

**NOTICE OF ADOPTION OF RESOLUTION**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Babylon, County of Suffolk, State of New York, at a regular meeting thereof held on the 3<sup>rd</sup> day of March 2021 duly adopted a resolution adopting Local Law No. 3 of 2021, an abstract of which is as follows:

**RESOLUTION NO. 150 MARCH 3, 2021  
ADOPTING LOCAL LAW NO. 3 OF 2021 AMENDING CHAPTER 153 OF THE BABYLON TOWN  
CODE (MULTIPLE DWELLINGS)**

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17<sup>th</sup> day of February 2021 upon the question of enactment of Local Law No. 3 of 2021 of the Town of Babylon, Suffolk County, New York, being a Local Law adding the Code of the Town of Babylon, Chapter 153 (Multiple Dwellings);

WHEREAS; In accordance with Part 617.5 (c.) (26), State Environmental Quality Review (SEQR), the adoption of this Local Law is classified a Type II Action and not subject to environmental review under SEQR; and

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon that Local Law No. 3 of 2021, of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

**LOCAL LAW NO. 3 of 2021  
AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 153**

Section 1. AMEND as follows:

CHAPTER 153  
MULTIPLE DWELLINGS

§ 153-3 Rental Permit Review Board; issuance of rental permit.

The Rental Permit Review Board shall consist of seven members who shall be appointed by and serve at the pleasure of the Town Board. The seven-member Rental Permit Review Board (referred to in this Article as the "Rental Board" or "Board") shall henceforth hear all new Class I and Class II applications and make a final determination as to whether the applicant should be granted any such permit. It shall be a violation of this Chapter to rent a residential dwelling unit in any premises or to rent the entirety of the premises without first obtaining a valid rental permit.

§ 153-4 Application for permit; term of permit, public hearing required, posting.

The applicant must file with the Department of Planning and Development the following items in duplicate:

A. Application for Permit

- 1) Application for such permit shall be made, in writing, to the Department of Planning and Development on a form provided therefor and shall contain the name of the property owner, the location of the premises and the number of units to be rented.
- 2) Each application shall be accompanied by a floor plan to scale of each dwelling unit and accommodation.
- 3) Each application shall be executed by and sworn to by the owner of the premises.
- 4) Property survey (40 feet to one inch minimum scale) shall be provided.
- 5) A copy of the certificate of occupancy or certificate of compliance for the dwelling unit.
- 6) Copy of recorded deed.
- 7) Full disclosure affidavit.
- 8) 200 foot radius mailing.
- 9) Local Agent Contact Form. If the owner or authorized agent of a dwelling unit resides or has his principal place of business located outside the County of Suffolk, he is required to designate an agent who resides in the County of Suffolk for the service of process of any notices set forth in this article or for the service of process of a violation of this article. The failure to provide the name and address of an agent for service of process, or failing to provide updated contact information should the authorizing agent's information change, shall be deemed a violation of this Article.

10) Each application shall be accompanied by a Property Maintenance Certification Form, sworn to by the owner of the premises

B. Term of permit

1) The permit shall be valid for a period of two years from the date of issuance.

C. Public hearing required

1) A public hearing shall be held for all new Class I and Class II applications, and all Class I and Class II renewal applications after the effective date of this Article. The Board shall fix a time and give public notice thereof by the publication in the official newspaper of such hearing at least five days prior to the date of the public hearing. The applicant may appear in person or by an authorized agent at the hearing. The applicant's agent shall be appointed by the applicant through a limited power of attorney upon a form to be provided to the applicant by the Town and submitted to the Board prior to the commencement of the hearing.

2) Renewal Application. Subsequent to the first renewal after the effective date of this Article, which first renewal shall require a public hearing, if there have been no Town Code violations or sworn complaints by the applicant's neighbors relating to the permit granted herein during the permit period, a renewal applicant shall not be required to appear at a public hearing, provided that he shall file an affidavit with the Board stating that he has in all respects been in compliance with the Town Code during the permit period. If there has been a Town Code violation by the applicant relating to the permits granted under this Article, a renewal applicant may be required to appear in person at a public hearing upon request by the Board.

D. Posting

1) Subject property is to be posted for a period of not less than 10 days immediately preceding the public hearing or an adjourned date thereof.

2) The posting of signs on subject property shall be made in the following manner:

(a) The petitioner shall erect on the affected property a sign or signs of blue printing on a white background, measuring 30 inches high and 40 inches wide, which shall be prominently displayed on the premises facing each public street, centered on each area of street frontage, on which the affected property abuts, set back not less than 10 feet from the property line, and not less than two feet nor more than six feet above the grade of the property line, giving notice that the application for rental permit is pending and the date, time and place when the public hearing will be held.

(b) An affidavit is to be filed not later than 48 hours prior to the public hearing on the petition stating that identical posters not more than 200 feet apart have been conspicuously posted along the street frontage at least 10 days prior to the date set for the public hearing.

3) Applicants for renewal of the permit provided for pursuant to this article shall not be required to post a sign on the property pursuant to §153-4D(1), herein nor shall the applicant for renewal be required to file the affidavit of posting provided for in § 153-4D(2)(b) and as further required by § 153-4A8 herein.

§ 153-5 Permit fees; late charge for overdue permit renewals.

A. Permit fees, inspection fees, and sign posting fees, shall be pursuant to the fee schedule set by resolution of the Town Board and shall be amended from time to time, in the Town Board's discretion, as follows:

(1) Class I: one- or two-family homes; homes providing up to two units.

