

CHAPTER 1142

RENTAL DWELLING UNIT REGISTRATION

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1142.01 **PURPOSE**

The Niagara Falls City Council hereby finds and declares that the rental of dwelling units constitutes a business which impacts the public health, safety and general welfare of the people of the City of Niagara Falls. The intent of this chapter is to regulate the offering for rental of dwelling units to protect the public health, safety and general welfare of the people of the City of Niagara Falls and to further achieve the following beneficial purposes:

- A. The protection of the character and stability of residential areas;
- B. The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;
- C. The enforcement of minimum standards for heating, plumbing and other sanitary equipment necessary for health and safety;
- D. The enforcement of minimum standards for light and ventilation necessary for health and safety;
- E. The enforcement of minimum standards for the maintenance of existing residential buildings and the prevention of slum and blight conditions; and

F. The preservation of the value of land and buildings throughout the City.

1142.02 ENFORCEMENT

This chapter shall be enforced by the Director of Code Enforcement and/or his/her designee.

1142.03 DEFINITIONS

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

ACTION or PROCEEDING - Any action or proceeding which may be instituted in the City Court of the City of Niagara Falls or the County Court of the County of Niagara or the Supreme Court of the County of Niagara or any court of competent jurisdiction with an alleged violation of any ordinance or law of the City of Niagara Falls.

BUILDING – Any improved real property, residential or mixed use (commercial-residential), located within the City of Niagara Falls that is non-owner occupied or is improved and unoccupied.

CHANGE IN OCCUPANCY – Whenever a tenant shall move from, vacate or quit willingly or otherwise or express the firm intent to vacate or quit a rental unit.

DIRECTOR – The Director of Code Enforcement of the City of Niagara Falls, New York and/or his/her designee.

DWELLING UNIT - A single residential accommodation which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile or residence of one or more human beings.

FOREIGN BUSINESS ENTITY – A for-profit business entity formed under laws other than the statutes of the State of New York (i.e. business entities formed under the laws of any state other than the State of New York and/or business entities formed under laws existing outside of the United States).

HOUSING CODE - All state and local laws, codes, ordinances, rules and regulations for the establishment and maintenance of housing standards.

IDENTIFICATION OF BUILDING – It is required that the house number be placed on the building in a conspicuous place.

LANDLORD AND PROPERTY OWNER REGISTRATION STATEMENT – A form created by the Director and distributed to the owner of rental property and unoccupied property in accordance with standards and requirements set forth in this Chapter.

OWNER – Any individual or individuals, partnership or corporation or any similar type business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the property.

PROCESS – A summons, complaint or any notice, mandate or any other paper process issued under any provision of the Codified Ordinances of the City of Niagara Falls or any law or regulation of the State of New York.

RENTAL PROPERTY – Includes all properties which are either rented, leased, let or hired out to be occupied for residential or mixed used (commercial-residential), and are non-owner occupied. For any rental property to be considered owner occupied, the owner must prove that at least one (1) owner, partner, or shareholder of a corporation actually has his or her principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of that owner, partner, or shareholder. At the request of the City of Niagara Falls, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner occupied.

RENTAL UNIT – A residential unit occupied by a party other than an owner.

RESIDENTIAL UNIT – One or more rooms with provision for sanitary and sleeping facilities, for food preparation, for living and for working.

TENANT – A party whose right to possession of a rental unit is subject to the express or implied consent of the owner.

UNOCCUPIED PROPERTY – Any improved real property that is not occupied by the owner or a tenant.

1142.04 RENTAL DWELLING UNIT REGISTRATION REQUIRED; EXEMPTIONS

A. REGISTRATION REQUIRED

1. No person shall allow to be occupied, or rent to another for occupancy, any dwelling unit unless the owner has first obtained a rental dwelling unit registration certificate as hereafter provided.

B. EXEMPTIONS

1. The provisions of this chapter shall not apply to owner-occupied properties containing two or fewer dwelling units; hotels; motels; bed-and-breakfast establishments; rooming or boarding houses; hospitals; nursing homes; or other dwelling units which offer or provide medical or nursing

services if such units are subject to state or federal licensing or regulations concerning the safety of the users, patients or tenants.

