

14
10/13/11

**GENERAL ORDINANCE AMENDING
CHAPTER 27 OF THE REVISED GENERAL
ORDINANCES OF THE CITY OF SYRACUSE,
AS AMENDED, BEING THE PROPERTY
CONSERVATION CODE OF THE CITY OF
SYRACUSE, TO REVISE CERTAIN SECTIONS OF
ARTICLE 9 RENTAL REGISTRY**

BE IT ORDAINED, that Section 27-131 of Article 9, of Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, is hereby amended to read as follows:

Sec. 27-131. - Rental Registry certificate required.

- (a) Effective January 1, 2011, owners are required to obtain a rental registry certificate for each one-family and/or two-family non-owner occupied dwelling rented or leased within the City of Syracuse.
- (b) Effective July 1, 2018, Rental Registry Certificates will expire three (3) years after they are issued. The expiration date shall be printed on each rental registry certificate. Rental registry certificates issued prior to July 1, 2018 will expire two (2) years after they were issued, the expiration date on the certificate shall still apply. All renewal rental registry certificates shall be issued for a three (3) year period.
- (c) Upon expiration of any rental registry certificate, an owner must renew the registration of any one-family and/or two-family non-owner occupied dwellings. Applications for renewal of a rental registry certificate should be submitted at least forty-five (45) days prior to the expiration date of the rental registry certificate.
- (d) Notwithstanding the foregoing, an owner is not required to obtain a rental registry certificate for any one-family and/or two-family non-owner occupied dwelling where at least one

dwelling unit is solely occupied by a person related by blood, marriage, or adoption to or under the legal custody of the owner of the dwelling unit, which may include one additional person who is not a minor without regard to the relationship of the person and without regard to the number of minors in the dwelling unit related by blood, marriage or adoption to the additional person or under the legal custody of the person.

; and

BE IT FURTHER ORDAINED, that Section 27-132 of Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, is hereby amended to delete subsection (B) and shall read as follows:

Section 27-132 Application and Processing Fee

An application and processing fee must be paid for each one-family and/or two-family Non-Owner Occupied Dwelling that the Owner(s) wish to register, and must be submitted with the Rental Registry Application form. The application and processing fee for one-family and/or two-family Non-Owner Occupied Dwellings shall be one hundred and fifty dollars (\$150.00).

; and

BE IT FURTHER ORDAINED, that Section 27-132-a of Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, is hereby rescinded and deleted in its entirety.

; and

BE IT FURTHER ORDAINED, that Section 27-133 (C), (D) and (E) of Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, are hereby rescinded and deleted in their entirety and Section 27-133 is hereby amended to read as follows:

Section 27-133 Registration

- (a). To obtain a Rental Registry Certificate, an Owner of a one-family and/or two-family Non-Owner Occupied Dwelling must, at the time of registration:
1. Complete the Rental Registry Certificate application form as described in Section 27-134 below, and disclose all required information to the satisfaction of the Division of Code Enforcement;
 2. Pay all required fees, pursuant to Section 27-132 above;
 3. Have no open cases with the Division of Code Enforcement on the property being registered;
 4. Complete an Affidavit of Compliance, pursuant to Section 27-140 below;
 5. Be current on all taxes and water bills for the property being registered;
 6. Have no pending nuisance abatement proceedings or orders of closure for the property being registered;
 7. The property being registered must pass an exterior and interior inspection conducted by employees of the Division of Code Enforcement. Interior Inspections shall be conducted either with the consent of the property owner, property manager, or tenant(s) or in situations where consent is not given for an interior inspection, the Division of Code Enforcement may proceed to obtain an inspection warrant issued by a court of competent jurisdiction in accordance with the procedures outlined in Section 27-141 below.
- (b) The Rental Registry Certificate application form and Affidavit of Compliance shall be signed by an Owner of the property or a Property Manager, registered with the City of Syracuse, who is also employed by the Owner to manage the registered property.

;and

BE IT FURTHER ORDAINED, that Section 27-141 of Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, entitled "Creation of a Compliant Landlord List" is hereby rescinded and deleted in its entirety.

