

TOWN OF CLARKSTOWN

PROPOSED LOCAL LAW NO. __ OF 2027

**A LOCAL LAW AMENDING CHAPTER 157 (HOUSING STANDARDS)
OF THE TOWN CODE TO STRENGTHEN THE RENTAL REGISTRY,
TO ESTABLISH THE PERSONAL ACCOUNTABILITY OF THE
NATURAL PERSONS WHO OWN, CONTROL, AND PROFIT FROM
RENTAL PROPERTY HELD THROUGH BUSINESS ENTITIES, AND
TO PROVIDE ADDITIONAL REMEDIES FOR UNREGISTERED
AND ILLEGAL RENTALS**

(The “Renter Safety and Landlord Accountability Act”)

BE IT ENACTED by the Town Board of the Town of Clarkstown as follows:

Section 1. Legislative Findings and Intent.

The Town Board of the Town of Clarkstown hereby finds and declares:

1.1. Existing Framework: By Local Law No. 10-2016, the Town Board enacted Article VIII (Illegal Occupancies) and Article IX (Rental Registry) of Chapter 157 of the Town Code, finding that the rental of dwelling units that are substandard, inadequate in size, overcrowded, or dangerous poses a significant threat to life, limb, and property, and that the rental of dwelling units constitutes a business which impacts upon the public health, safety, and general welfare. By Local Laws Nos. 3-2026 and 4-2026, the Town Board increased the penalties for violations of those Articles. Those findings are reaffirmed and incorporated herein.

1.2. The Entity Gap: Article IX requires registration of every non-owner-occupied one- and two-family rental dwelling and defines “landlord” and “owner” to include ownership through a partnership, corporation, or limited liability company, but requires disclosure only of “the name, address and telephone number and email address of the owner of record” (§ 157-62(A)(1)). Where the owner of record is a business entity, the registry therefore identifies only the entity and a mailing address. The Town Board finds that this gap impairs the service of notices of violation, appearance tickets, and process; impairs the identification of the natural persons who make the decisions that create hazardous conditions and who receive the rental income; and permits the same individuals to operate multiple non-compliant rental properties through separately named entities without any accountable person appearing on the Town’s records. The Town Board directs that the Building Department place before it, as part of the record of the public hearing on this Local Law, the number of registered rental properties held by business entities, the number of open violations at entity-owned rental properties, and the number of notices under this chapter returned unserved during the preceding five years, and adopts those figures as part of the findings supporting this Local Law.

1.3. State Law Already Requires Disclosure of Entity Principals: Tax Law § 1409(a)(2) provides that where the grantor or grantee of a deed for residential real property containing up to four family dwelling units is a limited liability company, the transfer tax return shall not be accepted for filing unless accompanied by a document identifying the names and business

addresses of all members, managers, and authorized persons of the company, tiered through any entity member “until full disclosure of ultimate ownership by natural persons is achieved,” and further provides that such identification “shall not be deemed an unwarranted invasion of personal privacy” under the Freedom of Information Law. Section 1107 of the Limited Liability Company Law requires reporting companies to file beneficial ownership disclosures with the Department of State and authorizes disclosure of that information to officers or employees of a local government agency where necessary to the performance of their official duties (Limited Liability Company Law § 1107(f)(3)). The Town Board finds that requiring the same disclosure in the Town’s rental registry is consistent with, and complementary to, State policy.

1.4. Individual Accountability: Penal Law § 20.25 provides that a person is criminally liable for conduct constituting an offense which he or she performs or causes to be performed in the name of or in behalf of a corporation to the same extent as if such conduct were performed in his or her own name or behalf. The Town Board finds that the natural persons who own, control, manage, advertise, and collect rent for rental property held through a business entity are the persons whose conduct determines whether that property is registered, lawfully occupied, and safe, and intends by this Local Law to define the prohibited conduct so that those persons are directly answerable for it. The Town Board does not intend to impose liability upon any person solely by reason of holding a title or an ownership interest.

1.5. Consent or Warrant: The Town Board finds that the inspection of rental property is necessary to protect the life and safety of occupants and neighbors, and that inspections must respect the constitutional rights of owners and occupants. This Local Law therefore provides that no inspection of a rental unit shall be conducted without the consent of the owner or occupant or a warrant issued by a court of competent jurisdiction, except in an emergency; limits each inspection in time, place, and scope to the purposes of this chapter; and affords owners the alternative of a certification of compliance by a licensed professional engineer or registered architect in lieu of a Town inspection.

1.6. No Registration, No Rent: The Town Board finds that the penalties available under Article IX have not been sufficient to secure compliance, because an owner who does not register may nonetheless collect rent while the violation continues, and that without the risk of losing the rent there is no meaningful incentive for an owner to register. The Town Board therefore intends that a valid registration be a condition precedent to the collection of rent; that a lease or rental agreement for an unregistered unit be unenforceable by the landlord; and that a tenant who has paid rent for an unregistered unit have an express right to recover it, in addition to and not in place of any other remedy.