2. Exemptions to provisions herein concerning lead in a property shall not apply to properties constructed after 1978, or to properties for which the owner has submitted a letter of compliance from a licensed lead inspector. In addition, the Director, or his/her designee, may determine that a property is in compliance. The Department of Code Enforcement reserves the right to request a third-party verification of compliance concerning safety of the property.

1142.05

APPLICATION FOR REGISTRATION

- A. Within sixty (60) days after the effective date of this chapter or within thirty (30) days prior to the expiration of a previously existing registration as granted pursuant to Chapter 1137 of the Codified Ordinances of the City of Niagara Falls, the owner of each dwelling unit existing on the effective date of this chapter shall make written application to the Director for a rental dwelling unit registration certificate. In addition, the owner of each dwelling unit constructed after the effective date of this chapter shall make written application to the Director for a rental dwelling unit registration certificate as herein provided prior to any initial occupancy. Such application shall be made on a form furnished by the Director and shall set forth the following information, in addition to other information required by the Director from time to time which may be necessary to administer, enforce, and insure compliance with the provisions of this chapter and the housing code.
 1. Name, date of birth, principal residence address, principal business address, telephone number of the owner and address of property to be registered. A copy of the property owner's photo identification (ID) shall also be required upon submission of said application.
 2. If the property owner is a foreign business entity, said foreign business entity must apply to do business in the State of New York by filing an 'Application for Authority' with the New York State Secretary of State pursuant to New York State Business Corporation Law § 1304, New York Limited Liability Company Law § 802 and New York State Revised Limited Partnership Act § 121-902. Proof of filing of the 'Application of Authority' may be requested by the Director along with the written application to the Director. If said foreign corporation subsequently revokes its 'Application(s) of Authority' after issuance of a Landlord Rental and Property Owner Registration, said registration shall be immediate revoked.
 3. If the owner is an association, limited liability partnership, general partnership, joint tenancy, tenancy in common or tenancy by the entirety,

then each and every owner or general partner shall be indicated on the application and register an address in accordance with subsection A(1) of this section. Applicant must also indicate which member(s) of the association, limited liability partnership, general partnership, joint tenancy, tenancy in common or tenancy by the entirety should be named in Court Actions on behalf of the association, limited liability partnership, general partnership, joint tenancy, tenancy in common or tenancy by the entirety and if said member(s) is/are the same member(s) designated as Agent(s) with the New York State Secretary of State.

4. If the owner is a corporation the principal place of business of the corporation must be provided and the name, title, date of birth and residential address of all officers, directors, and managing and general agents must be included. Applicant must also indicate which member(s) of the corporation should be named in Court Actions on behalf of the corporation and if said member(s) is/are the same member(s) designated as Agent(s) with the New York State Secretary of State.
5. If the owner is an LLC the principal place of business of the LLC must be provided along with the number of members of the LLC as well as the name, title, date of birth and residential address of all officers, directors and managing and general agents of the LLC. Applicant must also indicate which member(s) of the LLC should be named in Court Actions on behalf of the LLC and if said member(s) is/are the same member(s) designated as Agent(s) with the New York State Secretary of State.
6. *Designation of Managing Agent.* In the event the owner does not reside in the County of Niagara or an adjoining county within the meaning of New York Criminal Procedure Law § 130.40 the owner must designate a managing agent. If a managing agent is required, then the owner shall provide the following information to the Department of Code Enforcement in addition to the information provided in subsections (A)(1)-(14) of this section: the name, residential address, business address, business telephone number, home/cellular telephone number, and fax number of a natural person, 18 years of age or over, who actually resides within the County of Niagara, New York or an adjoining county within the meaning of New York Criminal Procedure Law § 130.40, and who shall be designated by such owner as a managing agent responsible for and in control of the maintenance and operation of such dwelling, and who shall be designated as the person upon whom process may be served on behalf of the owner. A copy of the property managing agent's photo identification (ID) shall also be required upon submission of said application. There shall be endorsed upon such statements a written consent to such designation signed by such managing agent. An owner who is a natural person and who meets the requirements of this subsection

as to the location of the residence or place of transacting business of a managing agent may designate him/herself as such managing agent.

