

**VILLAGE OF HIGHLAND FALLS
INTRODUCTORY LOCAL LAW
STANDARDS FOR LODGING HOUSES AND SINGLE-FAMILY
AND TWO-FAMILY DWELLINGS WITH LODGERS**

BE IT ENACTED by the Board of Trustees of the Village of Highland Falls, County of Orange, State of New York, as follows:

Section 1. Chapter 122 of the Code of the Village of Highland Falls entitled “Housing Standards”, Section 8, titled “Definitions” is hereby amended to add a new definition as follows:

Lodger – any person occupying a lodging house or a maximum of one person not a member of the family occupying a single family dwelling or each unit in a two-family dwelling unit for remuneration.

Section 2. Chapter 122 of the Code of the Village of Highland Falls entitled “Housing Standards,” Section 8, titled “Definitions,” shall include the following definition as follows:

Lodging House – any dwelling that provides sleeping accommodations for one or more lodgers, including but not limited to single-family and two-family dwellings with one or more lodger.

Section 3. Chapter 122 of the Code of the Village of Highland Falls entitled “Housing Standards,” Section 8, titled “Definitions,” shall include the following definitions amended as follows:

Dwelling, One Family – a building containing not more than one dwelling unit occupied exclusively for residential purposes and containing not more than one lodger.

Dwelling, Two Family – a building containing not more than two dwelling units occupied exclusively for residential purposes with each such unit containing not more than one lodger.

Family – one or more persons occupying a dwelling unit as a single non-profit housekeeping unit.

- (1) It shall be presumptive evidence that four (4) or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a family.
- (2) In determining whether individuals are living together as the functional equivalent

of a family unit:

- (a) The group is one (1) which in theory, size, appearance, structure and function resembles a family unit;
- (b) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which more than one of the occupants act as separate roomers/lodgers may not be deemed to be occupied by the functional equivalent of a family;
- (c) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
- (d) The group is permanent and stable. Evidence of such permanency and stability may include:
 - 1. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - 2. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
 - 3. Members of the household are employed in the area;
 - 4. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
 - 5. There is common ownership of furniture and appliances among the members of the household; and
 - 6. The group is not transient or temporary in nature.
- (e) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

Multiple Dwelling:

- (1) A building containing three or more dwelling units.
- (2)

A building with one or more sleeping rooms other than a one or two family dwelling used or occupied by permanent or transient paying guests or tenants.

- (3) A building with sleeping accommodations for more than five persons used or occupied as a club, dormitory, fraternity or sorority house, or for similar uses.

- (4) A building used or occupied as a convalescent, old-age or nursing home, but not including private or public hospitals or public institutions. See Section 122-5 for certain multiple dwelling not within the scope of this Part I.

Owner – Any individual or individuals, partnership or corporation, similar type of business organization or proprietary interest, whether or not for profit or otherwise, in whose name title to a building is vested.

Section 4. Chapter 122 of the Code of the Village of Highland Falls titled, “Housing Standards, Section 10 titled “Occupation classification of buildings” subsection A titled “One and Two-family dwellings” shall be amended to read as follows:

“Buildings containing one or two dwelling units with a maximum of one lodger in either one of such dwelling units.”

Subsection B, titled “Multiple dwellings, subsection (1) shall be deleted in its entirety and subsection (2), (3), (4), (5) and (6) shall be renumbered subsections (1) through (5) consecutively.

Section 5. Chapter 122 of the Code of the Village of Highland Falls, Section 73 titled “Penalties for Offenses” shall be amended to read as follows:

- (1) Any person, including an owner as defined herein, who violates any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine in an amount no less than \$250 or by a term of imprisonment of not more than 15 days, or both for a first violation; in an amount not less than \$250 nor more than \$700 or a term of imprisonment of not more than 15 days or both for a second violation committed within a period of five years of the first violation; and in an amount of not less than \$700 nor more than \$1,000 or a term of imprisonment of not more than 15 days or both for a third and each subsequent violation committed within a period of five years of the first violation. Each day that a violation of or failure to comply with any provision of this chapter occurs shall constitute a separate and distinct violation.
- (2) Civil penalties.
 - (a) In addition to and not in lieu of the above, any person, including an owner as defined herein, who violates any provision of this chapter shall be liable to the Village for a civil penalty in an amount no less than \$250 for a first violation; in an amount not less than \$250 nor more than \$700 for a second violation committed within a period of five years of the first violation; and in an amount of not less than \$700 nor more than \$1,000 for a third and each subsequent violation committed within a period of five

years of the first violation. Each day's continued violation shall constitute a separate and distinct violation.