1.7. Advertising and Brokers: Section 157-64 already prohibits any broker or agent from listing, advertising, or offering for rent any dwelling unit for which a current rental registration has not been issued, and prohibits the acceptance of a deposit, rent, or commission for an unregistered unit. The Town Board finds that the same rule should apply to owners, property managers, and any person who advertises a rental unit by any medium, including online listing platforms, and that every advertisement should display the Town registry number so that prospective tenants can verify compliance before paying a deposit. The Town Board intends this requirement as a content-neutral regulation of the solicitation of a rental use that this chapter already regulates, and not as a restriction on any other speech.

1.8. Uniform Application: This Local Law applies to every rental dwelling unit subject to Article IX in every part of the Town, regardless of the identity, religion, national origin, familial status, or source of income of any owner, occupant, or prospective occupant. Enforcement shall be initiated on the basis of objective criteria, including the absence of a registration, complaints, and the presumptive indicators of illegal occupancy set forth in § 157-54, and not on the basis of the characteristics of the persons occupying or seeking to occupy any dwelling.

1.9. Statutory Authority: This Local Law is adopted pursuant to Article IX of the New York State Constitution; Municipal Home Rule Law § 10(1)(ii)(a)(9-a), which authorizes local laws relating to the fixing, levy, collection, and administration of local government fees, penalties, and liens on local property; Municipal Home Rule Law § 10(1)(ii)(a)(12), which authorizes local laws relating to the government, protection, order, conduct, safety, health, and well-being of persons or property, including the regulation or licensing of occupations or businesses; Municipal Home Rule Law § 10(4)(b), which authorizes the enforcement of local laws by legal or equitable proceedings and the punishment of violations by civil penalty, fine, forfeiture, or imprisonment, or by two or more of such punishments; Town Law § 130(3-a), which authorizes a town to regulate the condition, occupancy, and maintenance of one- and two-family dwellings, to fix the responsibilities and duties of owners, operators, and agents, and to establish inspection procedures; and Town Law §§ 135 and 268.

1.10. Purpose: The purpose of this Local Law is to identify the natural persons behind every rental property in the Town, to hold those persons directly accountable for hazardous and unregistered rentals, to remove the profit from illegal rentals, and to give the Building Department and the Town Attorney enforcement tools that are effective, prompt, and legally durable.

Section 2. Amendment to § 157-59 (Definitions).

Section 157-59 of the Town Code is hereby amended by adding the following definitions, to be inserted in alphabetical order, and by amending the definition of “LANDLORD and OWNER” to read as set forth below:

ADVERTISE — To list, post, publish, solicit, exhibit, show, or otherwise offer a dwelling unit or any portion thereof for rent or lease by any means or medium, including without limitation signs, print media, internet listing services, short-term or long-term rental platforms, social media, and word of mouth, whether or not compensation is paid for the advertisement.

BUSINESS ENTITY — Any corporation, limited liability company, limited liability partnership, limited partnership, general partnership, trust, association, or other legal or commercial entity, whether domestic or foreign and whether for-profit or not-for-profit, other than a natural person.

CONTACT INFORMATION — With respect to a natural person, the person’s full legal name, residence address, mailing address if different, a functioning mobile telephone number, and a functioning electronic mail address. A post office box may be provided as a mailing address but shall not be accepted in lieu of a residence address.

CONTROLLING INTEREST — The ownership or control, directly or indirectly, of twenty-five percent or more of the equity, membership, partnership, or beneficial interests in a business entity, or the exercise, directly or indirectly, of substantial control over the management or policies of a business entity, whether through ownership, position, contract, arrangement, understanding, relationship, or otherwise. This definition is intended to be consistent with the definition of “beneficial owner” in 31 U.S.C. § 5336(a)(3), as incorporated by § 1106 of the Limited Liability Company Law.

LANDLORD and OWNER — Any person or business entity who owns any legally cognizable interest in any rental property, including but not limited to outright ownership or ownership through a partnership, corporation, limited liability company, trust, or other business entity, and, for purposes of the duties and liabilities imposed by this article, every person in charge of such rental property.

PERSON IN CHARGE — Any natural person who owns, controls, manages, supervises, leases, advertises, collects or receives rent for, or permits the occupancy of a rental property or rental unit, including without limitation the responsible person designated pursuant to § 157-62.1, any member, manager, officer, director, general partner, or trustee of a business entity owner who directs the affairs of that entity with respect to the rental property, and any managing agent or property manager. A person is a person in charge by reason of his or her own conduct or control and not solely by reason of holding an ownership interest in a business entity.