- a. The owner shall be obligated, at all times, to keep this information updated, and when there is a change in ownership or a change in the managing agent, the owner shall be obligated to update the information by amending the rental dwelling registration statement within fifteen (15) days from the date of any such change.
 - b. Nothing contained in this section shall be construed as preventing a corporation which is an owner of real property from designating as its managing agent with respect thereto as any officer of such corporation who meets the requirements of this subsection as to location of the residence or the place of transacting business of the managing agent.
 - c. Any designation as managing agent made pursuant to the provisions of this section shall remain in full force and effect until changed or terminated as hereinafter provided.
7. The managing agent or owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises.
8. Applicant shall provide all insurance information relating to the property, if any.
9. It shall be the responsibility of the owner to properly register any change of address, agent and/or any other information which occurs after the filing of the application.
10. Applicant shall provide any further information that may be requested by the Director, City of Niagara Falls Fire Chief, City of Niagara Falls Police Chief, and Corporation Counsel as such information may be necessary to protect the interests of the City, the owner, and/or any occupant of the rental property. The Corporation Counsel shall have the authority to require each property owner registration statement to include a copy of the current declaration page for any insurance required by this section to be disclosed. At the request of a registering property owner, insurance information shall be considered proprietary and shall not be disclosed to the public pursuant to the Freedom of Information Law until the owner is given notice of the request and an opportunity to object.
11. The application shall also include proof of a bond in the sum of \$25,000, filed with the Niagara Falls City Controller's Office. This bond is to indemnify and save harmless the City against all forms of damage and

losses which may result from a fire or other catastrophic loss at the building which would cause the City to have to demolish or maintain the building. The bond requirement will be waived if the owner produces proof of at least \$25,000 in fire insurance and names the City of Niagara Falls as a certificate holder on that policy.

12. For purposes of this section, a post office box shall not be accepted as the owner's address. Further, the building intended to be licensed shall not be accepted as the owner's address unless it is the principal place of business or residence of the owner.
 13. The owner shall specify the address to which all notices of violation issued pursuant to Chapter 1142.15 of the Codified Ordinances of the City of Niagara Falls, and other violations of the housing codes, and invoices for fees are to be forwarded.
 14. If the property was constructed prior to 1978, the owner shall certify that the owner is aware of the possibility of lead in the property; that the owner is aware of federal disclosure requirements concerning property that may contain lead and has complied with federal disclosure requirements; and that the owner is familiar with the use of lead-safe methods during painting, renovation, or repair of the property. Said certification will be made available for completion on the City of Niagara Falls webpage and in the Department of Code Enforcement at City Hall.
- B. Failure to provide such information shall be grounds to deny a rental dwelling unit registration certificate. In addition, delinquent property taxes owed in regard to the property to be registered shall be grounds to deny a rental dwelling unit certificate.

1142.06

MANAGING AGENT REQUIREMENT

- A. Pursuant to the provisions set forth in Chapter 1142.05(6) of the Codified Ordinance of the City of Niagara Falls, every 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 Niagara or an adjoining county within the meaning of New York Criminal Procedure Law § 130.40, shall designate a managing agent who maintains a bona fide residence in the County of Niagara or an adjoining county. Such designation shall be indicated in the space provided by the owner on the registry application form as provided herein.
- B. A designated managing agent of an owner may be served with a notice of violation or order of violation or an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law, as if actually served upon the owner.

- C. No owner who designates a managing agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process upon his designated agent.

1142.07 ISSUANCE OR DENIAL OF RENTAL DWELLING UNIT REGISTRATION

Upon completion of an inspection of a building and dwelling units therein, if the Director of Code Enforcement finds noncompliance with the housing code, the Director shall issue a notice of violation in accordance with Chapter 1142.16 of the Codified Ordinances of the City of Niagara Falls for the correction of any violations of the housing code. Upon reinspection, if the Director finds noncompliance with the notice of violation the Director shall deny a certificate or revoke any issued certificate in accordance with the procedure set forth in Chapter 1142.11 of the Codified Ordinances of the City of Niagara Falls. The Director shall issue a written statement setting forth the reasons for the denial or revocation.

