



# **GREEN ISLAND RESIDENTIAL OCCUPANCY PERMIT GUIDE**

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**A guide to the Village of Green Island residential dwelling registry and residential occupancy permits.**

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## Introduction

In March of 2024 the Village of Green Island Board of Trustees enacted Local Law No. 1 Chapter 156-1, Residential Occupancy Permit Code for the purpose of governing rented dwelling units, apartments and tenements within the Village of Green Island. Given the volume and complexity of the laws that apply to residential dwellings, the village has created this guide. This guide is meant to answer the most commonly asked questions about residential occupancy permits and provide the laws that most commonly come into play during a residential occupancy permit inspection.

At their core, residential occupancy permits are meant to 1) ensure that rental dwellings in the Village of Green Island are safe, and 2) ensure that the Village has the best contact information for the owners of rental properties which may be used in the event of an emergency.

While it is our hope that this guide will help answer your questions about residential occupancy, we understand that you might find yourself in a unique situation not covered here. We are always happy to answer your questions by phone at (518) 273-2201, by email at [tod.ward@villageofgreenisland.com](mailto:tod.ward@villageofgreenisland.com), or in person at our offices at 20 Clinton Street on weekdays between 9:00AM- 1230PM and 1:30pm- 4:00PM.

Because laws change and because we always strive to improve our operations, this guide will be updated regularly. To stay up to date with emergency and community events, please contact the Village at 518-273-2201 and ask to be signed up for the emergency notification alerts system.

### 1. **GENERAL INFORMATION ABOUT RESIDENTIAL OCCUPANCY PERMITS (ROPs)**

According to Village of Green Island Code Chapter 156 (reproduced below) landlords must obtain a Residential Occupancy Permit (ROP) and register each of their rental dwelling units on the Village of Green Island Rental Dwelling Registry (RDR) every 36 months or upon change in tenancy and prior to the unit being reoccupied. To obtain an ROP, the unit must pass an inspection by one of our Code Enforcement Officials.

#### a. **ROP Inspection Scheduling and RDR Cost**

To register a unit on the Rental Dwelling Registry and to obtain a Residential Occupancy Permit, the building owner must submit a Rental Dwelling Registry Form, which is available on our website. The fee for a ROP inspection is \$40 per unit. An inspection cannot be scheduled until the fee is paid. Though our form asks for a requested date of inspection, someone from our Code Department will contact you to confirm the inspection. If we're unable to reach you, an inspection will not be scheduled.

If the rental unit fails inspection the initial reinspection shall be free of charge; however, each subsequent re-inspection thereafter until the unit passes shall result in a re-inspection fee of \$25 per unit being reinspected. There is also a \$25 fee applied if no one is at the property to let the inspector into the building at the time of the scheduled inspection or if the inspection was canceled within 24 hours of inspection.

Dwellings with only one rental unit which are owned and occupied by individuals more than 65 years of age are exempt from the fee but still must pass an inspection.

A follow up inspection is included with the initial fee where violations are discovered during an ROP inspection. We also have a policy of granting extensions to comply where appropriate. For more on that policy, see the section on extensions in this guide.

The Rental Dwelling Registration Form asks when you would like your inspection to occur. We are almost always able to schedule an inspection for the time indicated. However, if you are not submitting the form and fee in person, please provide at least seven days for us to contact you to schedule the ROP inspection. One of our staff members will contact you to confirm the inspection date and time. If we are not able to reach you, no inspection will occur and no ROP will be issued.

We schedule inspections in hour windows because the nature of building inspections and the fact that we often must respond to emergencies makes it impossible for our Code Enforcement Officers to guarantee they can be at an inspection at a specific time of day. Regardless, the day of the inspection our Code Enforcement Officers will do their best to coordinate with whoever scheduled the ROP inspection to have the inspection occur at a time that fits the registrant's schedule.