PRINCIPAL — With respect to a business entity, each member, manager, and authorized person of a limited liability company; each general partner and each limited partner holding a controlling interest of a partnership; each officer, director, and shareholder holding a controlling interest of a corporation; and each trustee and each beneficiary holding a present beneficial interest of a trust.

RESPONSIBLE PERSON — The natural person designated by a business entity owner pursuant to § 157-62.1.

Section 3. Amendment to § 157-60 (Registration of rental dwellings; applicability).

Section 157-60 of the Town Code is hereby amended by adding new Subsections E, F, G, and H to read as follows:

E. Persons liable. Every owner and every person in charge of a rental property shall be jointly and severally responsible for compliance with this article. It shall be a violation of this article for any person in charge to cause, permit, or allow the occupancy of a rental unit that is not registered as required by this article, or to advertise, lease, or collect or receive rent for any such unit.

F. Presumptions. In any civil action or criminal prosecution for a violation of this article, the following rebuttable presumptions shall apply: (1) a dwelling unit that has been advertised as available for rent, or for which a written or oral lease or rental arrangement exists, is a rental unit; (2) the responsible person designated pursuant to § 157-62.1, and any natural person who signed the registry application, signed a lease

for the unit, or received rent for the unit, caused or permitted the occupancy of the unit; and (3) a rental unit for which no registration appears on the Town's registry on the date of an alleged violation was unregistered on that date. These presumptions may be rebutted by competent evidence and shall be in addition to the presumptions set forth in § 157-54.

G. Duty to obtain proof of registration. A prospective tenant may request, and an owner or person in charge shall provide before accepting any deposit or rent, a copy of the current registration approved by the Building Department for the rental unit.

H. Subletting and unauthorized occupancy; responsibility of owner.

(1) Rental occupancy created by a tenant. Any sublease, assignment, license, short-term rental, or other arrangement by which a tenant or occupant of a rental unit permits any other person to occupy all or part of the unit for rent is a rental occupancy subject to this article. The person who makes such an arrangement is a person in charge of the unit and is liable under this article for it.

(2) Responsibility of owner and responsible person. Every owner and every responsible person shall be responsible for the occupancy of every rental unit on the rental property, whether the occupancy was created by the owner, by a tenant, by a subtenant, or by any other person. It shall be a violation of this article for an owner or responsible person to maintain a rental property upon which any dwelling unit is occupied as a rental unit without a current registration, or in excess of the maximum occupancy permitted by the certificate of occupancy or this chapter, or in a portion of the premises not lawfully approved for residential occupancy. The Town Board intends that the offense defined in this paragraph be one of strict liability within the meaning of Penal Law § 15.10, and no culpable mental state shall be an element thereof.

(3) Lease requirements. Every written lease or rental agreement for a registered rental unit entered into, renewed, or extended after the effective date of this subsection shall (a) state the Town registry number of the unit and the maximum number of occupants permitted by the certificate of occupancy; (b) prohibit the tenant from subletting, assigning, licensing, or offering the unit or any part of it for short-term rental without the prior written consent of the owner and, where required, registration under this article; (c) require the tenant to inform the owner of the name of any occupant within 30 days following the commencement of occupancy or a request by the owner, as provided in Real Property Law § 235-f(5); and (d) contain no provision that restricts occupancy in a manner prohibited by Real Property Law § 235-f. Nothing in this paragraph limits the right of a tenant to the occupancy of immediate family members and an additional occupant as provided in Real Property Law § 235-f, and no such occupancy is a violation of this article unless it exceeds the maximum occupancy permitted by the certificate of occupancy or this chapter.

(4) Affirmative defense of diligent enforcement. In any prosecution or civil action against an owner or responsible person under paragraph (2) of this subsection, it shall be an affirmative defense, to be established by a preponderance of the evidence, that (a) the lease or rental agreement for the unit complied with paragraph (3); (b) the owner or responsible person did not receive rent, directly or indirectly, from any subtenant or unauthorized occupant; (c) within 10 days after receiving written notice of the condition from the Building Department, or within 10 days after otherwise learning of it, whichever is earlier, the owner served upon the tenant a written notice to cure the condition; (d) if the condition was not cured within the time stated in the notice, the owner commenced a proceeding under Article 7 of the Real Property Actions and Proceedings Law, or an action for ejectment, within 30 days after the expiration of that time and has prosecuted it in good faith and without unreasonable delay; and (e) the owner has consented to inspection of the common areas and, to the extent within the owner's control, the unit, by the Building Department upon request. The defense provided by this paragraph does not apply to a violation of paragraph (1), to the collection of rent from a subtenant or unauthorized occupant, or to any condition of the premises other than the occupancy itself.