1142.08 EFFECT OF DENIAL OR REVOCATION

- A. *Vacant units.* When a rental dwelling unit registration certificate has been denied or revoked, no further rental and/or occupancy of dwelling units then vacant shall be permitted until a rental dwelling unit registration certificate has been issued.
- B. *Occupied units.* In addition to other penalties under this chapter and the Codified Ordinances of the City of Niagara Falls, when a rental dwelling unit registration certificate has been denied or revoked, the dwelling units containing such violations shall be vacated after the Director provides notice to the owner and the occupants of the dwelling units containing said violations. Such notice shall direct the owner and occupants of the dwelling units containing such violations to vacate within a period of time as determined by the Director and may provide a reasonable period for the owner or occupants to correct such violations. For the owner, such notice shall be mailed by first class mail to the owner or the managing agent at the addresses provided by the owner pursuant to Chapter 1142.05 of the Codified Ordinances of the City of Niagara Falls or personally served upon the owner or managing agent by delivering the notice to the owner or managing agent or by delivering the notice to a person of suitable age and discretion at the owner or managing agent's residence or place of business. For the occupants, such notice shall be mailed to the occupant at the dwelling unit or posted conspicuously at the occupant's dwelling unit. Vacated dwelling units shall not be reoccupied until a rental dwelling unit registration certificate has been issued.

- C. *Occupied units; immediate hazard.* In addition to other penalties set forth under this chapter and the Codified Ordinances of the City of Niagara Falls, when a rental dwelling unit registration certificate has been denied or revoked for reasons which, in the determination of the Director, present violations of the housing code that create an immediate hazard to the health and safety of the occupants, the dwelling units containing such violations shall be vacated within thirty (30) days of such determination. The Director's determination shall be in writing and shall direct the owner and occupants of the dwelling units containing such violations to vacate the premises within a period of time not to exceed thirty (30) days, as determined by the Director. The Director's determination shall be mailed by first-class mail to the owner or managing agent at the addresses provided by the owner pursuant to Chapter 1142.05 of the Codified Ordinances of the City of Niagara Falls or personally served upon the owner or managing agent by delivering the notice to the owner or managing agent or by delivering the notice to a person of suitable age and discretion at the owner or managing agent's residence or place of business. The Director's determination shall also be posted at the subject building and, to the extent possible, it shall also be posted conspicuously at each dwelling unit. Vacated dwelling units shall not be reoccupied until a rental dwelling unit registration certificate has been issued.
- D. The notices provided under this section shall not be used to institute, or deemed to establish sufficient grounds for, a summary eviction proceeding under the Real Property Actions and Proceedings Law.

1142.09 TERM OF RENTAL DWELLING UNIT REGISTRATION

A rental dwelling unit registration issued pursuant to this chapter shall expire one (1) year after the date of its issuance, unless sooner revoked pursuant to Chapter 1142.11 of the Codified Ordinances of the City of Niagara Falls. Within sixty (60) days prior to the expiration of a rental dwelling unit registration certificate, the owner shall make a new written application for a rental dwelling unit registration certificate in accordance with Chapter 1142.05 of the Codified Ordinances of the City of Niagara Falls. In no event shall a certificate be issued pursuant to this chapter remain in effect more than one (1) year after the date of its issuance unless further extended by the Director for sufficient cause.

1142.10 TRANSFER OF RENTAL DWELLING UNIT REGISTRATION

A rental dwelling unit registration issued pursuant to this chapter is transferable to any person who has acquired ownership of a registered building for the unexpired portion of the one (1) year term for which it was issued, provided that an application to transfer such certificate is filed with the Director within thirty (30) days of title transfer and the dwelling units therein are in compliance with the housing code.

1142.11

REVOCATION OF RENTAL DWELLING UNIT REGISTRATION
CERTIFICATE

- A. A rental dwelling unit registration certificate issued pursuant to this chapter may be revoked by the Director for any one or more of the following reasons:
1. Fraud, misrepresentation or a false statement as to a material fact in the application.
 2. A finding that a rental dwelling unit registration was issued in error and not in accordance with applicable law.
 3. A violation of any of the provisions of this chapter, including noncompliance with a notice of violation issued pursuant to Chapter 1142.16 of the Codified Ordinances of the City of Niagara Falls.
 4. The Director, or his/her designated representative, determines that the rental dwelling unit does not substantially conform with the terms/laws of this or any chapter of the Codified Ordinances of the City of Niagara Falls, the Charter of the City of Niagara Falls and/or any of the New York State Codes adopted pursuant to Chapter 1101 of the Codified Ordinances of the City of Niagara Falls.
- B. Prior to such revocation, the Director shall hold a hearing, after at least ten (10) days' notice of the time and place of the hearing provided to the owner. The Director shall issue a written statement setting forth the reasons for the decision.

