TOWN OF CLARKSTOWN
OFFICE OF THE TOWN ATTORNEY
INTER OFFICE-MEMORANDUM

TO: George Hoehmann, Supervisor
Town Board Members

FROM: Lino J. Sciarretta, Town Attorney LJS/pm

RE: **Proposed Local Law - Amending Chapter 157 (Housing Standards Applicable to Residential Premises and Chapter 290 (Zoning)**

DATE: August 23, 2016

Enclosed, for your information, is a copy of the proposed local law referred to above.

The purpose of this proposed local law is to amend the definition of "Family" and to clarify the definitions associated with senior housing uses within the Town, and to create a rental registry law and regulations regarding rental units in the Town.

LJS/pm
Encl.

cc: Town Clerk

LOCAL LAW NO. – 2016

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1. Title.

A local law amending chapter 157 (Housing Standards Applicable To Residential Premises) and chapter 290 (Zoning) of the code of the Town of Clarkstown.

Section 2. Amend Chapter 157 "Housing Standards Applicable To Residential Premises" as follows:

Amend § 157.7. Definitions. as follows:

Change the definition of "FAMILY" to read as follows:

FAMILY:

(A) One of the following:
  (1) One, two or three persons occupying a dwelling unit; or
  (2) Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

(B) It shall be presumptive evidence that four 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.

(C) In determining whether individuals are living together as a functional equivalent of a traditional family, the following criteria must be present:
  (1) The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;
  (2) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
  (3) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
  (4) The group is permanent and stable. Evidence of such permanency and stability may include:
    a. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;

b. Members of the household have the same address for purpose of voter's registration, driver's license, motor vehicle registration and filing of taxes;
c. Members of the household are employed in the area;
d. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
e. There is a common ownership of furniture and appliances among the members of the household; and
f. The group is not transient or temporary in nature;

(5) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.
(6) Substantiation of family status by affidavit or by other legal proof or documents may be required.

Amend Chapter 157 "Housing Standards Applicable To Residential Premises" to include the following two (2) new Articles:

ARTICLE VIII "ILLEGAL OCCUPANCIES":

§ 157.51. Legislation Intent; purpose.

The Town of Clarkstown Board Members hereby finds that there exist in the Town of Clarkstown serious conditions arising from the rental of dwelling units that are substandard, inadequate in size, overcrowded and/or dangerous and/or are in violation of local and state law, and that the rental of such dwelling units poses a significant threat to life, limb and property of residents of the Town of Clarkstown and others, tends to promote and encourage deterioration of housing within the Town, contributes to excessive vehicular traffic and parking problems and overburdens and has a detrimental effect upon municipal services. The Board finds the current Code provisions are inadequate to adequately deter and/or eliminate the existence of such dwelling units and that adequate legislation regulating these occupancies is required to promote and preserve the public health, safety, welfare and good order and governance of the Town. The enactment of the regulations set forth in this article, which regulations are remedial in nature and effect, shall have the effect of enhancing the public health safety, welfare and good order to the Town of Clarkstown.

§ 157.52. Scope.

This article shall apply to all premises and rental dwelling units within such premises located within the Town of Clarkstown, whether or not the use and occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located.

§ 157.53. Applicability.

The provisions of the article shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Town of Clarkstown, county or state or existing requirements of any other provision of local law or ordinance of the Town of Clarkstown or of the county or state, in situations where there is a conflict between any provisions of this article and any applicable state or local law, ordinance, code or regulation, the more restrictive provision or requirement shall prevail.

§ 157.54. Determination of Illegal Occupancy.

It shall be unlawful to occupy or permit to be occupied or to assist in the occupancy of a dwelling unit where the number of occupants exceeds the permitted number of occupants.