Our inspectors will arrive during that hour window. If the person who called for the inspection or their agent does not answer our knock on the door, the Code Enforcement Officer will call the number of the contact, if it is available, or continue to knock on the door. The Code Enforcement Officer will remain at the property for at least five minutes while trying to make contact with the person who scheduled the inspection or their agent. If the Code Enforcement Officer is not provided access in those five minutes, a notice will be left at the front door of the property stating that we attempted to conduct the inspection but were not provided access.

**b. How to Pass an ROP Inspection (The Seven Inspection Points)**

To pass an inspection, the rental dwelling unit must comply with the NYS Uniform Code and the Code of the Village of Green Island.

While the assigned Code Enforcement Officer will seek to correct all code violations that come to her or his attention, below are the seven things a Code Enforcement Officer is actively looking to confirm are up to code in each dwelling unit during an ROP inspection.

1. **Smoke and Carbon Monoxide Detectors** - The Code Enforcement Officer will confirm that there are working smoke and carbon monoxide detectors in the unit.
  - \* **Smoke detectors** must be in each sleeping room, in the corridor outside a sleeping room, outside a bathroom containing a shower, and near cooking appliances. There must also be at least one smoke detector on each floor.
  - \* **Carbon monoxide detectors** must be in every sleeping room, in the corridor outside sleeping rooms and on the floor of all potential sources of carbon monoxide (any fuel burning appliance).
2. **Open Means of Egress** - In all but a few rare cases, there must be at least two ways of getting out of a residential unit in the event of an emergency. The means of egress must be properly lit, clear of debris and cannot be blocked by doors that require special knowledge or a key to open from the inside of the building.
3. **General Cleanliness** - The residential unit must be free of rubbish, garbage, and hazardous materials. There must be a trash disposal receptacle, and the unit must be free of animal infestation. All residential homes are supplied a Village owned garbage barrel per apartment unit.
4. **Security** - Doors to the residential unit must be lockable and in good working order.
5. **Building Structure** - The building itself must be in good condition. The Code Enforcement Officer will examine the building's foundation and other structural members for signs of failure.
6. **Electricity** - The unit's electrical systems must be functional and safe. The Code Enforcement Officer will check to make sure that outlets and switches are properly covered, wires are not illegally exposed, and that extension cords are not being used as permanent electrical hook-up.
7. **Running, Clean Water**- The Code Enforcement Officer will check to ensure that the dwelling unit has clean, running water.

These seven inspection points are a starting-off point for ROP inspections of units which appear to be compliant. Additional information will lead to a deeper review of the unit. For instance, if the unit is unusually cold or if a tenant reports a lack of heat, the ROP inspection will encompass the unit's heat supply system. The discovery of mold or water damage while checking for cleanliness may result in an inspection of the plumbing fixtures. A full list of the laws that apply to residential properties is included the "relevant codes" section below.

**c. Addressing Violations:**

If a code violation is discovered during an ROP inspection, the building owner or their designated agent will be notified. This is typically done both at the time of the inspection and through the issuance of a formal notice of violation which is sent to the owner by mail or email. However, where the property owner is willing and able to quickly remedy a small, non-life-threatening violation, the code enforcement officer may arrange for a follow-up inspection later the same the day or the next day without issuing a formal written notice of violation.

The notice of violation, if issued, will contain a re-inspection date set about thirty days out from the discovery of the violation and a description of the violations at the property which need to be remedied. If additional time is needed to remedy certain violations, extensions to comply are generally granted if requested in writing and the violation does not pose a safety threat.

**i. Informal Resolution:**

Our chief goal as a department is to educate Village of Green Island residents about the code, why it is important, and how it can be followed. We avoid or minimize formal enforcement when an opportunity presents itself to achieve code compliance through education.

If the violation is easy to remedy, the Code Enforcement Official may verbally advise the owner or the owner's agent of the violation and set up a time to come back later that day or the next day to ensure compliance if the violation can't be remedied right then and there. For instance, if a smoke detector simply needs new batteries, the Code Enforcement Official may provide an opportunity for the owner or their agent to refill them instead of issuing a formal notice of violation.