(5) Rent. For purposes of § 157-68 and § 157-67.1, rent, use and occupancy, and other consideration paid by a subtenant or unauthorized occupant for the occupancy of a rental unit is rent received for that unit, whether paid to the owner, the responsible person, the tenant, or any other person.

(6) Nothing in this subsection shall be construed to authorize any person to remove an occupant from a dwelling unit other than by a court order or a governmental vacate order issued as provided by law, or to relieve any tenant, subtenant, or other person in charge of liability under this article.

Section 4. Amendment to § 157-62 (Registry form, filing, and fee).

Subsection A of § 157-62 of the Town Code is hereby amended by amending paragraph (1) and adding new paragraphs (7) through (11), and § 157-62 is further amended by adding new Subsections F through I, to read as follows:

A(1). The contact information of the owner of record of the residential rental premises intended for rental occupancy. Where the owner of record is a natural person, the contact information of each such natural person.

A(7). Where the owner of record is a business entity: (a) the entity's exact legal name, form, jurisdiction of organization, Department of State identification number, and principal office address; (b) the contact information of every principal of the entity; and (c) where any principal is itself a business entity, the same information for each principal of that entity, and so on, until the natural persons who ultimately own or control the owner of record are identified. A publicly traded entity, a real estate investment trust, or a mutual fund need not identify its shareholders or beneficial owners beyond its officers and directors.

A(8). Where the owner of record is a limited liability company that acquired the premises on or after September 13, 2019, a copy of the document identifying members, managers, and authorized persons filed with the transfer tax return pursuant to Tax Law § 1409(a)(2), if any, or a sworn statement that no such document was required or filed.

A(9). Where the owner of record is a business entity, the designation of a responsible person pursuant to § 157-62.1, together with that person's written acceptance.

A(10). The contact information of any managing agent, property manager, or other person who has day-to-day responsibility for the management, supervision, care, or maintenance of the premises, and of any broker or agent authorized to advertise or lease the premises.

A(11). The number of dwelling units and bedrooms lawfully permitted on the premises under the certificate of occupancy and any approved plans on file with the Building Department.

F. Verification. The registry application shall be signed by every owner who is a natural person and, for a business entity owner, by the responsible person, before a notary public, and shall bear the following statement directly above the signatures: "I certify that all information contained in this application is true and correct to the best of my knowledge and belief, that the premises will not be occupied by more persons or families than the certificate of occupancy permits, and that no violation of the Town Code or of the New York State Uniform Fire Prevention and Building Code exists on the premises to my knowledge. I understand that the willful making of a false statement of material fact herein is punishable under Article 175 of the Penal Law and constitutes a violation of this article."

G. Annual recertification. In addition to the biennial renewal required by Subsection D, every owner shall, between January 1 and February 1 of each calendar year, file a recertification on a form prescribed by the Building Department confirming that the information on file remains accurate or reporting any change. No fee shall be charged for a recertification that reports no change.

H. Change of ownership or control. A new registry application shall be filed within 30 days after any transfer of title to the premises and, where the owner of record is a business entity, within 30 days after any change in a principal of the entity or in any controlling interest in the entity. The purchaser or the entity under its new control shall be responsible for the filing.

I. Confidentiality. Residence addresses, mobile telephone numbers, electronic mail addresses, and dates of birth of natural persons furnished under this article shall be maintained by the Building Department for enforcement purposes and for service of notices and process, and shall be exempt from public disclosure to the extent permitted by Public Officers Law § 87(2)(b). The information made available to the public under § 157-67 shall be limited as provided in that section. Nothing in this subsection limits disclosure to law enforcement, to the Town Attorney, to any court, or as otherwise required by law.

Section 5. New § 157-62.1 (Responsible person).

Chapter 157 of the Town Code is hereby amended by adding a new § 157-62.1 to read as follows:

§ 157-62.1. Responsible person.

A. Every business entity that owns a rental property subject to this article shall designate one natural person who holds a controlling interest in the entity, or who is a manager, managing member, general partner, officer, or trustee of the entity, as the responsible person for the rental property. The responsible person shall maintain a bona fide residence in the State of New York and shall satisfy the requirement of § 157-63 to designate an agent in the County of Rockland if the responsible person does not reside in the County.

B. The designation shall be in writing, signed by the responsible person before a notary public, and shall state that the responsible person (1) has authority to act for the entity with respect to the rental property; (2) controls the rental and occupancy of the premises; (3) accepts service of any notice, order, appearance ticket, summons, or process relating to the premises on behalf of the entity and on his or her own behalf; and (4) understands that he or she is a person in charge of the premises for purposes of this article and is personally responsible for compliance.

C. A business entity shall replace a responsible person who dies, resigns, or ceases to hold the required position within 30 days by filing a new designation. The obligations of a responsible person continue until a successor designation is filed with the Building Department.