A. Presumptions of illegal occupancies in single or one-family dwellings.

(1) In all civil and criminal prosecutions brought for the enforcement of Code provisions with respect to illegal occupancies, there shall be a rebuttable presumption that a single- or one-family dwelling unit is occupied by more than one family if any two or more of the following features are found to exist on the premises by the Code Enforcement Official authorized to enforce or investigate violations of the Code of the Town of Clarkstown or any laws, codes, rules and regulations of the State of New York:

(a) More than one mailbox, mail slot or post office address or any combination thereof;
(b) The number of doorways exceeds the number permitted by the original site plans or any subsequent variances that may have been granted;
(c) More than one gas meter;
(d) More than one electric meter;
(e) More than one water meter;
(f) More than one connecting line for cable television service or cable line not authorized by the cable company to be split;
(g) More than one antenna, dish antenna or related receiving equipment;
(h) More than one telephone line;
(i) Separate entrances for segregated parts of the dwelling unit, including but not limited to bedrooms;
(j) Partitions or internal doors with "key locks" which may serve to bar access between segregated portions of the dwelling unit, including but not limited to bedrooms;
(k) Separate written or oral leases or rental arrangements, payments or agreements for portions of the dwelling unit among its owner(s) and occupants;

(l) The inability of any occupant to have lawful access to all parts of the dwelling unit;
(m) Two or more kitchens unless approved by the Building Department and a certificate of occupancy granted;
(n) Any entrance(s) which has not been set forth on any plans approved by and on file with the Building Department;
(o) Two or more motor vehicles parked on the dwelling lot registered to persons with two or more different surnames; or

(2) There shall also be a rebuttable presumption of an illegal occupancy if a portion of a one- or single-family dwelling has been advertised or listed with any newspaper, magazine, local advertising publication, or real estate broker or agent as being available for sale or rent, or has been verbally advertised as being available for rent.

B. Presumptions of illegal occupancies in multiple-family dwellings.

(1) In all civil and criminal prosecutions brought for the enforcement of Code provisions with respect to illegal occupancies, there shall also be a rebuttable presumption that a multiple-family dwelling unit is occupied by more than the permitted number of families if any two or more of the following are found to exist on the premises by the Code Enforcement Official authorized to enforce or investigate violations of the Code of the Town of Clarkstown or any laws, codes, rules and regulations of the State of New York:

(a) The number of mailboxes, mail slots or post office addresses exceeds the number of permitted families;
(b) The number of doorbells or doorways exceeds the number of permitted families;
(c) The number of gas meters exceeds the number of permitted families;
(d) The number of electric meters exceeds the number of permitted families;
(e) The number of connecting lines for cable television service exceeds the number of permitted families;
(f) The number of antennas, dish antennas or related receiving equipment exceeds the number of permitted families;
(g) The telephone lines exceed the number of permitted families;
(h) The number of kitchens, each containing one or more of the following, a refrigerator, sink and/or range, oven, hotplate, microwave or other similar device customarily used for cooking or the preparation of food, exceeds the number of permitted families;
(i) The number of motor vehicles parked on the dwelling lot registered to persons with different surnames exceeds the number of permitted families;
(j) The number of entrances for segregated parts of the dwelling unit(s), including but not limited to bedrooms, exceeds the number of permitted families;

(k) Partitions or internal doors with "key locks" which may serve to bar access between segregated portions of the dwelling unit(s), including but not limited to bedrooms;
(l) Separate written or oral leases or rental arrangements, payments or agreements for portions of the dwelling unit(s) among its owner(s) and occupants;
(m) The inability of any occupant to have lawful access to all parts of the dwelling unit(s);
(n) Entrance(s) which has not been set forth on any plans approved by and on file with the Building Department.

(2) There shall also be a rebuttable presumption that a multiple-family dwelling unit is occupied by more than the permitted number of families if a portion of the multiple-family dwelling has been advertised or listed with any newspaper, magazine, local advertising publication, or real estate broker or agent as being available for sale or rent, or has been verbally advertised as being available for rent.

