

**TOWN OF NIAGARA LANDLORD LICENSE APPLICATION**

**Town Clerk's Office**

7105 Lockport Road, Niagara Falls, NY 14305

Date: \_\_\_\_\_

Landlord Name: \_\_\_\_\_

Rental property address: \_\_\_\_\_ City/State \_\_\_\_\_ Zip Code \_\_\_\_\_

Home Phone: \_\_\_\_\_ Rental property phone \_\_\_\_\_

**(If there is more than one rental property, please list on a separate sheet of paper)**

Landlord/Owner Home Address \_\_\_\_\_

If partnership, names and addresses of all partners:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(Attach additional sheet if necessary)

If Corporation, the names and addresses of all Officers

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

If Agent or Managing Company, the name, principal address and phone:

Address where invoices and notifications should be sent to:

Hereby Swear to the Truth of the Above Information:

X  
Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

This form MUST be completed and submitted with a \$10.00 fee (2-year fee) made payable to Town Clerk. Incomplete forms will be returned.

**FOR OFFICE USE ONLY**

Registration Fee: \$10.00 (2-year fee) Received by: \_\_\_\_\_ Date: \_\_\_\_\_

**TOWN OF NIAGARA**  
**LANDLORD LICENSING LOCAL LAW**

**Section 1. Purpose:**

The Town of Niagara hereby finds and declares that the rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the residents of the Town of Niagara. Residential rental properties may become a haven for various criminal or disruptive activities that can result in disorder in our community and affect the quality of life of others in the Town of Niagara.

The Town Board of the Town of Niagara desires to minimize and control the adverse effects caused by illegal and nuisance activities which may occur at residential rental properties, thereby protecting the health, safety and welfare of our citizens; and preserving the quality of life, property values and the character of neighborhoods and businesses.

It is the purpose of this law to implement a registration requirement for residential rental property owners in order to curb criminal activity and disorder on residential rental properties in the Town of Niagara.

**Section 2. Definitions:**

Criminal Activity - unlawful activity consisting of drug activity, weapons possession, assault, domestic violence, murder, assault, sexual assault, gang activity or other activity proscribed by the Penal Law of the State of New York.

Dwelling - a single family, two-family or multi-family residence or dwelling which is rented or for rent.

Dwelling Unit - an individual rental unit in a dwelling.

Owner/Landlord - the owner or owners of a dwelling, or a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee or agent.

Police Report - a report issued by a Town Police Officer after said officer has responded to a complaint alleging the occurrence of criminal activity or a public nuisance.

Property Manager - a person or other entity designated by the owner to manage a dwelling on behalf of the owner.

Public Nuisance - activities affecting the quality of life of residents of the Town of Niagara, including violations of the New York State Penal Law, disorderly conduct, alcohol-related incidents or violations of the Code of the Town of Niagara which are enforced by the Town Police Department.

Renter/Lessee/Tenant - any person who rents a dwelling unit from an Owner in the Town of Niagara.

**Section 3. Landlord license; registration requirement.**

- a. License required. No person shall allow a dwelling unit to be occupied or rented to another for occupancy unless the owner has first obtained a rental housing business license as hereafter provided.
- b. Exemptions. The provisions of this chapter shall not apply to 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.
- c. Application for license. Within 30 days after the effective date of this law, the owner of each dwelling shall make written application for a rental housing business license to the Town Clerk's Office. Such application shall be on a form furnished by the Town and shall set forth the following information, in addition to other information required by the Town which, from time to time, the Town deems necessary to administer, enforce and ensure compliance with the provisions of this law. Failure to provide such information shall be grounds to deny a rental housing business license:
  - i. Names, addresses (business and residence) and telephone number(s) (business and residence) of owner;
  - ii. If the owner is an association, limited liability company, partnership, joint tenancy, tenancy in common or tenancy by the entirety, then the name, address and telephone number of each and every owner, member or general partner shall be indicated on the application;
  - iii. If the owner is a corporation, the principal place of business of the corporation must be provided, along with the name, title and residence address of all officers, directors and managing/general agents must be included on the application;
  - iv. If the owner has designated an agent or managing company to assist the owner with the management of the property, then the name, principal residence address, principal business address and telephone number of such agent or managing company must be included on the application;
  - v. It shall be the responsibility of the owner to properly register any change of address, change of agent or change of any other pertinent information with the Town;
  - vi. For purposes of this law, a post office box shall not be accepted as the owner's business or residence address. Furthermore, the dwelling intended to be licensed shall not be accepted as the owner's address unless it is the principal place or residence of the owner;
  - vii. For purposes of this law, if the owner does not reside in or have its place of business in the County of Niagara, then the owner must have a property manager located in the County of Niagara. If the owner does not reside or have a

business located in the County of Niagara, then the owner must designate a property manager located in the County of Niagara who can accept service of process.