1142.12

DUTIES OF CERTIFICATE HOLDER

- A. Every holder of a rental dwelling unit registration certificate shall:
1. Conspicuously post the certificate in a protected mounting in the public corridor, hallway or lobby of the building for which the certificate was issued. This posting shall be in a common entrance. If no common entrance exists, then the posting shall be made at the entrance of each dwelling unit. In the alternative to such posting, the license shall be produced by the owner at the request of a tenant, a prospective tenant or upon demand of the Director.
 2. Conform with all other applicable state, county and City laws and ordinances on matters not specifically addressed in this chapter.
- B. The rental agreement or lease for a dwelling unit regulated under this chapter must include a disclosure of the smoking policy for the premises on which the dwelling is located. The disclosure must state whether smoking is prohibited

on the premises, allowed on the entire premises or allowed in limited areas on the premises. If the smoking policy allows smoking in limited areas on the premises, the disclosure must identify the areas on the premises where smoking is allowed.

1142.13 FEES: ANNUAL REVIEW BY DIRECTOR

The Director shall review the fee schedule annually and recommend changes as he deems appropriate, to the City Council.

1142.14 PENALTIES FOR OFFENSES

- A. Any violation of this chapter by a person, firm, corporation, foreign business entity or any other entity shall be a violation punishable in accordance with the general penalty provisions under Chapter(s) 101.99 and/or 1101.02 of the Codified Ordinances of the City of Niagara Falls, with said penalties to be in addition to the revocation of a rental dwelling unit registration certificate issued under the provisions of this chapter. In addition, the annual registration fee will double thirty (30) days after the due date has passed and a second invoice for payment has been sent first-class mail to the owner or managing agent. In addition, a summons will be issued sixty (60) days after the due date has passed and a fine in the amount of Seventy Five and 00/100 Dollars (\$75.00) will be imposed in addition to the doubling of the registration fee, any/all outstanding registration fees and any additional late charges and/or penalties that may be charged. Furthermore, a notice to vacate may be issued and all tenants removed for failure to register a dwelling unit thirty (30) days after the due date has passed and after notice to the owner or managing agent and occupants by the Director
- B. Notwithstanding the lack of a specific reference thereto, failure to comply with any section, provision or requirement in this chapter shall be a violation and shall be punishable by a fine or penalty of not more than Two Hundred Fifty and 00/100 Dollars (\$250.00) or by imprisonment for not more than fifteen (15) days, or by both said fine and imprisonment, for each such offense and violation of any other applicable state statutes. Each day in which any such violation shall continue shall be deemed a separate offense. This chapter is a part of the City of Niagara Falls health, safety, housing, building, fire prevention and housing codes and a violation thereof shall be deemed to be a violation for purposes of state statutes allowing escrow of rent to remedy violations. Any charges involving violations of this chapter may be brought before the City of Niagara Falls Housing Court.
- C. Lead-based paint violations are subject to fines in accordance with the general penalty provisions under Chapter(s) 101.99 and/or 1101.02 of the Codified Ordinances of the City of Niagara Falls. In addition, upon a finding of existing lead-based paint violations by the Department of Code Enforcement,

the owner of the affected property must remediate said violation. Remediation is complete when a licensed lead inspector provides a letter of compliance for said property or when a licensed lead risk assessor provides a one (1) year letter of interim control for the property. Letters of interim control are valid for one (1) year and may be renewed only once. In addition, the Director of Code Enforcement and/or his/her designee, may determine that a lead-based paint violation is in compliance. The Department of Code Enforcement's determination may result in the revocation of the property's rental registration certificate.