**ii. Extensions:**

If violations are discovered during an inspection and you've received a written notice of violation but need more time to comply, you can request an extension by contacting the Buildings Department in person at 20 Clinton Street, by phone at (518) 273-2201, or email at [tod.ward@villageofgreenisland.com](mailto:tod.ward@villageofgreenisland.com). For record keeping purposes and to avoid confusion, we can only grant extension requests submitted by writing or by email.

Extension requests are more likely to be granted where the violation is difficult to address, does not pose a health or safety risk, or the property owner is making sincere efforts to address the violation. The length of the extension also depends on these factors.

It is important to note that the Buildings Department does not have the authority to grant property owners a "grace period" in which they are permitted to violate code, but we understand that compliance can take time.

This is why, except in extreme cases, we give property owners at least thirty days to fix violations before we seek a penalty and grant extensions when appropriate.

It is also important to note that an extension request is not a guarantee by the Buildings Department that the violation is not a safety risk. While the Building Department does enforce the Village Local Codes and NYS Uniform Codes, we cannot guarantee that any property we inspect is safe. Code violations may be hidden from plain view by their very nature or intentionally by the violator. The NYS Uniform Code is also only the bare minimum standard of safety set out by law. For these reasons members of the public should always use their own common sense and judgment when assessing risks in their surroundings.

**iii. Prosecution:**

In the very rare event that an ROP inspection uncovers a violation that is not timely addressed, the Buildings Department will seek a fine for unaddressed violations in Town of Green Island Court. The first step in this process is that our Code Enforcement Officers will draft paperwork for the Court which describes the ongoing violations and asks the Court to impose a fine.

This same paperwork is sent to the building owner and contains a date on which the building owner is required to appear in court. Even after this step has been taken, the Building Department is willing to work with property owners on remedying code violations. Most cases which reach this point are resolved informally.

Extensions, however, can no longer be granted by the Building Department once a violation has been referred to court as the matter is now on the Court's calendar. To receive an extension for a matter that has gone to Court, the building owner should contact the Town of Green Island Court at (518) 273-0661.

A fine of up to \$1,000 per day per code violation may be imposed by the court if a property owner willfully fails to appear or comply with the law.

**iv. NYS Uniform Code Variances:**

The Buildings Department cannot exempt a building from the NYS Uniform Code. Such an exemption can only be obtained by getting a variance from the New York State Division of Building Standards & Code, which has the sole authority to grant variances from the NYS Uniform Code.

**d. Consequences of Not Obtaining an ROP:**

A landlord in the Village of Green Island is not entitled to rent a unit that does not have a residential occupancy permit. Many tenant housing subsidies are conditioned on the unit's having an active ROP. Finally, renting without an ROP would be a Village of Green Island Code violation and is subject to a fine if the matter proceeds to court. For a further discussion of the code enforcement process, see above.

e. **How to Check if You Have an ROP:**

The Buildings Department publishes an updated list of active ROPs on a monthly basis on our village website. You may also contact the Building Department in person at 20 Clinton Street, by phone at (518) 273-2201, or email at [tod.ward@villageofgreenisland.com](mailto:tod.ward@villageofgreenisland.com) to see whether a residential unit has an ROP.

f. **Subsequent Code Violations:**

The Building Department does not have the authority to revoke an ROP based on a code violation which occurs after an inspection. The rules regarding ROPs, which can be found below, do not provide for a revocation procedure. An ROP is not, however, an allowance to violate the Village of Green Island Local Code or the NYS Uniform Code. Those violations are still subject to our code enforcement process even if the unit where the violations are found has an active ROP.

g. **ROP Expiration Reminders:**

The Building Department will send out to the landlords a reminder of an upcoming expiring ROP. This will be sent 30 days prior to the expiration on the ROP. It will then be up to the Landlord to contact the Building Department and pay the fee and schedule a new inspection of the residence.