(2) Class II: homes containing four or fewer dwelling units;

(3) Class III: multi-residential zoned properties.

B. Based upon the recommendation of the Commissioner of Planning and Development, a late charge for permit fees required by § 153-5 of the Babylon Town Code equal to two times the amount of said fees, shall be charged by the Commissioner for any and all permit renewals required by Town Code Chapter 153 which are overdue and filed after the permit is expired.

§ 153-6 Compliance required; revocation of permit.

A. No permit or renewal thereof shall be issued for any application unless the property shall be in compliance with all the provisions of the Code of the Town of Babylon, the New York State Building Code, New York State Property Maintenance Code, the sanitary and housing regulations of the County of Suffolk and the laws of the County of Suffolk and State of New York.

B. Prior to the issuance of any such permit or renewal thereof, the dwelling unit(s) shall be subject to an on-site inspection by a Town Chief Building Inspector or his/her designee who shall be satisfied that the property which is the subject of the application is in compliance with all the provisions of the Code of the Town of Babylon, all applicable housing, sanitary, building, electrical and fire codes, rules and regulations. All Rental units shall meet the following requirements:

1. Battery-operated smoke detectors are required in each bedroom. Battery operated smoke detectors are required for any hallway leading to a bedroom. One battery-operated smoke detector is required for each level of the building including the basement/cellar and attic. For new construction, all smoke detectors must be electronically hardwired with battery backup; no battery-operated smoke detectors are permitted.
2. CO detectors must be installed on each sleeping level and the boiler area.
3. Outside stoops which are 24" inches high must have railings.
4. Stairwells must have handrails to code.
5. If the boiler is in a separate room, 5/8" fire rated sheetrock is required with a ¾ hour fire rated, self-closing door. If the boiler is in an open room, 5/8" fire rated sheetrock is required over the boiler only.
6. Driveway must be improved (asphalt, concrete or decorative stone) and in good repair.
7. No unlicensed motor vehicle(s) on property.
8. No debris, as defined in §133-25 of the Town Code, on the property.
9. Proper storm windows and doors (with screens) must be installed.
10. No cellar bedrooms.
11. Electric outlets must not be exposed, no holes in walls or flooring coming up.
12. Tiles and grouting in bathrooms must be in good repair.
13. All dwelling units must have proper heat, hot water, etc.
14. Any construction, modification, alteration, changes or additions to any building located at the premises shall require a building permit and certificate of occupancy issued a Building Inspector.
15. New and existing buildings shall have approved address numbers, building numbers or approved building identification pursuant to the NYS Building Code and placed in a position to be plainly legible and visible from the street or road fronting property. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).
16. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chip paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelop and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.
17. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates and public nuisance.
18. The sidewalk in front of or abutting the property shall be maintained in good and safe repair.
19. Sewer/septic system shall be properly maintained.
20. Lawn and landscaping must be kept appropriately trimmed pursuant to Section §133-25.1 with proper irrigation.

C. In lieu of an on-site inspection by a Building Inspector, an applicant may elect to provide the Chief Building Inspector a certification, designed and approved by the Chief Building Inspector, signed by either a New York State licensed professional engineer or New York State licensed architect who has a valid New York State Uniform Fire Prevention Building Code certificate that the structure and the dwelling units contained are in compliance with the provisions of set forth in this Chapter and in compliance with all the provisions of the Code of the Town of Babylon, and all applicable housing, sanitary, building, electrical and fire codes, rules and regulations.

D. The Rental Permit Review Board may revoke a rental permit or approval issued under the provisions of this chapter upon application of the Town Attorney's Office for any of the following reasons:

- (1) Where the Board finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based; or
- (2) Where the Board finds that the rental permit was issued in error and should not have been issued in accordance with the applicable law; or
- (3) Failure to maintain the necessary requirements as outlined in this article, or occurrence of unlawful activities at or about the premises;
- (4) There is fighting or violent, tumultuous or threatening behavior by any occupant of the premises;
- (5) There is unreasonable noise from the premises on a regular basis;
- (6) There are repeated calls to the police for disturbances and/or disputes at the premises;
- (7) There is obstruction of vehicular or pedestrian traffic due to vehicles from or at the premises;
- (8) There is a hazardous or physically offensive condition created by an act of an occupant or owner of the premises;
- (9) For existing violations of the Babylon Town Code on the premises;
- (10) When violations of any state or local law exist on the premises;
- (11) When there exists a public nuisance as defined in Babylon Town Code Chapter 165, Article III;
- (12) Any other reason where the Board finds it is in the best interest of the community to revoke the permit due to health, welfare and safety concerns.

E. Such revocation shall take place after notice to the applicant and an opportunity for the applicant to be heard by the Rental Permit Review Board.

F. There shall be a presumption in a hearing to revoke a rental permit that an eviction proceeding having been filed with a court of competent jurisdiction prior to the service of a revocation hearing notice by the Town of Babylon, is proof that the owner of said premises has taken steps to remediate the violations at the premises and that the rental permit should not be revoked. This presumption shall continue until the Suffolk County Sherriff's Office executes a warrant of eviction or the tenants or occupants vacate the premises. This presumption shall be rebuttable.

G. No fees, as provided for pursuant to § 153-5 of this Code, shall be refunded after the revocation of a building permit.

.....

Section 2.     Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgement shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3.     Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

Dated: March 3, 2021, Town of Babylon  
BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON  
GERALDINE COMPITELLO, TOWN CLERK