- (b) Civil penalties may be ordered in any action or proceeding by any court of competent jurisdiction, including but not limited to state and federal courts. All penalties shall be paid to the Village.
- (c) The judgment amount of any civil penalty ordered pursuant to this section, if not paid, may be assessed and levied against the real property which is the subject of the penalty and collected in the same manner as a real property tax.

- (3) In addition to and not in lieu of the remedies authorized above, the Board of Trustees or the Building Inspector or Code Enforcement Officer may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation or threatened violation of this chapter or to enforce any provision of this chapter.

Section 6. Chapter 122 of the Code of the Village of Highland Falls, titled "Housing Standards" is hereby amended to add the new Section 122-75(A) titled "Registration for Residences containing Lodgers" as follows:

- (1) Every lodging house operator or owner of a single family or two- family dwelling unit with a lodger or lodgers as defined above shall be required to register such property with the building department on such form or forms as prescribed by the Village Board of Trustees within a period of 60 days from the effective date of this Chapter. A new form shall be filed whenever there is change in the information provided. If there is a change in ownership, it shall be the responsibility of the new owner to file such amended form within a period of 30 days after taking title to the property.
- (2) Registry fee. Upon submission of the registration form, the owner shall also submit a registration fee. The amount of said fee shall be determined by resolution of the Board of Trustees and amended from time to time in the same manner.
- (3) Registry form.
 - (a) The information required on the registry form shall be determined by resolution of the Village Board of Trustees and modified from time to time in the manner.
 - (b) The information required on the registry form may include but not be limited to the following:

1. The name of owner, owner mailing address and telephone number and emergency contact information including telephone number.
2. The name, mailing address and telephone number of the agent, if any, appointed by the owner for the purpose of service of process.
3. The names, titles, addresses and telephone numbers of any responsible persons of any corporation, LLC, partnership or other business entity of ownership of the lodging house or similar one or two-family home in a non-individual capacity.
4. The property address and section, block, and lot number of the property as stated on the tax map of the Village of Highland Falls.
5. For any lodging house, the number of bedrooms which may be occupied at any one time.
6. Identification of fire and other safety features required for each building as relevant.
7. The name, address and telephone number of the local responsible person over 24 years old residing or doing business in the Village of Highland Falls and/or Town of Highlands who shall be responsible for the care and management of such property when the owner resides or has a principle place of business outside the Village of Highland Falls and/or Town of Highlands.

(c) The form shall be signed by the owner and his or her local responsible person, if any, and witnessed by a notary public and shall contain the following declaration:

“I, certify that all information contained in this statement is true and correct to the best of my knowledge and belief. I understand that the willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and shall constitute a violation of Chapter 122 of the Village of Highland Falls Code.”

(d) It shall be the responsibility of each owner to timely notify the building department whenever the information provided on the registry form has become outdated or for any reason is no longer accurate by filing an appropriately amended registration form within 30 days from the change.

- (4) Violations; penalties for offenses; remedies.
- (a) Failure to comply with any provision of this chapter, failure to submit a complete and accurate registry form, and/or providing false information on the registry form shall be deemed a violation of this chapter. This chapter shall be enforced by the Building Inspector and Code Enforcement Officer.
 - (b) The Building Inspector or Code Enforcement Officer shall be authorized to apply for an administrative search warrant to inspect all dwellings subject to the provisions of this chapter.
 - (c) No certificate of occupancy shall be issued to a lodging house or any single family or two-family dwelling having a lodger unless and until the owner has complied with the provisions of this chapter.
 - (d) The enforcement officer shall serve notice of a violation personally or by certified mail, return receipt requested, on the owner or agent of the subject property.
 - (e) Such notice shall require removal of the violation and compliance with this chapter immediately or, at the enforcement officer's discretion, within a reasonable time.
 - (f) The enforcement officer shall be authorized to issue appearance tickets.