D. Service of any notice, order, appearance ticket, summons, or process upon the responsible person, personally or at the residence address on file, shall constitute service upon the business entity, and no business entity that has designated a responsible person may assert lack of notice or lack of personal jurisdiction based solely upon such service.

E. Nothing in this section shall be construed to relieve any other person in charge of liability under this article, or to impose liability upon any person solely by reason of holding an ownership interest in a business entity.

Section 6. Amendment to § 157-64 (Broker's/agent's responsibility).

Section 157-64 of the Town Code is hereby amended by retitling it "Advertising; broker's, agent's, and platform responsibility" and by adding new Subsections D, E, and F to read as follows:

D. It shall be unlawful for any owner, person in charge, property manager, broker, agent, or other person to advertise any dwelling unit in the Town of Clarkstown for rental occupancy unless a current registration has been issued for that unit under this article. Every advertisement of a rental unit, by any medium, shall display the Town registry number assigned to the unit. The absence of a registry number in an advertisement shall be presumptive evidence that the unit is not registered.

E. It shall be unlawful for any person to accept a deposit, rent, application fee, or commission in connection with the rental of a dwelling unit for which no current registration has been issued.

F. The Building Department may issue a written notice to any person or internet listing service that has published an advertisement of an unregistered dwelling unit in the Town, identifying the unit and requesting removal of the advertisement. A notice under this subsection is a request. Nothing in this subsection or this article imposes any duty or liability upon a provider of an interactive computer service, as defined in 47 U.S.C. § 230(f)(2), with respect to an advertisement or other information provided by another information content provider, and no violation of this article shall be charged against such a provider on account of such information.

Section 7. Amendment to §§ 157-62(D), 157-65, and 157-66 (Inspections; certification; warrants).

Subsection D of § 157-62 of the Town Code is hereby amended by deleting the words “after satisfactory inspection of residential occupancy” and substituting the words “after satisfactory inspection or certification of compliance pursuant to § 157-65,” and § 157-65 of the Town Code is hereby amended to read as follows:

§ 157-65. Inspection requirements; certification in lieu of inspection; limitations.

A. Before the approval or renewal of any registration under this article, and at intervals not more frequent than once in each two-year registration term except upon a complaint or reasonable cause to believe that a violation exists, the Building Inspector or his or her authorized agent shall offer to inspect the rental premises for compliance with this chapter, the New York State Uniform Fire Prevention and Building Code, and other applicable law, including the presence, function, and placement of smoke and carbon monoxide detectors and fire extinguishers. Each inspection shall be scheduled in advance in writing, shall take place at a reasonable hour, and shall be limited in scope to the matters described in this subsection.

B. Certification in lieu of inspection. In lieu of an inspection by the Town, an owner may submit a certification, on a form prescribed by the Building Department, by a professional engineer licensed in the State of New York or an architect registered in the State of New York, other than the owner or a person in charge, attesting under seal that the engineer or architect has personally inspected the premises within the preceding 60 days and that the premises comply with the matters described in Subsection A. The Building Department shall accept a complete and facially valid certification for purposes of approving or renewing the registration, without prejudice to enforcement of any violation later discovered. The submission of a false certification shall be a violation of this article by the person submitting it and shall be reported to the New York State Education Department, Office of the Professions. A certification may be submitted only for the biennial renewal of the registration of a rental unit that has previously been inspected by the Town under this section; it shall not be accepted (1) for the initial registration of a rental unit or of a premises not previously inspected by the Town, (2) where a complaint concerning the premises has been received within the preceding two years, (3) where two or more of the indicators

set forth in § 157-54 are present, (4) where any violation of this chapter has been found at the premises within the preceding five years, or (5) where the Town has applied for or obtained a warrant pursuant to § 157-66. In those cases the owner may consent to a Town inspection or the Town may proceed under § 157-66, and no registration shall be denied or delayed solely because the owner has declined to consent.

C. Consent or warrant. Nothing in this article shall be construed to authorize the Building Inspector, any code enforcement officer, or any other officer or employee of the Town to enter or inspect any premises, or any portion thereof, without the voluntary consent of the owner or of an occupant having authority to consent, or without a warrant issued by a court of competent jurisdiction pursuant to § 157-66, except where entry is necessary to respond to an emergency that presents an imminent threat to life or safety. No registration shall be denied, revoked, or delayed solely because an owner or occupant has declined to consent to an inspection, provided that the owner submits a certification pursuant to Subsection B where one is permitted, or the Town obtains a warrant pursuant to § 157-66; where a certification is not permitted under Subsection B and the owner declines to consent, the Building Inspector shall apply for a warrant pursuant to § 157-66 and the registration shall be held pending the inspection.