1142.15

ENFORCEMENT INSPECTION CRITERIA AND AUTHORITY

- A. Upon the rental dwelling unit being registered, the owner of the rental dwelling unit consents to the inspection of the dwelling unit by the Director and/or his/her designated representative(s). The Director, and/or his/her designated representative(s), may make an inspection of the rental dwelling unit to determine whether or not such rental dwelling unit is in substantial compliance with this chapter, the Codified Ordinances of the City of Niagara Falls and the New York State Uniform Fire Prevention and Building Code. At the conclusion of said inspection, the Director, and/or his/her designated representative(s), shall provide the owner or managing agent with a copy of the results of the inspection.
- B. During regular business hours or in an emergency, the Director or his/her representative or any duly authorized City representative, upon the showing of proper credentials and in the discharge of his/her duties, may enter any building or rental unit within a building.
- C. At the request of the Director, the Corporation Counsel is authorized to make application to the City Court of the City of Niagara Falls or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer in order to conduct an inspection of any premises believed to be subject to this chapter. The Director may seek a search warrant whenever the owner, managing agent or occupant fails to allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of this chapter, or a violation of the New York Uniformed Fire Prevention Building Code Act or of any code of the City of Niagara Falls or any applicable fire code.
- D. For properties constructed prior to 1978, the owner of the rental dwelling unit consents to the inspection of the dwelling unit by the Director and/or his/her designated representative(s) for lead violations or hazards. Upon testing of paint in the property, any owner found to have a property with existing lead-based paint violations must remediate the violation according to provisions set forth in this chapter. Where violations or hazard are present, the rental dwelling unit registration certificate applicant must submit proof of

completion of a local EPA Accredited Renovation, Repair and Painting Training Program in the time allotted by the Department of Code Enforcement.

- E. If the results of the inspection conducted pursuant to Chapter 1142.15, subsections (A) and (B), above, demonstrate that the dwelling unit is in substantial compliance with this chapter, the Codified Ordinances of the City of Niagara Falls and the New York State Uniform Fire Prevention and Building Code, the owner of the dwelling unit shall be entitled to retain his or her rental dwelling unit registration certificate.

1142.16 NOTICE OF VIOLATION

- A. Whenever the Director determines that a building or a dwelling unit contained therein is in violation of the housing code, he/she shall issue a notice of violation setting forth at a minimum:
 - 1. The location of the subject property;
 - 2. Specific violations of the housing code; and
 - 3. A reasonable time, not to exceed sixty (60) days, for the correction of any violations.
- B. Said notice may contain any additional information as determined by the Director which may be necessary to achieve the goals of this chapter.
- C. For purposes of this chapter, the Director may grant additional time to correct violations of the housing code beyond sixty (60) days for sufficient cause as determined by the Director. Any such extensions shall be issued in writing by the Director stating the reasons for such extension and otherwise in accordance with the requirements of this section.
- D. The notice of violation may be mailed by first class mail to the owner or managing agent at addresses provided by the owner pursuant to Chapter 1142.05 of the Codified Ordinances of the City of Niagara Falls.

1142.17 TENANT ACCOUNTABILITY

- A. With respect to the dwelling unit which the tenant occupies, controls or uses, the tenant shall be responsible for the following standards:
 - 1. Occupancy limitations and the lawful use of a dwelling unit.
 - 2. Maintenance of the dwelling unit in a clean, safe and sanitary condition.

3. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition and providing reasonable care in the operation and use thereof.
 4. Keeping exits in the dwelling unit free and clear.
 5. Disposing of garbage and refuse into provided facilities in a sanitary manner and keeping the dwelling unit free and clear from garbage, refuse and debris.
 6. Keeping domestic animals and pets in an appropriate manner and under control.
- B. To the extent that the owner can provide the Director with competent evidence that tenants have not complied with the above standards or that the tenants have contributed to the existence of housing code violations at the property, the Director may deem such circumstances to be sufficient cause to extend time for the correction of the violations pursuant to Chapter 1142.16, subsection (C) of the Codified Ordinances of the City of Niagara Falls.

1142.18

APPEALS

- A. Any person affected by any notice or order which has been issued under any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Director of Code Enforcement. Upon receipt of a written petition from such person, which petition shall contain a brief statement of the grounds therefor, the Director shall hold a hearing, at which time such person shall be given an opportunity to show why such notice or order should be modified and/or withdrawn. No such hearing shall be required unless the petition shall have been filed in the office of the Director within five (5) days after the date the notice or order was issued. On receipt of such petition, the Director shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing shall be commenced not later than ten (10) days after the date on which the petition was filed. After such hearing, the Director may sustain, modify or withdraw the notice or order complained of by the petitioner, depending upon his finding as to whether the provisions of this chapter and of rules and regulations adopted pursuant thereto have been complied with. After any such hearing, in the case of any notice or order suspending any permit required by this chapter, when such notice or order has been sustained by the Director, such suspended permit shall be deemed to have been revoked. The proceedings at such hearing, including the findings and decision of the Director, shall be reduced to writing and entered as a matter of public record in the Department of Code Enforcement. Such record shall also include a copy of every notice or order issued in connection with the

matter. Any person aggrieved by the decision of the Director may appeal therefrom to any court of competent jurisdiction under the procedures provided by the laws of this state.