Section 7. Chapter 122 of the Code of the Village of Highland Falls titled "Housing Standards" shall be amended to add a new Section 122-75B, titled "Sunset provision" to read as follows:

Any owner who within 60 days of the effective date of the adoption of this local law demonstrates to the Building Department that on the effective date of this Chapter that such single family or two-family dwelling owner offered the premises to more than one lodger, said owner shall be permitted to continue to let the rooms to the number of lodgers two years from the date of such said certification. This two-year period has been determined by the Board of Trustees of the Village of Highland Falls to be sufficient to allow said lodger to find suitable alternative accommodations and allow the property owner to recoup any costs associated with any improvements needed to make the room suitable for lodgers.

Section 8. Chapter 122 of the Code of the Village of Highland Falls titled, "Housing Standards" is hereby amended to include a new section 122-75C, titled "Appeal procedure" to read as follows:

Any owner of a property containing a single family or two family dwelling currently

housing more than one lodger per dwelling unit may appeal to the Village of Highland Falls Board of Trustees for relief of the provisions of this Chapter to continue offering to let the premises for more than one lodger if the property owner demonstrates to the Board of Trustees that reducing the number of lodgers would cause an undue hardship on said property owner. No relief shall be granted by the Board of Trustees unless the Board of Trustees specifically finds that the house contains greater than 3,500 square feet and more than five bedrooms pre-dating adoption of this Chapter and that the property on which the single family or two-family home is located contains ample parking in addition to those required for a single family or two-family house to accommodate more than one lodger. Alternatively, the Board of Trustees may grant relief if the property owner demonstrates to the Board of Trustees by dollars and cents proof that it is necessary to have more than one lodger to allow the property owner to pay the mortgage and taxes on the single family or two-family property. Such dollars and cents proof shall include a demonstration that the amount of the mortgage, taxes and insurance for the home account for more than 40% of the property owner's income including the rent received from the one permitted lodger.

Section 9. Chapter 240 of the Code of the Village of Highland Falls titled, "Zoning" Section 207 Attachment 1, titled "Village of Highland Falls Resident Districts Table of Use Regulations," under the use classification for accessory uses, the first listed accessory use shall be amended to read as follows:

"Accommodations for not more than one lodger in a single or two-family detached dwelling, provided that separate kitchen and entrance facilities shall not be provided."

Section 10. Chapter 240 of the Code of the Village of Highland Falls titled "Zoning" section 240-4, entitled "Definitions" Subsection (b) entitled "Terms defined" is hereby amended to add the following new definitions:

Dwelling One Family – a building containing not more than one dwelling unit occupied exclusively for residential purposes and containing not more than one boarder.

Dwelling Two Family – a building containing not more than two dwelling units occupied exclusively for residential purposes with the each such unit containing not more than one boarder.

Lodger – any person occupying a lodging house or a maximum of one person not a member of the family occupying a single family or each unit in a two-family unit for re-numeration.

Lodging House – any dwelling that provides sleeping accommodations for one or more lodgers, including but not limited to single-family and two-family dwellings with one or more lodger.

Section 11. Chapter 240 of the Code of the Village of Highland Falls titled "Zoning"

Section 240-4, entitled “Definitions” subsection (e) entitled “Terms defined” is hereby amended to delete in its entirety the definition of “Family” and replace it with the following new definition of Family as follows:

Family –

- (1) One or more persons occupying a dwelling unit as a single non-profit housekeeping unit.
- (2) It shall be presumptive evidence that four (4) or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
- (3) In determining whether individuals are living together as the functional equivalent of a traditional family unit:
 - (a) The group is one (1) which in theory, size, appearance, structure and function resembles a traditional family unit;
 - (b) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which more than one of the occupants act as separate roomers/lodgers may not be deemed to be occupied by the functional equivalent of a traditional family;
 - (c) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
 - (d) The group is permanent and stable. Evidence of such permanency and stability may include:
 - 1. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - 2. Members of the household have the same address for purposes of voter’s registration, driver’s license, motor vehicle registration and filing of taxes;
 - 3. Members of the household are employed in the area;
 - 4. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
 - 5. There is common ownership of furniture and appliances among the members of the household; and

6. The group is not transient or temporary in nature.

(e) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

Section 12. Chapter 240 of the Code of the Village of Highland Falls titled “Zoning” Section 240-42, entitled “Schedule of off-street parking requirements for residential uses” is hereby amended to add a new parking regulation as follows:

Use	Number of Required Spaces
Lodging House	1 per lodger

Section 13. This local law shall take effect immediately upon filing with the Secretary of State.