

VILLAGE OF NEW PALTZ

LOCAL LAW NO. __ OF 2017

**A LOCAL LAW AMENDING CHAPTER 129 OF THE VILLAGE OF NEW PALTZ
CODE ENTITLED “HOUSING STANDARDS”**

Be it enacted by the Village Board of the Village of New Paltz, County of Ulster, State of New York, as follows:

Section 1. Purpose.

This Local Law is enacted for the purpose of amending regulations in the Village Code to set forth in detail the process by which landlords renting properties within the Village of New Paltz are required to return the security deposits of their tenants, to ensure that landlords are not improperly withholding said deposits, and to provide a mechanism for the tenant’s recovery of same.

Section 2. Amendment.

Village of New Paltz Village Code Chapter 129. Housing Standards, Article II. Rental Property Registration and Inspection Section 129-12 entitled Compliance shall be and hereby is amended by this Local Law as follows:

In section §129-12 after subsection “H.”, add the following:

Responsibilities of Landlords With Respect to the Return of Tenant Security Deposits:

- A. Upon the termination of a tenancy and provided that the Tenant is not in any default of any obligations under a written lease or month to month tenancy agreement, the Landlord shall, in compliance with the New York State General Obligations Law and Real Property Law, return to the Tenant all monies deposited with the Landlord as a security deposit, if any, minus the following:**
- 1. Those funds necessary to reimburse the Landlord for repairs to the property for damages caused by the Tenant or his or her invitees during the tenancy;**
 - 2. Unpaid rent**
 - 3. Unpaid utilities if said utilities were a Tenant obligation;**
 - 4. Expenses associated with a lawful eviction process.**

The Landlord shall provide the tenant(s) with an itemized statement detailing the application of all or a portion of the security deposit for any of the items set forth in this subsection

- B. Absent any conditions specified Subsection A, said reimbursement, or itemized statement detailing reasons for all or a portion of the security deposit being withheld, shall be postmarked, personally delivered or transmitted via electronic means no later than fourteen (14) calendar days following the date that Tenant surrenders possession of the leased space.**
- C. For each day after the expiration of the initial fourteen (14) day period following surrender of the leased space that Landlord wrongfully fails to return the security deposit or deliver an itemized statement detailing the reasons for withholding all or a portion of the security deposit, in addition to the return of the security deposit, the Landlord shall be liable for payment to the tenant as follows:**
- | | |
|-------------------------------------|--|
| Within Third Calendar Week: | 25% of original security Deposit |
| Within Fourth Calendar Week: | 50% of original security Deposit |
| Within Fifth Calendar Week: | 100% of original security Deposit |
| Within Sixth Calendar Week: | 150% of original security Deposit |
- D. In the event that the Landlord fails to comply with this section and the Tenant is compelled to seek a court order to obtain a refund of all or a portion of the security deposit, the Tenant shall be entitled to reimbursement of reasonable costs and attorney's fees upon a finding by the court in his or her favor. The Tenant shall be responsible for the Landlord's reasonable costs and attorney's fees in the event that the court finds that all or a portion of the security deposit was lawfully retained.**

Section 3. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village Board of the Village of New Paltz hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby

repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Village Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.