; and

BE IT FURTHER ORDAINED, that Section 27-142 of Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, entitled "Qualifications of a Compliant Landlord" is hereby rescinded and deleted in its entirety.

; and

BE IT FURTHER ORDAINED, that Section 27-143 of Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, entitled "Seasonal Violations and Compliant Landlord List" is hereby rescinded and deleted in its entirety.

; and

BE IT FURTHER ORDAINED, that Section 27-144 of Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, entitled "Benefits Applicable to owners who qualify for the Compliant Landlord List" is hereby rescinded and deleted in its entirety.

; and

BE IT FURTHER ORDAINED, that a new Section 27-141 shall be added to Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, to be entitled "Request for Consent to an Interior Inspection of the Premises relative to Issuance of a Rental Registry Certificate" which shall read as follows:

Section 27-141 Request for Consent to an Interior Inspection of the Premises relative to Issuance of a Rental Registry Certificate

(a) Upon receipt of a Rental Registry Application the Division of Code Enforcement, in accordance with Section 27-133, shall attempt to conduct the required interior inspection either with the consent of the property owner, property manager, or tenant(s) or by seeking an

inspection warrant from a court of competent jurisdiction. The Request for Consent to an Interior Inspection of the Premises relative to the Issuance of a Rental Registry Certificate shall be left at the premises and mailed to the property owner and applicant, if different, along with any known tenants. In cases where the tenants are not known, notice addressed to the Occupant will be considered sufficient.

(b) The Request for Consent shall contain the following: (1) The proposed date and time at which the designated Code Enforcement officer or employee will be present to conduct an inspection; (2) Instructions on how to reschedule the inspection to a reasonable date and time by contacting the designated Code Enforcement officer or employee before the stated date of the inspection; (3) Notification to the person that if consent to the inspection is denied that the Division of Code Enforcement may make an application to a court of competent jurisdiction for an inspection warrant; (4) Provide a date when the recipient must respond to the request for the consent; and (5) Notify that a tenant may be protected against retaliation by the landlord for making a good faith complaint of code violations pursuant to §223-b of the New York State Real Property Law.

(c) After a request for consent has either been denied or not responded to within the time allotted in the request, the Director of the Division of Code Enforcement or his designee may begin the process of seeking a rental registry inspection warrant from a court of competent jurisdiction.

; and

BE IT FURTHER ORDAINED, that a new Section 27-142 shall be added to Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, to be entitled "Notice of Intent to Request a Rental Registry Inspection Warrant" which shall read as follows:

Section 27-142. Notice of Intent to Request a Rental Registry Inspection Warrant

As noted in Section 27-141 above prior to submitting an application to a court of competent jurisdiction for an inspection warrant, the Director of the Division of Code Enforcement or his designee must give prior notice to the applicant, the occupant or other person with apparent right of possession of the Director's intent to apply for an inspection warrant. This notice shall be served in the same manner as the request for consent to an inspection.

; and

BE IT FURTHER ORDAINED, that a new Section 27-143 shall be added to Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the

Property Conservation Code of the City of Syracuse, to be entitled "Rental Registry Inspection Warrants" which shall read as follows:

Section 27-143. Rental Registry Inspection Warrants

(a) Pursuant to Section 27-133 (a) (7) the property being registered must pass an exterior and interior inspection conducted by employees of the Division of Code Enforcement. When applying for a Rental Registry Certificate, which calls for an inspection, a person shall have the right to decline to consent to the inspection, and the City may apply for an inspection warrant to be issued by a court of competent jurisdiction to allow a Division of Code Enforcement employee to conduct the required inspection. Before seeking an inspection warrant, the Division of Code Enforcement shall provide notice of the request for an inspection warrant to the applicant, occupant or other person with apparent right of possession in accordance with the procedure outlined in Section 27-144 below.

(b) An inspection warrant may be sought and obtained within ninety (90) days of the date of the initial request for consent for inspection. Where all other requirements for issuance of a rental registry certificate pursuant to Section 27-133 above have been met, and the City has failed to obtain an inspection warrant within ninety (90) days of the initial request for inspection, the City shall issue the rental registry certificate for the property.

