

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Howard

Local Law No. 02 of the year 20 24

A local law Residential Property Law
(Insert Title)

Be it enacted by the Howard Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Howard as follows:

To authorize enforcement of owner or leaseholder rights against squatters on their property.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 02 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Howard was duly passed by the Howard Town Board on September, 11 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting hereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Francis Sharp
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *Sept. 11, 2024*

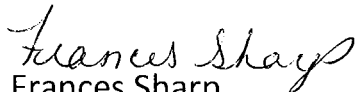
(Seal)

**TOWN OF HOWARD
STEUBEN COUNTY
STATE OF NEW YORK**

**NOTICE OF ADOPTION
LOCAL LAW NO. 02 OF 2024
RESIDENTIAL PROPERTY LAW**

PLEASE TAKE NOTICE that the town board of the Town of Howard, at a meeting thereof held on the 11 day of September 2024, duly enacted and adopted Local Law No. 02 of 2024, to authorize enforcement of owner or leaseholder rights against squatters on their property.

Copies of the local law may be inspected at the office of the Town Clerk of the Town of Howard during normal business hours.


Frances Sharp
Town Clerk
Town of Howard

Residential Property

A. Legislative Intent:

Findings and determinations,

The Town Board finds and determines that the right to exclude unauthorized persons from the occupancy of Residential Real Property is a substantive and critical component of the right of quiet enjoyment inherent in the ownership of such property. The Board further finds that the government, protection, order, conduct, safety, health and well-being of persons and property therein requires that adequate and efficient remedies are available to the owners of such real property within the Town to ensure the enforcement of such property rights. The legislative intent of the following provisions is to provide local code enforcement as well as law enforcement with procedures to investigate and to provide a remedy to owners of residential property with the Town to the maximum extent authorized by Municipal Home Rule Law.

- B. 1. A person who takes up occupancy in an uninhabited or vacant dwelling and such occupancy is without permission and consent of the owner of the dwelling or an authorized representative of the owner shall be deemed to unlawfully occupy the dwelling.
2. A person is presumed to know that their occupancy of the dwelling is without the permission and consent of the owner unless the person provides a written and notarized lease agreement signed by the owner or the owner's authorized representative and includes the current address and telephone number of the owner or the owner's authorized representative.
3. In the event that a person unlawfully occupies the dwelling without the owner's permission and consent such person shall not be deemed to be a tenant and shall be deemed to be a squatter who is trespassing on such property.
4. In the event that a person unlawfully occupies the dwelling without the owner's permission and consent, the rightful owner of such dwelling may execute an affidavit, a copy of which is annexed hereto, attesting to the fact that they are the owner of the dwelling in question; that they have not given any person their permission and consent to occupy or damage the dwelling; that they authorize law enforcement to remove such person or persons occupying the dwelling from said dwelling and/or arrest such person or persons; and that they will hold harmless and indemnify the law enforcement agency and the municipality by which they are employed in the event that a claim is made based upon any misrepresentation in such affidavit or the affiant's failure to give written notice to the law enforcement agency of any changes or amendments to the status of the subject property or any amendments to the representations made in the affidavit.

5. Upon receipt of the aforementioned affidavit, the Sheriff's Office or other law enforcement agency shall verify that the affiant is the record owner of the dwelling in question. If ownership is verified, the Sheriff or other law enforcement agency shall remove the person or persons from the dwelling which such person or persons are unlawfully occupying.

Once verified, law enforcement may take the unlawful occupants into custody and bring them without unreasonable delay before a local court judge on trespassing charges as well as any other applicable charges. A request for a stay away order of protection directing the unlawful occupants to stay away from the owner and their dwelling shall be requested by law enforcement shall be made to the Court. If there is no local court judge available to hear the matter without unreasonable delay, then law enforcement may issue an appearance ticket for trespass directing the unlawful occupant or occupants to appear in the local court on the next date that the local court is in session. At which time, a request for a stay away order of protection directing the unlawful occupants to stay away from the owner and their dwelling shall be requested by law enforcement shall be made to the Court. Any order of protection issued by the court may be fully enforced by the Sheriff or other law enforcement agency.

6. Penalties for offenses; enforcement

A. Specific penalties

Any person occupying a dwelling in violation of this chapter shall, upon conviction, be punished as follows:

- (a) Upon a first conviction, by a civil penalty of not less than \$500 and not more than \$1,000.
- (b) Upon a second conviction, by a civil penalty of not less than \$1,000 and not more than \$2,000.
- (c) Upon a third or subsequent conviction, by a civil penalty of not less than \$2,000 and not more than \$2,500.
- (d) Any penalties provided for in N.Y.S. Town Law Sec 135.

B. The continuation of a violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violations may be punished as provided for herein for each separate offense.

- C. An action or proceeding in the name of the Town of Howard may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the provisions of this chapter.
- D. This chapter shall be enforced by the Director of Building and Development, Building Inspectors, and Code Enforcement Officers, and by referrals to local law enforcement agencies.

Resolution No. #18 of 2024, A resolution adopting Local Law No. 02 of 2024, a local law-Residential Property, to authorize enforcement of Owner or Leaseholder rights against squatters on their property.

Introduced by Councilman Ed Frey, who moved its adoption, seconded by Councilman Gary Rice.

WHEREAS, a public hearing was held on Sept. 11, 2024 at 7:10pm on a proposal to authorize enforcement of Owner of Leaseholder rights against squatters on their property to the maximum extent authorized by The Howard Town Board and

WHEREAS, members of the public were provided an opportunity to speak in favor or against the proposal and

WHEREAS, the Town Board wishes to provide local code enforcement, as well as law enforcement, with procedures to investigate and to provide remedy to owners of real property within the Town and to protect such owners against unauthorized occupants of their residential property; now therefore be it

RESOLVED, that the Town Board hereby adopts Local Law No. 02 of 2024. Residential Property Law to authorize enforcement of owner or leaseholder rights against squatters on their property.