- viii. The owner shall specify the address to which all notices and invoices for fees are to be forwarded.
- d. License Application Fee. The application fee for a landlord license under this law shall be Ten Dollars (\$10.00) every two (2) years.
- e. Issuance or denial of license. After receipt of the owner's application for a rental housing business license, the Town Clerk's Office shall review same to ensure said application contains all of the required information. If the application is deemed complete, the Town Clerk's Office, within 30 days, shall forward the owner a Rental Housing Business License. If said application is deemed incomplete, the Town Clerk's Office shall notify the owner, and the owner shall have 30 days in which to supply the required information. If the required information is not supplied by the owner, the application shall be denied.
- f. Effect of failure to make application or denial of rental housing business license. If the owner does not submit the rental housing business license application or fails to supply all of the information required on the application, the owner shall be subject to the following fines:
  - i. \$500.00 per owner for each 30 day period until an acceptable application is submitted;
- g. Recourse if fine is not paid. If the owner neglects or refuses to pay the fine(s) as stated in subsection e. of this section within 30 days after notification, the Town shall add any such fine(s) onto the owner's property tax bill, and it shall become a lien on the property/dwelling.
- h. Term of license. A rental housing business license issued pursuant to this law shall be valid for a period of two (2) years after its issuance, unless sooner revoked pursuant to this law.
- i. Non-transferability of license. A rental housing business license issued pursuant to this law shall not be transferable to any person who has acquired ownership of a dwelling. A new owner is required to file a new application for a rental housing business license within 30 days after acquiring ownership.

#### **Section 4. Criminal or Public Nuisance Activity Occurring on the Dwelling Property.**

In the event that the Town Police Officer who responds to the dwelling unit for reports of criminal activity or public nuisance activity at the dwelling unit finds that said activity was engaged in or facilitated by the renter, member of the household, guest or other party under the control of the renter, and issues a police report for same, the Town Clerk's Office shall forward a notice to the owner or property manager stating that there was criminal activity or public nuisance activity on the dwelling property. The owner or property manager shall then take appropriate action to notify the tenant to cease any such activity, or evict said tenant. In the event that there are any subsequent incidents at the

dwelling unit in the same calendar year in the same dwelling unit relating to activity engaged in, or facilitated by the same renter or a member of his/her household, guest or other party under the control of said renter, the Town Clerk's Office will forward by first class mail a second notice of criminal activity or public nuisance activity to the owner or property manager notice. Subsequent incidents in the same calendar year at the same dwelling unit will be followed by a notice to the owner or property manager, along with a notice of the imposition of the following fines:

- a. Third incident in the same calendar year- \$50.00 fine;
- b. Fourth incident in the same calendar year- \$100.00 fine;
- c. Fifth incident in the same calendar year - \$500.00 fine;
- d. All further incidents in the same calendar year - \$1,000 fine per incident.

If the owner or property manager submits information to the Town Clerk's Office that it is in the process of evicting the tenant in whose dwelling unit the criminal or public nuisance activity is occurring, future impositions of fines will cease. In the event that the owner neglects or refuses to pay the fine(s) as stated in this section within 30 days after notification, the Town shall add such fine(s) onto the property/dwelling's property tax bill, and it shall become a lien on the property/dwelling.

**Section 5. Crime Free/Crime Prevention Lease Addendum.**

The owner or property manager of a dwelling under this law is encouraged to utilize a Crime Free/Crime Prevention Lease Addendum, an example of which is annexed to this law, to assist the owner or property manager with the eviction of tenants who continue to conduct criminal or public nuisance activity in the dwelling unit.