(c) Nothing in this Ordinance shall be construed to require a person to consent to an inspection of premises in order to determine compliance with applicable Code provisions; however, nothing in this Ordinance shall be construed as removing the obligation of a person to apply and secure a Rental Registry certificate for their applicable premises.

(d) Nothing in this Ordinance shall be construed to require either an inspection warrant or prior notice to enter or inspect a premises under circumstances in which a warrant is not constitutionally required.

; and

BE IT FURTHER ORDAINED, that a new Section 27-144 shall be added to Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, to be entitled "Application for a Rental Registry Inspection Warrant" which shall read as follows:

Section 27-144 Application for a Rental Registry Inspection Warrant

The application for an inspection warrant should be made in writing to a court of competent jurisdiction and should contain the following information:

1. The name of the Court to which it is addressed;
2. The Name of the Director of the Division of Code Enforcement;
3. The date of the making of the application;
4. Indicate that the inspection is required for the issuance of a Rental Registry Certificate pursuant to the provisions of Article 9 of Chapter 27 of the Revised General Ordinances of the City of Syracuse, known as the Property Conservation Code;
5. Describe the limited nature and purpose of the inspection and the manner in which the inspection is to be conducted in order to assure that any observations, findings and evidence obtained through execution of the inspection warrant shall be restricted to use in civil enforcement proceedings only;
6. Identify the premises to be entered and inspected in sufficient detail and particularity so that the Director of Code Enforcement or the employee executing the inspection warrant may readily ascertain the premises;
7. For cases where prior notice of intent to conduct an inspection is required, the application should contain specific information showing how and when the notice has been given, which most recent notice shall have been given within ninety (90) days of the application for an inspection warrant, and how the inspection has not been allowed, has not been scheduled, or has been unduly delayed by the person notified;
8. Request that the court issue an inspection warrant directing an inspection of the subject premises for civil enforcement purposes only, which inspection may include the photographing, recording or nondestructive testing of the property or physical conditions found thereon or therein, subject to such limitations and restrictions as may be provided by the Court; and
9. The application should be subscribed and sworn to by the applicant before a Commissioner of Deeds or a Notary Public.

; and

BE IT FURTHER ORDAINED, that a new Section 27-145 shall be added to Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, to be entitled "Execution of a Rental Registry Inspection Warrant" which shall read as follows:

Section 27-145. Execution of a Rental Registry Inspection Warrant

- A. In executing an inspection warrant, the designated City officer or employee authorized by the Court to execute the warrant shall, before entry to the premises, make a reasonable effort to present his or her credentials, authority and purpose to an occupant or person in possession of the premises designated in the warrant and to deliver a copy of the warrant to the occupant or person in possession of the premises.
- B. When authorized in the inspection warrant, a police officer may provide protection to the

designated City officer or employee during the execution of the inspection warrant. Absent such authorization, a police officer shall not accompany the designated City officer or employee during the inspection of the interior portions of a building not open to the public.

- C. An inspection warrant shall be executed within the time specified in the warrant, not to exceed thirty (30) days or if no time is specified therein, within thirty (30) days from the date of issuance of the inspection warrant.

; and

BE IT FURTHER ORDAINED, that a new Section 27-146 be added to Article 9, Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, to be entitled "Unlawful actions" which shall read as follows:

Section 27-146. Unlawful actions

It shall be unlawful for any person to willfully deny or unduly delay entry or access to any premises to a designated City officer or employee with an inspection warrant authorizing inspection of said premises, to willfully deny or unduly delay or interfere with the inspection authorized by the warrant, or after receiving a copy of an inspection warrant requiring the scheduling of an inspection, to willfully fail to schedule a reasonable date and time for the inspection as set forth in the inspection warrant. Any person who violates this section shall be subject to an application to be found in contempt of court pursuant to Article 19 of the Judiciary Law, and punishment as provided for therein may include a fine or imprisonment, or both.

; and

BE IT FURTHER ORDAINED, that all remaining sections of Chapter 27 of the Revised General Ordinances of the City of Syracuse, as amended, being the Property Conservation Code of the City of Syracuse, not amended by this Ordinance shall remain in full force and effect as previously adopted.

;and

BE IT FURTHER ORDAINED, that this Ordinance shall be effective as of July 1, 2018.