2. **RESPONSIBILITIES OF LANDLORDS & TENANTS:**

Both the landlord and tenant bear responsibility for the upkeep of a building. Maintaining property in a manner consistent with the law requires cooperation and coordination between the two. Regardless of whose responsibility a code violation may be, the Building Department cannot issue an ROP for a unit with an unaddressed code violation.

a. **Who Receives a Citation:**

Though both landlords and tenants have obligations under the Village of Green Island Local Code and the NYS Uniform Code, the landlord's responsibilities are greater than those of the tenant. The nature of the landlord-tenant relationship is that the tenant is often more able to walk away from a property without remedying a code violation. It is also the case that the violations of one tenant will impact other tenants and that the landlord is the only one able to work with the non-compliant tenant to protect innocent tenants. The landlord is also the only one who can coordinate the actions of multiple tenants, which may be needed if the violation exists throughout the building.

Because our job is to ensure compliance, we are obligated for all these reasons to include the building owner in any notice of violation that we issue as the result of an ROP inspection. However, we know that coming into compliance when the landlord tenant relationship has broken down is difficult. If you are a landlord who finds yourself unable to come into compliance due to the action or inaction of a hostile tenant, we will



grant reasonable extensions before seeking a fine so long as the relationship is being repaired or terminated.

We will cite the tenant where the tenant is responsible for the underlying violation in an area under their control. This may include failure to maintain an apartment in a clean and sanitary manner, removing smoke or carbon monoxide detectors, or infestation. Where there is no evidence that the tenant caused the violation, however, we will not cite the tenant for that violation.

**b. Resolving Disputes Between a Tenant and a Landlord:**

The Building Department is often asked to intervene in landlord/tenant disputes during the ROP scheduling and inspection process. We can't settle a dispute between a tenant and landlord because we have no authority over the landlord-tenant relationship. We cannot evict a tenant, rule that a tenant does not have to pay rent, order a landlord not to evict a tenant, or order a landlord to reimburse a tenant for damaged property. That kind of relief can only be obtained in a court of law.

**c. List of Tenant and Landlord Responsibilities**

What follows is a list of responsibilities setting out what the Building Department generally expects of tenants and landlords. Every situation and every property is unique, however, so this list may or may not apply to a given situation. You will also see that there are several responsibilities that fall on both the tenant and the landlord and so the parties should work together whenever possible to ensure a building is maintained in compliance with the law.

**i. Landlord Responsibilities:**

1. limiting occupancy to the maximum number of persons permitted and prohibiting unlawful uses;
2. maintenance of the premises in a clean, safe and sanitary condition;
3. maintenance of the operation of service facilities in good order and condition;
4. maintenance of plumbing, heating and electrical equipment and systems, appliances, fixtures, as well as other building equipment and facilities, in an appropriate, good operative, clean and sanitary condition;
5. maintenance of walls, floor and ceiling in public places in a clean and sanitary condition;
6. keeping exits free and clear; and

7. disposing of garbage, refuse and junk in a safe and sanitary manner and keeping the premises broom- swept, and extermination of insects, vermin, rodents, pests and elimination of harborage.

ii. **Tenant Responsibilities:**

1. occupancy limitations and its lawfully permitted use;
2. maintenance in a clean, safe and sanitary condition;
3. maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities in a clean and sanitary condition, and providing reasonable care in the operation and use thereof;
4. keeping exits free and clear;
5. disposing of garbage and refuse into provided approved containers in a sanitary manner; and
6. keeping domestic animals and pets in an appropriate manner and under control with proper licenses.
7. Extermination of insects, rodents or other pests within his dwelling unit, if his unit is the only one infested in the premises

Code Enforcement Officials would also like to advise tenants and property owners of some common pet violations that take place within the Village.

1. All canines are required to be licensed and vaccinated. (TLL 1 Section 3)
2. Dog running at large (unleashed canine) is prohibited. (LC 53-1)
3. Pet owners must remove their pets waste on public and private property. (LC 53-9)
4. The Village has defined kennel as a building or land used for harboring four or more dogs or cats over six months old. Kennels are not permissible in certain residential areas, and may require a special use permit. (LC 169)

It is important for tenants and property owners adhere to these regulations to maintain a safe and clean environment for all Village residents.