C. Verified statement. If any two or more of the features set forth in Subsections A(1) or B(1) are found to exist on the premises by the Code Enforcement Official, the Code Enforcement Official may request that the owner of the building or dwelling provide a verified statement that the building or dwelling unit(s) is in compliance with all of the provisions of the Code of the Town of Clarkstown, the New York Building and Fire Code laws and sanitary and housing regulations of the County of Rockland and the laws of the State of New York. If the owner fails to submit such verified statement in writing to the Code Enforcement Official within 10 days of such request, such shall be deemed a violation of this article.

D. Owner's right to inspection and report upon demand. A person charged with a violation of this article may demand an inspection by the Department of Buildings of the subject premises to rebut any of the presumptions hereunder. Such demand shall be in writing addressed to the Building Inspector or Code Enforcement Officer. The Building Inspector shall prepare a report of the finding of the inspection together with photographs, if appropriate.

E. Presumptive evidence dwelling unit is rented. The presence or existence of any of the following shall create a presumption that a dwelling unit is rented:

(1) The dwelling unit is occupied by someone other than the owner and the owner of the dwelling unit represents, in writing or otherwise, to any person, establishment, business, institution or government agency that he resides at an address other than the dwelling unit in question.

(2) Persons residing in the dwelling unit represent that they pay rent to the owner of the premises.

(3) Utilities, cable, telephone or other services are in place or are requested to be installed or used at the dwelling unit in the name of someone other than the owner.

(4) Testimony by a witness that it is common knowledge in the community that a person other than the owner resides in the dwelling unit.

F. Presumptions rebuttable by conclusive evidence. Any and all of the presumptions raised by proof of the existence of any such conditions as set forth in this article may be rebutted but only by conclusive evidence that such conditions do not, in fact, exist or that such conditions or the dwelling unit or the occupancy thereof, in fact, complies with the Code.

§ 157.55. Penalties for offenses.

A. A violation of this article is a violation as that term is defined in the New York State Penal Law.

B. Notwithstanding any provision of this Code inconsistent herewith, for each violation of this article, the owner and any person who is in charge of the subject property at the time of the violation shall be liable for a fine of not less than $3,500 and not more than $5,000 for the first violation; for a second violation, the fine shall be no less than $7,000 and not more than $10,000; for the third violation and any subsequent violation, the fine shall be no less than $10,000 and no more than $15,000.

C. Each day that the violation continues to exist shall constitute a separate and distinct violation.

§ 157.56. Nonpayment of penalties.

Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served as provided by law, then the property covered by this article will be assessed for the unpaid penalties and shall be collected in the same manner and time as Town taxes.

§ 157.57. Enforcement.

A. The Building Inspector and/or Code Enforcement Officer and/or Fire Inspector and/or his or her assistants shall be responsible for investigating and documenting violations of any case of illegal occupancy within the Town of Clarkstown.

B. Prosecutions for violations of this article may be instituted in the Town Justice Court of the Town of Clarkstown or any other court of competent jurisdiction.

C. The Town Attorney may institute an action in the Supreme Court of the State of New York, County of Rockland, for appropriate injunctive relief pursuant to Town Law.

ARTICLE IX "RENTAL REGISTRY LAW":

§ 157.58. Legislation Intent; purpose.

A. This article shall be known and referred to as the Rental Registry Law of the Town of Clarkstown.

B. The Town Board of the Town of Clarkstown recognizes that the rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the Town of Clarkstown. The state and local framework for regulation of multi-family or multiple dwelling buildings is in many and various respects not applicable to one and two family dwellings which are offered and utilized as non-owner occupied residential Rental Dwelling Units. The intent of this chapter is to create a registry to the offering for rental of dwelling units in one and two family residential buildings, so as to facilitate the enforcement of New York Building and Fire Codes as well as the Town Code of Clarkstown in relation thereto in order to protect the public health, safety and welfare of the people of the Town of Clarkstown and to achieve the following beneficial purposes:
    1. The protection of the character and stability of residential areas;
    2. The correction and prevention of housing conditions/violations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and
    3. The preservation of the value of land and buildings throughout the Town of Clarkstown.

