

LANDLORD'S GUIDE TO COHOES

The City of Cohoes Building and Planning Department encompasses the Code Enforcement Office, which handles all building issues. Within the Code Enforcement Office three code officers handle inspections and complaints. As a landlord, you will be responsible for contacting the City to schedule a residential occupancy permit (ROP) inspection prior to the tenants moving in and every three years thereafter. The initial inspection can be scheduled in the Treasurer's Office in room 4 of City Hall or by phoning 233-2111. The inspections cost \$40 a unit.

In 2002, the City of Cohoes passed legislation authorizing the Code Enforcement Department to inspect all rental units, including single family homes. Commonly called the Residential Occupancy Permit (ROP) inspection, Cohoes City Code Section 215 requires inspection of rental properties with every change in tenancy or every three years. The purpose of the rule is to meet state safety requirements. However, the inspections benefit the City by improving housing stock, property values, and quality of life.

The inspection, conducted by a code enforcement officer, covers state code requirements delineated in the NYS Uniform Code. The NYS Property Maintenance Code section regulates maximum occupancy, interior and exterior conditions, lawn maintenance, light, vent, plumbing, electrical and fire safety. To thoroughly inspect rental units, Code Officers take ½ hour per unit to document findings.

A single failed inspection does not result in any additional fees or a fine. Instead, the process seeks to educate property owners. However, missed appointments result in a \$25 fee as do reinspections for second failed inspections. Similarly, taking too long to rectify the concerns can result in a court appearance ticket.

Upon passing the inspection, the property owner receives the ROP permit listing tenants' names and occupancy date. Owners of rental properties without a valid or current ROP carry the risk of receiving a court appearance ticket for renting without a permit. The court may levy a fine of approximately \$250 for failure to comply with a code directive.

As mentioned earlier ROPs cost \$40 per unit. However, all taxes and services such as water and sewer must be current. Any outstanding amount due will prevent the owner from receiving the ROP. The School District also requires ROPs for enrolling children in the local schools.

In addition to the ROP inspection, the City conducts free Fire Safety inspections every three years on every rental property. During the Fire Safety inspection, the code officer checks the same state code requirements throughout the entire building EXCEPT owner occupied spaces. However, in addition to ensuring the building meets the Uniform Code, the Fire Safety Inspection provides an opportunity to verify that the property owner obtained valid ROPs. Those who need an ROP can pay for the permit and update the City's records through the Fire Safety Inspection process.

Since the legislation first passed, Code Enforcement has conducted Fire Safety inspections on all two, three and four or more unit rental properties. Code Enforcement also completed inspections on the handful of single family rental properties.

Once the inspection is scheduled by Code Enforcement, property owners will receive a "notice of intent to inspect" that lists the date and time the Code Officer will visit the property for the Fire Safety Inspection. Owners should notify tenants to make the home available. Legally the landlord must provide at least 24 hours notice of the intent to enter the premises. The City prefers the owner attend the inspection; however, other arrangements with a responsible adult can be made in special circumstances.

If you need to schedule a reinspection – the apartment failed the first inspection – you can call Code Enforcement directly at 233-2127. The reinspection does not cost; however, Code Enforcement charges the property owner a \$25 fee for repeated reinspections. You can also call Code Enforcement with any questions or complaints. In addition to the code officers on duty we have two office workers adept at answering questions.

Many property owners question what would cause a failed inspection. Generally, the state code is not a luxury standard, but a bare minimum requirement. NYS Department of State created the Uniform Code in response to tragedies such as fires, lead paint hazards and diseases caused by inadequate housing.

As a result, NYSPMC outlines maximum occupancy as well as building conditions. The code limits occupancy based on size of bedrooms and living spaces. A 70 sq ft bedroom suffices for one person, whereas two people need a 100 sq ft bedroom. In addition to bedrooms, any home for up to two people must have at least 50 sq ft of kitchen space. For three to five people, a home needs 120 sq ft of living room; 80 sq ft of dining room; and 50 sq ft of kitchen. Six or more occupants need 150 sq ft of living room; 100 sq ft of dining room; and 60 sq ft of kitchen.

In addition to occupancy limits, the code sets minimum standards for the living environment. Walls, floors and ceilings should be in good condition – no holes or uneven surfaces that might indicate water damage, crumbling material or pest infestation. Moreover, any chipped paint constitutes a violation whether it contains lead or not.

All outlets should be grounded and not reversed. Install GFCI outlets near any sinks or water sources. All outlets and light switches need covers, and should be securely installed. Loose outlets or switches amount to a violation, as do exposed wires.

Each home should contain a bathroom with adequate plumbing fixtures, running water and an operable means for removing waste. Every bathroom should be ventilated either naturally (an operable window) or artificially (by exhaust fan). Property owners should remedy any mold or water damage in the bathroom.

The kitchen should include a sink, storage cabinets, and counter space at a minimum. Inspectors also check for a refrigerator and stove as well as ventilation whether natural or artificial. If the kitchen features a gas stove it should have a shut off valve handle and an adequate connection. Furthermore, any primary heating source should vent to the outdoors, as should a clothes dryer.

Windows should operate so that occupants have sufficient vent and egress in case of emergency. Moreover, the window should stay up when opened and lock when closed. Windows should fit the window frame. Loose, cracked or missing panes signify the owner needs to replace the windows. Rotted wood frames also require window replacement.

