in §263-4(A) and punishable as set forth in §263-21(D) below.

§ 263-16. Confidentiality of rental occupancy registration.

Under New York State Public Officers Law § 87, Subdivision 2(b), rental occupancy registration forms, and that portion of the rental occupancy permit application required, shall be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Code Enforcement Official will institute strict policies to ensure that such information is available only to Town personnel who are engaged in the enforcement of the provisions of this chapter.

§ 263-21. Penalties for offenses.

- A. Any person, association, firm or corporation which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable as follows:
- (1) By a fine of not less than ~~\$250~~ \$500.00 and not exceeding ~~\$1,000~~ \$1,500.00 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.
 - (2) By a fine of not less than ~~\$1,000~~ \$1,500.00 nor more than \$3,000.00 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two (2) offenses, both of which were committed within a period of five (5) years.
 - (3) By a fine of not less than ~~\$2,000~~ \$2,500.00 nor more than ~~\$5,000~~ \$6,000.00 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third ~~or~~ and any subsequent offenses of a series of offenses, all of which were committed within a period of ~~five~~ seven (7) years.
- B. Each week's continued violation shall constitute a separate additional violation.
- C. In the case of persons, associations, firms or corporations owning or managing multiple dwelling units within the Town of Riverhead, second, third and any subsequent violations charged hereunder shall not be exclusive to a particular dwelling unit, but shall encompass all dwelling units owned or managed by such persons, associations, firms or corporations within the Town.
- D. A violation issued for failure to timely renewal a rental permit application as set forth at §263-9(B)(5) shall be punishable by a fine of not less than \$100.00 nor more than \$250.00.