D. Any inspection report or certification which reveals the presence of a violation of this chapter shall be remedied by the owner within 10 days of its issuance, or within such longer period as the Building Inspector may fix in writing for a violation that cannot reasonably be corrected within 10 days. Failure to correct within that period shall constitute a violation of this chapter.

Section 157-66 of the Town Code is hereby amended by adding the following sentence at the end thereof: “Reasonable cause to apply for a warrant under this section may be established by, among other things, the absence of a current registration for a dwelling unit that is advertised or reasonably believed to be occupied as a rental unit; the presence of two or more of the indicators set forth in § 157-54; a credible complaint; or the fact that a rental unit is being offered for rental occupancy for the first time without prior inspection or certification.”

Section 8. Amendment to § 157-67 (Public access to records).

Section 157-67 of the Town Code is hereby amended to read as follows:

§ 157-67. Public rental registry; access to records.

A. The Building Department shall maintain, and shall make available to the public on the Town’s website and at the Building Department, a searchable registry listing, for each registered rental property: the street address and tax map designation; the registry number and its expiration date; the name of the owner of record and, where the owner is a business entity, the name of the responsible person; the number of dwelling units and bedrooms lawfully permitted; and whether any notice of violation issued under this chapter is outstanding. The registry shall also indicate, for any property for which a registration has been denied or revoked or for which a

conviction under this article has been entered within the preceding five years, that fact and the date thereof.

B. Nothing in this article shall prevent any member of the public, prospective tenant, or resident of the Town from determining whether any particular rental property has been registered pursuant to this article. Registration statements shall be available in accordance with the Freedom of Information Law, subject to § 157-62(I) and to the exemptions set forth in Public Officers Law § 87(2).

Section 9. New § 157-67.1 (Registration as condition precedent to collection of rent; private right of action).

Chapter 157 of the Town Code is hereby amended by adding a new § 157-67.1 to read as follows:

§ 157-67.1. Registration as condition precedent to collection of rent; remedies of tenants.

A. A current registration issued under this article shall be a condition precedent to the collection of rent for any dwelling unit subject to this article. No owner or person in charge shall demand, collect, or receive rent, use and occupancy, or other consideration for the occupancy of a dwelling unit subject to this article for any period during which no current registration was in effect for that unit.

B. Any lease or rental agreement for a dwelling unit subject to this article that is entered into or renewed while no current registration is in effect for that unit is void and unenforceable by the owner or person in charge as against the tenant, without prejudice to the tenant's right to continue in possession under applicable law.

C. Private right of action. Any tenant or former tenant who has paid rent, use and occupancy, or other consideration for the occupancy of a dwelling unit for any period during which no current registration was in effect may maintain an action against the owner and every person in charge, jointly and severally, to recover all sums so paid, together with reasonable attorney's fees and costs. This subsection expressly creates a private right of action and is in addition to any remedy available at law or in equity.

D. Nothing in this section shall be construed to relieve any tenant of the obligation to pay rent for any period during which a current registration was in effect, or to authorize any owner or person in charge to remove or exclude any occupant except as permitted by law pursuant to a warrant of eviction or other order of a court of competent jurisdiction or a governmental vacate order.

Section 10. Amendment to § 157-68 (Penalties for offenses).

Section 157-68 of the Town Code is hereby amended by amending Subsection A to add the words "and every person in charge" after the words "Any person or entity," and by adding new Subsections E through J to read as follows:

E. Business entities. Notwithstanding Subsection A, where the defendant is a business entity, the fine upon conviction shall be not less than \$10,000 and not more than

\$30,000 for a first offense; not less than \$20,000 and not more than \$60,000 for a second offense committed within five years; and not less than \$30,000 and not more than \$100,000 for a third or subsequent offense committed within five years. In fixing a fine within these limits the court shall consider the gain derived from the offense, the hazard to occupants and the public, the number of dwelling units and occupants involved, the duration of the violation, and any prior violation of this chapter by the defendant or by any person in charge of the premises.

F. Fine measured by gain. As provided in Penal Law § 80.05(5) and § 80.10(2)(b), in lieu of the fine otherwise authorized, the court may sentence any defendant to pay an amount not exceeding double the amount of the defendant's gain from the commission of the offense, including all rent, use and occupancy, and other consideration received for the occupancy of the unregistered or illegally occupied unit.

G. Civil penalties. In addition to or in lieu of criminal prosecution, the Town Attorney may commence an action in the Supreme Court, Rockland County, or in any court of competent jurisdiction, to recover a civil penalty of not more than \$1,000 for each violation of this article, each day of a continuing violation constituting a separate violation, together with all rent, use and occupancy, and other consideration received for the occupancy of a dwelling unit during any period in which no current registration was in effect. The owner and every person in charge shall be jointly and severally liable for such civil penalties.