§ 157.59. DEFINITIONS. For use in this article only, the following words and phrases shall have the meanings respectively ascribed to them by this section:

IMMEDIATE FAMILY MEMBER:
Defined as a parent, child, sibling, spouse, grandparent, domestic partnership.

LANDLORD and OWNER:
Any person who owns any legally cognizable interest in any rental property, including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company.

OWNER-OCCUPIED:
SINGLE FAMILY RESIDENCES - For any rental property to be considered owner-occupied, the owner must prove that all individual title owners (including immediate family members) or all owners, partners, or shareholders of a corporation or other legally organized entity, actually have their principal residence at the rental property and reside therein on a full-time basis, it being the actual domicile of all individual owners, all partners, or all shareholders.

TWO FAMILY RESIDENCES- The primary residential living unit of the owner is located within the rental property.

At the request of the Town of Clarkstown, any owner who claims to occupy the rental property shall provide a sworn affidavit providing the necessary information to support his or her claim that the premises are owner-occupied.

PROPERTY MAINTENANCE:

The cleanliness and proper working order and upkeep of all areas and facilities of the rental unit, rental property or complex used by the tenants and the public.

RENTAL PROPERTY:

Any house, structure, building or complex which contains a residential rental unit other than owner-occupied houses, structures or buildings.

RENTAL UNIT:

Includes that portion of a house, building or structure rented or offered for rent, for living and dwelling purposes to an individual or family units.

RESIDE:

To live or dwell permanently or continuously for more than 14 days. Said days need not be consecutive, but must occur within a reasonably short period of time to evidence an intent to utilize the rental unit as the person's primary place of residence.

TENANTS:

Those persons who have leased the rental unit from the owner, regardless of the type of tenancy under which they occupy the rental unit.

§ 157.60. Registration of rental dwellings; applicability.

A. Every owner of a one-family dwelling unit or a two-family dwelling unit in the Town of Clarkstown, as defined in this chapter, who is engaged in rental occupancy of such premises shall register within 90 days of the effective date of this article on a form approved by the Town of Clarkstown.

B. It shall be unlawful and a violation of this article for any person or entity who owns or operates a dwelling unit within the Town of Clarkstown to maintain, use, lease, rent or suffer or permit occupancy as a rental occupancy after the effective date of this chapter without having registered said dwelling with the Building Department, except as provided herein.

C. For the purposes of this article "rent" shall mean a return to the owner or lessor of money, property or other valuable consideration for use or occupancy of a dwelling unit.

D. This article shall not apply to hotels and motels when operating for their intended purpose within the meaning of state law and local zoning laws; hospitals, congregate care housing for seniors, assisted living for seniors, nursing homes and similar living arrangements; apartment houses, registered multiple dwellings, garden apartments, public housing owned and operated by governmental agencies; registered boarding houses and registered rooming houses.

§ 157.61. Registration exemptions.

A. This article shall not be construed to require the registration of any residential rental premises in the Town of Clarkstown so long as the owner of record maintains a bona fide occupancy of a dwelling unit on such premises.

B. The occupancy of a room or rooms by an owner of record without self-contained living, cooking, sleeping and sanitary facilities shall not constitute sufficient bona fide occupancy to qualify for the exemption in this section.

C. In no case may more than one residential rental premises qualify for the exemption in this section by any one owner of record.

D. Unless Owner-Occupied, A corporation or any other organized legal entity shall not be eligible for an exemption under this article.

§ 157.62. Registry form, filing, and fee.

A. It shall be the responsibility of the owner of each residential rental premises which is subject to the provisions of this chapter to timely file a registry application form with the Building Department for each premises, which form shall require the following information:

(1) The name, address and telephone number and email address of the owner of record of the residential rental premises intended for rental occupancy.

(2) The street address and Tax Map description of the premise containing the dwelling unit(s).

(3) A description and location of the premises, including number of rooms, exits and stories, bathrooms and kitchens, and a sketch of each floor layout with dimensions, as well as lot size, drawn to scale.

