

Answers to Frequently Asked Questions for Landlords

What is a Residential Occupancy Permit (ROP)?

ROPs are permission for the landlord to rent the apartment or unit to the number of people approved by the occupancy calculation. It indicates that the unit appears to conform to the state's minimum requirements prior to the proposed occupancy.

How often must a landlord obtain an ROP?

ROPs are required for every apartment every three years AND whenever a new tenant is scheduled to move into the premises.

How much do ROPs cost?

Each ROP costs \$40. Renewed ROPs for the same tenant (that which occurs every three years) also cost \$40. Even if your tenant lives there one month you must pay another \$40 and schedule another inspection PRIOR to the new tenant moving into the unit.

Why does the City require an ROP for each apartment every three years and for each change in tenancy?

Buildings age and deteriorate. Over time buildings need repairs that most people may not even be aware of: fire hazards, plumbing leaks, heating deficiencies, loose wires, drafts at windows from settling, foundation cracking and faulty electrical wiring due to the elements, animal intrusions, occupant interference or well-intended but unprofessional repairs. In order to keep the rental units in minimal repair, the State develops codes that the City enforces through its residential occupancy inspections.

Why does the City send a spring clean-up letter every year to property owners on Congress, Columbia, George, Main, Remsen, Lansing and Lancaster Streets?

Litter and debris create a fire hazard in addition to an unsightly appearance. The presence of trash attracts pests, rodents and animals which carry disease and damage property. The eyesore of a littered lot also lowers neighboring property values.

The City works hard to reduce these ills by requiring each residential or commercial unit to use City trash cans that the Department of Public Works (DPW) empties each week on trash pick-up day. The associated fees help pay for this program. However, each year buildings which contain rental units violate the City's trash ordinances.

Each rental property owner must provide closeable trash cans for each unit. The tenant is responsible for carrying trash out of the rental unit to the closable trash can(s). If the trash litters the outside of the property, it is the owner's responsibility to clean-up the property. Repeated failure to keep the property free of litter and debris incurs a fine of \$250 *charged to the owner*.

What is a multi-family or residential rental unit inspection (MRI)?

Every three years the Code Officers will notify the owners of rental properties that an MRI has been scheduled for the property. The purpose of the MRI is the same as the ROP inspection. State Uniform Code Title 19, Chapter XXXII, 1203.3(d)(4) and Cohoes City Code §215-5A require safety inspections of all multiple dwellings and rental properties.

Cohoes City Code §215-5A states “All residential rental dwelling units shall be inspected and certified by the Code Enforcement Department, which shall determine compliance with, administer and enforce all applicable provisions of this chapter, the City Code, and the New York State Uniform Fire Prevention and Building Code (hereinafter "Uniform Code")... On or after January 1, 2003, Residential Occupancy Permits shall be valid for three years from the date of issuance for all...rental dwelling units.”

This inspection will be conducted on the entire building from basement to the top floor. Therefore, owners should inform all tenants of the upcoming inspection. *However, please note that owner occupied spaces are exempt from the inspections.*

Special note on change of use

If an owner reduces the number of units in a rental unit, that change becomes permanent. In order to increase the number of apartments or rental units in any structure requires compliance with the current zoning code. The City’s zoning code is available online at www.cohoes.com. Click on “City Code Online” and type in a search term.

Briefly, the current code requires two off-street parking spaces per apartment. In addition, the City’s code requires landscaping of parking lots. Lots for more than 20 cars must also provide a snow storage area. Finally, the Code requires a recreation area for multi-family homes.

Can tenants use grills for outdoor cooking?

Do not use grills that use propane tanks or open fire near any combustible. Your home, shed, wood pile, and wooden fence all constitute combustibles. **Neither grills nor propane tanks can be stored in the home or on a second story deck.** In fact, state code requires at least 10’ distance between a grill and any combustible.

Can tenants install pools?

Pools require a special use permit from the Cohoes Planning Board. Applications are available online at www.cohoes.com. Select “Forms Center” and click on “Site Plan Application.” Submit completed forms to the Building and Planning Department at Cohoes City Hall. The Board meets once a month on the second Monday. All materials must be received in City Hall two weeks prior to the meeting.

Pools are defined as any body of water at least 24” deep. Even a blow up kiddie pool can meet this definition. Once a pool meets that definition, the state requires the homeowner to take additional steps to ensure the safety of the pool. Submit a building permit to the City of Cohoes along with the installer’s insurance information and the fee. Building Permit Applications are also available online. A code officer will be monitoring installation to ensure compliance with state regulations.

Primarily, the homeowner must fence in the pool. The state code requires specific fencing that trespassing children could not climb or circumvent. The fence must also have a self-closing, self-locking gate. Your fence company can help you select an appropriate product.

In addition to fencing, pools must have an alarm system to signify when something moving has entered the pool.

What work requires City approval?

Prior to working on your property you will need to obtain a building permit from the Department of Building and Planning for the following work:

1. Erect, add onto, relocate or make structural changes to a building, an attached or detached accessory building such as a garage, carport, breezeway; a storage shed; a porch or stoop; or enclosing a porch.
2. Convert or change the use or occupancy of a building or part of a building.
3. Install, relocate or remove interior partitions or walls.
4. Install siding on existing walls.
5. Replace or otherwise modify existing doors and windows.
6. Install fire escapes, cellar stair fire rated enclosures or fire retarding cellar ceilings in multiple dwellings. (Approval for fire escapes may require approval of the Board of Review).
7. Repair fire damage.
8. Demolish any building.
9. Erect a permanent fence, wall or retaining wall over two feet in height above grade.
10. Install or replace a masonry chimney or metal vent pipe.
11. Install a swimming pool (in-ground or above ground).
12. Pave an exterior ground area (parking area, driveway or patio) or add to an existing paved area. A permit is also required to install or enlarge a parking lot which will accommodate more than three vehicles, regardless of size of the area.
13. Erect a radio or TV antenna which, in itself, is more than 16 feet in height or a flagpole, the top of which is more than 35 feet in height above grade.
14. Install or replace a heating unit or water heater.
15. Install a canopy or marquee; or install a permanent cover or metal awning which extends over the street property line, or which projects by more than 1/3 into a yard or court.

16. Install a ground, projecting, pole, wall or roof sign.
17. Install or remove a fuel tank, gasoline tank, and any other flammable liquid or gaseous tank, either above or below ground.
18. Make any repair that must conform to the requirements of the New York State Uniform Fire Prevention and Building Code (NYSUFPBC).
19. Install a fire alarm system, sprinkler system or standpipe system.
20. Install an elevator, escalator or dumbwaiter.
21. All electrical work.
22. Replace or install a new roof.

Submit a building permit application to the City of Cohoes along with proof of the installer's insurance and the fee (typically 1% of total project cost). Building Permit Applications are also available online.

If the proposed work violates the existing City zoning code you will need to apply for a variance from the Zoning Board of Appeals. For example, placing a shed too close to the property line requires a variance. Code requirements vary across zoning districts. The code can be viewed online at www.cohoes.com by clicking on "City Code Online." Then type in a search term. To view the setbacks, type in "bulk and use" and scroll down to view your zoning district.

Finally, a tenant who plans on operating a business out of the home must obtain a special use permit from the Cohoes Planning Board. Generally the City does not permit a home occupation that creates a nuisance for neighbors. The City prohibits signage on a residence, significantly increased traffic, unsightly storage of materials on the property and noxious odors. The State requires certain structural elements for work that involves handling of hazardous materials. In addition to a special use permit, the home occupation may require a building permit to make alterations to the home.