H. Injunction; abatement. Pursuant to Town Law §§ 135 and 268 and Municipal Home Rule Law § 10(4)(b), the Town Attorney may institute an action or proceeding in the name of the Town to restrain, correct, or abate any violation of this article, to prevent the occupancy of any dwelling unit in violation of this article, and for such other relief as may be appropriate, including the appointment of a receiver pursuant to CPLR 6401 where the court finds that the owner and persons in charge have failed to correct hazardous conditions after notice. The Town shall be entitled to recover its costs of enforcement, including reasonable attorney's fees, in any such action in which it prevails, which costs shall be a lien upon the premises collectible in the manner provided in § 157-69.

I. Relocation costs. Where a dwelling unit is ordered vacated by the Building Inspector or a court because of a violation of this chapter or of the New York State Uniform Fire Prevention and Building Code, the reasonable costs incurred by the Town in providing emergency shelter or relocation assistance to the displaced occupants shall be charged to the owner and every person in charge, jointly and severally, and shall be assessed against the premises and collected in the manner provided in § 157-69 and § 216-9(C) of this Code.

J. Notice to licensing authorities. Upon the conviction of any person licensed by the State of New York as a real estate broker or salesperson, professional engineer, or registered architect for a violation of this article, the Town Clerk shall transmit a record of the conviction to the appropriate State licensing authority.

Section 11. New § 157-69.1 (Outstanding violations; effect on Town approvals).

Chapter 157 of the Town Code is hereby amended by adding a new § 157-69.1 to read as follows:

§ 157-69.1. Outstanding violations; effect on Town permits and approvals.

A. Permits and certificates. No building permit, certificate of occupancy, certificate of compliance, registration or renewal under this article, or other permit, license, or certificate issued by the Building Department or by any other officer or department of the Town shall be issued for any premises for which an unpaid fine, civil penalty, or assessment under this article remains outstanding after the time to pay or to appeal has expired, or for which an uncorrected notice of violation under this article is pending, except a permit necessary to correct the violation or to abate a condition dangerous to life or safety.

B. Applications under Town Law Article 16. Upon the filing of any application to the Planning Board or the Zoning Board of Appeals for site plan approval, subdivision approval, a special permit, or a variance affecting premises described in Subsection A, the Building Inspector shall certify to the board, in writing and as part of the record of the application, the outstanding fines, penalties, assessments, and uncorrected violations at the premises. The board may, to the extent consistent with Town Law §§ 274-a(4), 276, and 267-b(4), impose as a condition of any approval that the violations at the premises be corrected and the adjudicated amounts be paid before any building permit or certificate of occupancy is issued in reliance on the approval. Nothing in this section shall alter the standards or the time periods governing the review and decision of any application under Town Law Article 16 or authorize any board to withhold a decision on an application on account of a matter described in Subsection A.

C. Unsatisfied judgments. The Building Department shall maintain a list of persons and business entities against which a judgment or conviction under this article remains unsatisfied, and no registration under this article shall be approved for any premises owned or controlled by such a person or entity until the judgment or fine is satisfied.

Section 12. New § 157-69.2 (Uniform enforcement; reporting).

Chapter 157 of the Town Code is hereby amended by adding a new § 157-69.2 to read as follows:

§ 157-69.2. Uniform enforcement; reporting.

A. This article shall be enforced uniformly throughout the Town. Enforcement shall be initiated upon objective criteria, including the absence of a current registration, a complaint, a referral from another agency, a comparison of the registry against the assessment roll and other public records, or the presence of indicators set forth in § 157-54, and shall not be initiated on the basis of the actual or perceived race, color, religion, national origin, familial status, disability, source of income, or other protected characteristic of any owner, occupant, or prospective occupant.

B. The Building Inspector shall report to the Town Board and publish on the Town's website, not less than quarterly, the number of registrations issued, renewed, denied, and revoked; the number of notices of violation, appearance tickets, and civil actions issued or commenced under this article; the number of convictions and judgments obtained; the amount of fines, civil penalties, and rent recovered; and the number of dwelling units brought into compliance.

C. The Building Department shall schedule inspection and enforcement activity under this article, including outside regular business hours, as the presumptive indicators set forth in § 157-54 and the pattern of complaints warrant, subject to any applicable collective bargaining agreement. Nothing in this subsection authorizes the entry of any premises except as provided in § 157-65 and § 157-66.

Section 13. Transition.

Every owner of a rental property registered under Article IX on the effective date of this Local Law shall file the additional information and designations required by Sections 4 and 5 of this Local Law within 90 days after the effective date, on a supplemental form to be prescribed by the Building Department, and no fee shall be charged for the supplemental filing. The provisions of Sections 6, 9, and 10 of this Local Law shall apply to conduct occurring on or after the 91st day following the effective date.