(4) Designation of an agent for notification and service of process where required by this chapter.

(5) A statement of the owner attesting to the truth of matters asserted in the application and that to the best of the owner's knowledge no violations of Village, Town, County or State laws exist on the premises being registered.

(6) Such additional information as the Building Department or Code Enforcement Officers or the Town Board of the Town of Clarkstown deems appropriate to the carrying out of the requirements and intent of this chapter.

B. The application shall be reviewed by the Building Inspector or his/her designee for adequacy. Should the Building Department determine that said application is incomplete, defective or untruthful for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed to comply with the filing provisions of this chapter.

C. It shall be the responsibility of each owner to timely notify the Building Department whenever the information provided in the registry application has become outdated or for any reason is no longer accurate.

D. Every approved application shall be valid for two years and shall be given a registry number by the Building Department which shall be valid for two years from the date of issuance. A copy of the approved application with the approval stamp of the Building Department, in original ink, issued to the property owner after satisfactory inspection of residential occupancy, shall be necessary to lawfully rent any residential premises in the Town of Clarkstown.

E. The Town Board of the Town of Clarkstown shall set the application and/or inspection fee by resolution which may be amended from time to time.

§ 157.63. Designation of agent by owner.

A. Every owner who rents a residential rental premises which is subject to the provisions of this article and who does not maintain a bona fide residence in the County of Rockland, shall designate an agent who maintains a bona fide residence in the County of Rockland. Such designation shall be indicated in the space provided by the owner on the registry application form as provided herein.

B. A designated agent of an owner may be served with a notice of violation or order of violation or an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law, as if actually served upon the owner.

C. No owner who designates an agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in person jurisdiction based solely upon the service of process upon his designated agent.

§ 157.64. Broker's/Agent's responsibility.

A. Broker's/Agent's responsibility prior to listing. It shall be unlawful and a violation of this chapter and an offense within the meaning of the Penal Law of the State of New York for any broker or agent to list, solicit, advertise, exhibit, show or otherwise offer for lease, rent or sale on behalf of the owner any dwelling unit for which a current rental permit has not been issued by the Building Inspector or his/her designee. It shall be the broker's or agent's duty to verify the existence of a valid rental registration before acting on behalf of the owner.

B. It shall be unlawful and a violation of this chapter to accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Town of Clarkstown where no valid rental registration has been issued as required under this chapter.

C. In the event that a person convicted of a violation of this section shall have been a real estate broker or salesperson licensed by the State of New York, at the time such violation was committed, the Town Clerk shall transmit a record of such conviction to the Division of Licensing Services of the Department of State and make complaint thereto against such licensee on behalf of the Town of Clarkstown, pursuant to the provisions of Article 12-A of the Real Property Law.

§ 157.65. Inspection requirements.

A. The Building Inspector or his/her authorized agent shall make provisions for the biennial inspection of each residential rental premises which is subject to the provisions of this chapter and shall notify each owner/landlord of each rental premises as to the time and place of such inspection. The inspection shall be for the purposes of determining compliance with Chapter 157 of the Town Code and other applicable laws and shall expressly include in each instance the determination of the presence of functioning and proper placement of smoke and carbon monoxide detectors as well as fire extinguishers pursuant to the provisions of State law and this Code.

B. Any inspection report issued pursuant to Subsection A of this section which reveals the presence of a violation of this chapter of the Town Code shall be remedied by the owner within 10 days of the issuance of such report. Failure to bring any dwelling into conformance with such report within 10 days of the issuance of such report shall constitute a violation of this chapter.

§ 157.66. Application for search warrants.

At the request of the Inspecting Officer, the Town Attorney is authorized to make application to Justice Court of the Town of Clarkstown or any other court of competent jurisdiction for the issuance of a search warrant, to be executed by a police officer, Building Inspector, Fire Inspector or Code Enforcement Officer in order to

conduct an inspection of any premises believed to be subject to the registry jurisdiction of this article. The Inspecting Officer may seek a search warrant whenever the owner or occupant fails to allow inspection of any rental dwelling unit where there is reasonable cause to believe that a violation of this article or a violation of the New York Uniform Fire Prevention and Building Code or of any code of the Town of Clarkstown has occurred after due notice has been sent by ordinary United States mail. The application for a search warrant shall in all respects comply with applicable laws of the State of New York.