- B. No provision or requirement herein contained for a hearing shall in any way whatsoever affect or impair the right of the Director to at any time bring such legal proceedings, actions or prosecutions as otherwise or elsewhere are permitted by law or ordinance.
- C. Whenever the Director finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but, upon written petition to the Director, shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have been complied with, the Director shall continue such order in effect or modify or revoke it.

1142.19 SEVERABILITY

If a term, part or provision, section, subdivision or paragraph of this chapter shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

1142.20 DIRECTOR'S REGULATIONS

The Director is authorized to promulgate regulations consistent with the provisions of this chapter in order to carry out the objectives of this legislation.

1142.21 REMEDIES NOT EXCLUSIVE

The provisions of this chapter are not exclusive and are in addition to and do not supersede or preempt other remedies or provisions of the City, state, or federal laws and housing codes as may apply.

1142.22 FEES: FEE SCHEDULE

- A. *Certificate Issuance.* The fee, to be submitted at the time of application, for the issuance of a rental dwelling unit registration certificate shall be Ninety Five and 00/1000 (\$95.00) for a rental dwelling unit containing one (1), two (2) or three (3) rental units; One hundred and seventy five and 00/100 Dollars (\$175.00) for a rental dwelling unit containing four (4) or more rental units;

and Two hundred and twenty five and 00/100 Dollars (\$225.00) for rental dwelling unit towers.

- B. *Annual Renewal Fee.* The owner of a rental dwelling unit shall pay an annual renewal fee of Twenty Five and 00/1000 (\$25.00) for a rental dwelling unit containing one (1) or two (2) rental units; and Forty and 00/100 Dollars (\$40.00) for a rental dwelling unit containing three (3) or more rental units, payable each year thereafter. The owner remains obligated to pay such fee during ownership of the rental dwelling unit and shall pay any delinquencies therein before transferring all or any part of the ownership of said unit. Notwithstanding the foregoing, a new owner making an application for a certificate is obligated, and shall be required, to pay all such current and delinquent annual fees with the application. All funds generated from this chapter shall be used, among other things, for the hiring of an additional staff person and/or necessary equipment for the Rental Dwelling Unit Registration Program and Property Manager Registration Program in the Department of Code Enforcement.
- C. *Inspection Fees.* Every property owner shall pay a fee of Seventy Five and 00/100 Dollars (\$75.00), to be assessed against the property, for each inspection after the second inspection in which violations of a state or local building code are found, unless such fee is waived by the Department of Code Enforcement. Inspectors shall assess the fee, after consultation with the Director of Code Enforcement, when, in the evaluation of the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a court action.

1142.23 EFFECTIVE DATE

This chapter shall be effective on October 1, 2022 whereupon Chapter 1137 of the Codified Ordinances of the City of Niagara Falls shall be revoked and replaced by this, Chapter 1142 of the Codified Ordinances of the City of Niagara Falls, in regard to all new landlord registrations

As of October 1, 2022, no new landlord registrations will be issued and/or renewed pursuant to Chapter 1137 of the Codified Ordinances of the City of Niagara Falls. All previously existing landlord registrations will remain in effect until no later than their respective expiration dates. All previously existing landlord registrations granted under Chapter 1137 of the Codified Ordinances of the City of Niagara Falls shall be still be governed by Chapter 1137 until their respective expiration dates. Once the previously existing landlord registrations have expired, or have been terminated at an earlier date in accordance with the provisions set forth in Chapter 1137, any/all affected landlords will be required to comply with the provisions of this, Chapter 1142 of the Codified Ordinances of the City of Niagara Falls, if said registrant still wishes to continue doing business as a residential landlord in the City of Niagara Falls.

As such, upon the expiration or termination of all previously existing registration(s) as granted pursuant to Chapter 1137 of the Codified Ordinances of the City of Niagara Falls, Chapter 1137 shall be fully revoked and replaced by this, Chapter 1142 of the Codified Ordinances of the City of Niagara Falls.