Section 14. Environmental Review.

The Town Board has considered this Local Law under the State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and 6 NYCRR Part 617. This Local Law amends the Town's housing standards and rental registration requirements and does not change the allowable use of any land, the zoning classification of any district, or the intensity of any permitted use. The Town Board determines that the adoption of this Local Law is a Type II action under 6 NYCRR § 617.5(c)(33), as a local legislative decision in connection with actions listed in 6 NYCRR § 617.5(c)(25) (official acts of a ministerial nature, including building permits predicated on compliance with the local building code), § 617.5(c)(30) (inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business), § 617.5(c)(35) (civil or criminal enforcement proceedings), and § 617.5(c)(37) (interpretation of an existing code), and that no further review under Article 8 of the Environmental Conservation Law is required.

Section 15. County Referral.

This Local Law amends Chapter 157 (Housing Standards) of the Town Code. It is not the adoption or amendment of a comprehensive plan or of a zoning ordinance or local law, and it is not the issuance of a special use permit, the approval of a site plan, the granting of a variance, or any other authorization issued under a zoning ordinance or local law, within the meaning of General Municipal Law § 239-m(3)(a). Referral to the Rockland County Department of Planning under General Municipal Law § 239-m is therefore not required. The Town Clerk is directed to transmit a copy of this Local Law, upon adoption, to the Rockland County Department of Planning for its information.

Section 16. Construction; Saving Provision.

This Local Law shall be construed to supplement, and not to supersede, Articles VIII, X, and XII of Chapter 157, Chapter 111 (Buildings, Unsafe), Chapter 216 (Property Maintenance), and Chapter 290 (Zoning) of the Town Code, and the New York State Uniform Fire Prevention and Building Code. Nothing in this Local Law shall be construed to authorize the interruption or discontinuance of any utility or essential service to an occupied dwelling, to authorize the removal of any occupant except as permitted by law, or to require the disclosure of the name, age, or identity of any tenant or occupant of a rental unit. In the event of any conflict between this Local Law and any State or federal law, the State or federal law shall control and this Local Law shall be applied to the maximum extent permitted.

Section 17. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law, or the application thereof to any person, business entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, or the application of such clause, sentence, paragraph, subdivision, section, or part to other persons, business entities, or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such order or judgment shall have been rendered. The Town Board hereby declares that it would have enacted this Local Law, and each and every section, subdivision, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

Section 18. Effective Date.

This Local Law shall take effect immediately upon its filing with the New York Secretary of State, except as otherwise provided in Section 13.

**NOTICE OF PUBLIC HEARING
TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK**

PLEASE TAKE NOTICE that the Town Board of the Town of Clarkstown will hold a public hearing on [Date of Hearing] at [Time] p.m., at Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the adoption of Proposed Local Law No. __ of 2027, entitled: “A LOCAL LAW AMENDING CHAPTER 157 (HOUSING STANDARDS) OF THE TOWN CODE TO STRENGTHEN THE RENTAL REGISTRY, TO ESTABLISH THE PERSONAL ACCOUNTABILITY OF THE NATURAL PERSONS WHO OWN, CONTROL, AND PROFIT FROM RENTAL PROPERTY HELD THROUGH BUSINESS ENTITIES, AND TO PROVIDE ADDITIONAL REMEDIES FOR UNREGISTERED AND ILLEGAL RENTALS.”

The purpose of the proposed Local Law is to amend Article IX (Rental Registry) of Chapter 157 of the Town Code to require every business entity that owns a rental property to identify the natural persons who own and control it and to designate a responsible person who is personally accountable for compliance; to make every person in charge of a rental property responsible for its registration and lawful occupancy, including occupancies created by subletting, subject to a defense of diligent enforcement; to prohibit the advertising of, and the collection of rent for, any unregistered rental unit, and to make a current registration a condition precedent to the collection of rent, with a private right of action for tenants to recover rent paid for an unregistered unit; to conform the Town’s inspection provisions to the requirement of consent or a warrant and to permit certification of compliance by a licensed engineer or architect in lieu of a Town inspection; to establish a public searchable rental registry; to add penalties for business entities, fines measured by the violator’s gain, civil penalties, cost recovery, and relocation-cost recovery; to withhold Town approvals from premises with outstanding violations; and to require uniform enforcement and quarterly public reporting.

A copy of the proposed Local Law is on file in the Office of the Town Clerk, 10 Maple Avenue, New City, New York, where it may be examined during regular business hours, and is available on the Town’s website. All interested persons will be given an opportunity to be heard at the public hearing. [Accessibility and language-access statement per Town practice.]

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN

[Name], Town Clerk

Dated: [Date]