§ 157.67. Public Access to Records.

Nothing in this article shall prevent any member of the public, prospective tenant or any resident of the Town of Clarkstown from determining whether any particular rental property has been registered pursuant to this article. The general public shall have full access to said landlord registration statements upon filing of the proper Freedom of Information Act application.

§ 157.68. Penalties for offenses.

A. Any person or entity that shall violate any of the provisions of this article or who fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by:

(1) A fine of not less than $3,500 and not exceeding $5,000 upon conviction of a first offense.

(2) A fine of not less than $7,000 nor more than $10,000 for a conviction of the second of two offenses, both of which were committed within a period of five years.

(3) A fine of not less than $10,000 nor more than $15,000 for a conviction of the third of three offenses, all of which were committed within a period of five years.

B. Each week a violation continues shall be deemed a separate offense subjecting the offender to additional weekly fines in the amount equaling the original fine.

C. The Town Board of the Town of Clarkstown may amend the penalties by resolution.

§ 157.69. Nonpayment of penalties.

Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served as provided by law, then the property covered by this article will be assessed for the unpaid penalties and shall be collected in the same manner and time as Town taxes.

Section 3. Amend Chapter 290 – Zoning by changing § 290-3B. Defined words.

Modify the following definitions in §290-3B, to read as follows:

FAMILY:

(A) One of the following:
  (1) One, two or three persons occupying a dwelling unit; or
  (2) Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

(B) It shall be presumptive evidence that four 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.

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

  (5) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.
  (6) Substantiation of family status by affidavit or by other legal proof or documents may be required.

ASSISTED CARE LIVING QUARTERS:

A facility consisting of a building, or a group of buildings in a campus setting, for residents who need assistance on a daily basis and are provided with such assistance, consisting of housekeeping and linen services, transportation for shopping and other

needs, prepared meals served in quarters or in common with other residents, planned on-site leisure and recreational activities and limited access to licensed professionals for consultation and evaluation, and where other professional services are provided by independent licensed professionals not on staff. Subject to Federal housing regulations, at least one member residing or proposing to reside in a dwelling unit shall have attained the age of 55 years or more on the date that such household initially occupies the dwelling unit and no persons age 18 or younger shall occupy any dwelling unit, with the exception of a superintendent's unit.

SENIOR CITIZEN CONGREGATE HOUSING:

A facility consisting of a building, or a group of buildings in a campus setting, which serves as a residence for persons age 55 or older who do not need daily assistance and can live independently, but where meals may be available in a dining room setting. In addition, housekeeping, linen, laundry services and other amenities may be provided. No licensed professional medical care or related services are directly provided. Subject to Federal housing regulations, at least one member residing or proposing to reside in a dwelling unit shall have attained the age of 55 years or more on the date that such household initially occupies the dwelling unit and no persons age 18 or younger shall occupy any dwelling unit, with the exception of a superintendent's unit.

SENIOR CITIZEN HOUSING:

A building or a group of buildings which have the total number of dwelling units specifically designed for the needs of persons age 55 and older which may or may not be constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, state or federal governmental agency, and which is constructed and maintained by an organization or its wholly owned subsidiary incorporated pursuant to the provisions of the laws of the State of New York. Subject to Federal housing regulations, at least one member residing or proposing to reside in a dwelling unit shall have attained the age of 55 years or more on the date that such household initially occupies the dwelling unit and no persons age 18 or younger shall occupy any dwelling unit, with the exception of a superintendent's unit. This includes Assisted Care Living Quarters and Senior Citizen Congregate Housing.

Section 4. Effective Date

This Local Law shall become effective immediately upon filing with the Secretary of State.