The exterior must meet state code requirements as well. The siding and roof should cover the exterior sufficiently to prevent water entry and pest infestation. Screens placed on any openings will prevent wildlife from nesting inside the home.

The Code Officer will need to access the basement as well as all rooms in the apartment. In the basement code enforcement checks the heating, hot water tank and electrical service as well as structural integrity of the foundation. It is easier to conduct the initial inspection without furniture and belongings in the apartment, which is why Code performs the initial inspection prior to occupancy.

Finally, the Code Officers check exterior conditions, garbage pick-up compliance and property maintenance. The landlord is ultimately responsible for keeping conditions within the code; therefore 24-48

hour notice is provided by a posting on the door. If these items are in violation, the City arranges for correction through the Department of Public Works (DPW). If DPW has to correct the violation, the City charges a minimum fee of \$100. Some work may require a third party provider such as specialists in hazardous materials or rental of equipment. However, typically labor costs determine the fee.

The aforementioned items are detailed in the NYS Property Maintenance Code (PMC). The Cohoes Code Enforcement Office enforces the NYS Uniform Code. The City of Cohoes does not have a more stringent local code. As a result, any request for a variance goes to the NYS Department of State. This is the state agency that regulates code enforcement.

The following checklist summarizes items code enforcement will check:

- grass less than 10" at all times
- garbage containers stored behind the home at non-collection times
- garbage containers placed at the curb at collection times
- Large items such as mattresses and furniture pre-paid in DPW
- debris not littering the property
- building exteriors well-maintained to secure the building envelope
- the foundation and all elements of the building are structurally sound - any leaning or bowing of walls, stairs or porches requires a structural assessment certified by a licensed professional
- chipped paint anywhere in the building requires remediation
- floors, walls and ceilings should be in good condition: free of mold or holes, and straight or level. We step in front of the toilet to ensure there isn't a leak causing rot.
- windows should be operable, secure and able to stay open without a prop - older windows
- smoke detectors in each bedroom and one outside the bedrooms
- CO monitor within 15' of all bedrooms and on each floor with bedrooms or a CO source
- vent or window in bathrooms
- plumbing leak free and operable - sealed properly
- tubs, toilets and fixtures not rusted or moldy
- GFCI outlets adjacent to all sinks - bathroom and kitchen
- heat source and dryers vented to the outdoors
- shut-off valve on gas stoves and heating systems
- outlets wired correctly, and secured in the wall
- covered circuit breakers with minimum 15 amp
- no accumulation of debris inside the structure which would constitute a fire hazard or block egress

Once the inspection passes landlords should provide tenant names and birthdates to Code Enforcement. The office also needs the property owner's name, contact information and birthdate. Finally Code Enforcement requires contact information for a local property manager for any landlord who does not live within a contiguous county. In some instances – a pipe bursts or sewage is backing up into the basement – the City has to be able to reach a responsible party quickly in order to save the building from extensive damage.

Occasionally Code Enforcement needs contact information because tenants take on home improvement projects. Code Enforcement requires the landlord's consent for any work. Tenants have installed items as imposing as a woodstove illegally without a building permit or the homeowner's knowledge. The most common improvement, swimming pools, requires planning board approval. The City does not want work completed without the homeowner's consent.

Furthermore, Code Enforcement will receive complaints from the tenants. Code Enforcement prefers to work these issues out cooperatively. A staff member will attempt to reach the landlord who has provided contact information in order to resolve the complaint amicably. Otherwise, code officers are required to respond to all complaints. For example, if the complaint is founded and rises to a violation of NYS Uniform Code the code officer has to issue a notice of violation. A landlord who ignores the complaint has to be

ticketed and appear in court. Fines can reach \$250 daily. Failure to appear for court results in a bench warrant for arrest.

Although not a comprehensive explanation of the inspection, the aforementioned provides a starting point for what the inspector will look for in the home. For more information please feel free to contact the Code Enforcement Office at 233-2127. You can also e-mail questions to Melissa Ashline-Heil, Director of Building and Planning, at mashline-heil@ci.cohoes.ny.us.

Should you have any questions, please feel free to contact the Building and Planning Department offices:

Melissa Ashline-Heil, Director
Building and Planning Department
Garry Nathan, City Engineer * Barbara Decker, Engineer Technician * John Shea, Section 8 Inspector
Jack Donnelly, Code Officer * Tom Cashin, Code Officer * Ron Monast, Code Officer
Patty Bishop, Administrative Assistant * Julie Cone, Administrative Assistant
97 Mohawk Street rooms 17, 21, 23 and 24
Cohoes NY 12047
518-233-2127
FAX: 518-233-2162
codeenforcement@ci.cohoes.ny.us
www.cohoes.com

The section of code requiring the inspections, 215-5 Inspection and Residential Occupancy Certification, 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"). Prior to the re-occupancy of a rental dwelling unit, apartment or tenement, the landlord, managing agent or person in possession thereof shall secure from the Code Enforcement Department a certificate indicating that the said dwelling unit complies with the requirements of this chapter. On or after January 1, 2002, Residential Occupancy Permits shall be valid for three years from the date of issuance for dwelling units covered by the New York State Multiple Residence Law. On or after January 1, 2003, Residential Occupancy Permits shall be valid for three years from the date of issuance for all other rental dwelling units.”