**Section 6. Tenant Information.**

The Owner of each dwelling is required to maintain information concerning all of its tenants, including the number and names of all occupants, and the full address and telephone numbers of all tenants. In the event of criminal or public nuisance activity on the property, the owner or property manager shall cooperate with the Town Police Department by providing this information to the Town Police Department if so requested.

**Section 7. Appeals.**

Any owner or property manager who is notified of a fine under this law shall have the right to appeal the imposition of said fine to the Town Board of the Town of Niagara. A written request for an appeal shall be made by the owner or property manager within 30 days after the date of the communication notifying the owner or property manager of the fine. The Town Board shall schedule a hearing within 30 days after receipt of said request for appeal. The owner or property manager shall appear at the hearing in person and shall have the right to representation by a person or attorney of his or her choice. The owner, property manager or his/her representative, shall provide sworn testimony at said hearing. An appeal to the Town Board will stay the imposition of the fine until it renders its decision. The Town Board shall thereafter issue its written decision to uphold the fine or rescind the fine.

**Section 8. Severability.**

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

**Section 9. Applicability.**

This law shall be applicable to all dwellings located in the Town of Niagara.

### Example of Landlord - Tenant Lease Addendum:

"This addendum to the lease executed by and between \_\_\_\_\_ as Owner/Landlord and \_\_\_\_\_ as Tenant(s) for leasing of the property at \_\_\_\_\_, is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and includes the following provisions which are hereby agreed, incorporated into and made a part of said lease:

Any violations of the Ordinances or any other federal, state or local criminal nuisance, or property maintenance statutes, regulations, or ordinances may result in the EVICTION of the tenant who committed, allowed or facilitated the violation.

Tenants and all persons who reside in the leased premises, by assuming possession of the same, agree that the landlord or his agents may release to the Police Department, Fire Department or Building Department information concerning the identity of all occupants.

Tenants who fail to provide the landlord the names of individuals who will be temporarily residing at the dwelling unit more than seven (7) consecutive calendar days may be subject to EVICTION.

#### Crime Free Agreement

In consideration of the execution or renewal of a lease of the rental unit identified in this lease, Owner (or Owner's agent or representative) and Resident/Tenant agree as follows:

1. Tenant, any member of the Tenant's household, a guest or invitee in the dwelling unit or on the common grounds, or any other person in the dwelling unit or on the common grounds invited there in any way by the Tenant or a member of Tenant's household, shall not engage or in any way be involved in criminal activity, including but not limited to:

a) Drug related criminal activity, meaning the manufacture, sale, distribution or use of a controlled substance, cannabis or methamphetamine (as defined in the New York Compiled Statutes).

b) Facilitate any drug related activity.

c) Prostitution as defined in the New York Compiled Statutes.

d) Criminal street gang activity as defined in the New York Compiled Statutes.

e) Threatening or intimidating actions as prohibited in the New York Compiled Statutes.

f) Assault as prohibited in the New York Compiled Statutes, including but not limited to unlawful discharge of firearms.

g) Any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the Landlord, his agent or other Tenants or involving imminent or actual serious damage as defined in the New York Compiled Statutes.

2. Tenant and every member of the household shall not permit the dwelling unit to be used for criminal activity or to facilitate criminal activity, in the unit or on the common grounds, regardless of whether the individual engaging in such activities is a member of the household, a guest or invitee and regardless of whether the Tenant is present during any such offense.

3. VIOLATION OF ANY OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF THE TENANCY, PROVIDED, HOWEVER, A TENANT SHALL NOT BE RETALIATED AGAINST NOR EVICTED WHEN MERELY A VICTIM OF ANY CRIMINAL ACT PROHIBITED HEREIN, BUT SHALL BE RESPONSIBLE FOR THE ACTS OF HIS/HER GUESTS AND HOUSEHOLD MEMBERS. A single violation of any of the provisions hereof shall be deemed a serious violation and material non-compliance with the lease. IT IS UNDERSTOOD AND AGREED THAT A SINGLE VIOLATION SHALL BE GOOD CAUSE FOR IMMEDIATE TERMINATION OF THE LEASE UNDER THE NEW YORK COMPILED STATUTES. Unless otherwise provided by law, proof of violation shall not require criminal conviction, BUT SHALL BE BY A PREPONDERANCE OF THE EVIDENCE."