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New York State Governor Andrew Cuomo signed a new piece of legislation into law in December 2017 to curb illegal conversions in buildings with three or fewer dwelling units. Rather than sending out inspectors, the new law requires landlords to provide tenants with "conspicuous notice" in "bold face type" that affirms that there is a valid certificate of occupancy for the building and that the dwelling unit covered by the lease is legal. Providing the tenant with a copy of the building's certificate of occupancy is considered fully complying with this law. You can find your building's certificate of by contacting your local Building Department.

The law makes no mention of any penalty should a landlord fail to comply.

Buildings that pre-date building codes may not be provided with a Certificate of Occupancy, unless you have applied for building permits after your local building code was adopted.

Section 1. The real property law is amended by adding a new section 235-bb to read as follows:

§235-bb. Certificates of occupancy; required disclosure to tenant. 1. Prior to executing a residential lease or rental agreement with a tenant, the owner of real property consisting of three or fewer rental units shall provide conspicuous notice in bold face type as to whether a certificate of occupancy, if such certificate is required by law, is currently valid for the dwelling unit subject to the lease or rental agreement. Owners who provide the tenant with an actual copy of the valid certificate of occupancy shall be deemed to have complied with the requirements of this subdivision.

2. Any agreement by a lessee or tenant of premises for dwelling purposes waiving or modifying his or her rights as set forth in this section shall be void as contrary to public policy.

It is the Landlord/Building owner's responsibility to provide the Certificate of Occupancy and if this is not provided the tenant may by right claim the premises is unfit and not legally available for rental and may be entitled to a full return of all rental payments and any legal remedies allowed.

If you provide us with a copy of your Certificate of Occupancy, we will provide a copy of the same to your tenant upon signing of any lease agreement.

Please acknowledge below that we have provided you with this notice and advised you of your responsibilities.

Location of rental: _____

Landlord: _____ Date: _____

Tenant: _____ Date: _____

Agent: _____ Date: _____

- Certificate of Occupancy is attached
Certificate of Occupancy is not available; pre-dates building code
Landlord refuses to provide Certificate of Occupancy
Law does not apply; building has more than 3 dwelling units