



TOWN OF NORTH HEMPSTEAD BUILDING DEPARTMENT
JUDI BOSWORTH, SUPERVISOR
VIVIANA L. RUSSELL, COUNCILWOMAN



YOUR GUIDE TO
FIGHTING ILLEGAL HOUSING

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JUDI BOSWORTH
SUPERVISOR

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Dear Neighbor:

Illegal housing is an issue that this administration takes very seriously in the Town of North Hempstead. One of the predominant reasons illegal housing occurs is a lack of knowledge about precisely what illegal housing is.

This guide has been prepared by our offices, with the assistance of the Building Department, to help educate homeowners and tenants about the laws regulating illegal housing, and to distinguish between what uses are permitted and prohibited in the Town. By identifying what illegal housing is and what the remedies are, our residents can be better informed and avoid making mistakes that could compromise the quality of life for all Town residents.

The Town is committed to halting the proliferation of illegal housing conditions that are substandard and/or in violation of the Town Code. Such conditions overburden municipal services and result in the deterioration of housing in the Town.

We are committed to finding new ways to deal with illegal housing and the potential risks that it poses. We encourage residents and community stakeholders to work with the Building Department and law enforcement personnel to identify homes that have been converted into illegal occupancies by calling 311 to report these homes.

Our primary goal in regard to illegal housing is always to create and preserve a safe and healthy environment for all residents of the Town of North Hempstead.

We will continue to seek additional solutions to this problem, and as always we welcome the input of the community. Please call 516-869-6311 if you have any suggestions on how we can address this issue and continue to make the Town of North Hempstead one of the best places to live in this country.

Sincerely,

Judi Bosworth
North Hempstead Town Supervisor

Viviana L. Russell
North Hempstead Councilwoman

NORTH HEMPSTEAD'S GUIDE TO FIGHTING ILLEGAL HOUSING

ANSWERS TO FREQUENTLY ASKED QUESTIONS

WHAT IS ILLEGAL HOUSING?

Illegal housing usually involves an illegal conversion and over-occupancy. An illegal conversion is a change in use of any room or space within a home, whether or not any construction takes place, to create dwelling units without approval from the Building Department or Board of Zoning and Appeals and for which no certificate of occupancy or completion exists.

In many instances, homes are segregated through illegal alterations by adding an apartment in the basement or attic that is rented to multiple persons or families, creating overcrowding and dangerous conditions.

WHAT IS A LEGAL RENTAL?

A legal rental property is one for which a valid rental permit has been obtained from the Town's Building Department. A home may only be used in conformance with its designated occupancy, usually contained on the Certificate of Occupancy or Certificate of Existing Use (e.g., "One Family," "Two Family," etc.). A one family dwelling may only be rented in its entirety and occupied by a single family as defined in the North Hempstead Town Code. A home that **legally** contains more than one dwelling unit (i.e., Two Family or Multiple Family residences) is eligible to obtain a rental permit for each dwelling unit contained in the residence. The owner of a **Two Family or Multiple Family residence** may reside within one of the dwelling units while renting the others.

WHAT IS AN ILLEGAL RENTAL?

An illegal rental exists when a home is being rented without first obtaining the required rental permit. While a homeowner may act as a landlord and rent an entire home, while residing off premises, and after obtaining a rental permit from the Building Department, a homeowner may not rent part of a single family home while residing within. **Renting a portion of that home or creating "Accessory Apartments" is strictly prohibited in the Town of North Hempstead.**

DOES THE TOWN OF NORTH HEMPSTEAD ALLOW ACCESSORY APARTMENTS?

No. The Town of North Hempstead does not allow accessory apartments. Accessory apartments are a separate space within a one-family dwelling or a structure on a property on which a one-family dwelling exists, which is used or occupied for living or sleeping by one or more occupants.

WHAT ABOUT A MOTHER/DAUGHTER RESIDENCE?

A Mother/Daughter residence is a one family home that is altered to include an apartment. Prior to having a Mother/Daughter residence, a conditional use permit must be obtained from the Board of

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Zoning and Appeals. While a Mother/Daughter residence is permitted in the Town of North Hempstead, very specific criteria must be satisfied prior to its approval. Once granted, if any of the specific conditions cease to exist, the premises shall no longer be considered a Mother/Daughter residence, at which time the conditional use permit expires and the cooking facilities must be removed. A one family dwelling does not become a two family dwelling as a result of being designated as a Mother/Daughter residence. A Mother/Daughter residence is **nontransferable and renting the apartment is strictly prohibited**.

WHAT ARE THE PENALTIES FOR HAVING AN ILLEGAL RENTAL?

Renting illegally is a serious offense under the North Hempstead Town Code and may result in court proceedings and fines. The penalty for an illegal rental ranges from a fine of not less than \$1,000 to a maximum fine of \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense. The fine amount increases for subsequent offenses, and you can be fined for more than one offense at one time.

IS A LANDLORD REQUIRED TO OBTAIN A RENTAL PERMIT PRIOR TO THE COLLECTION OF RENT?

Yes. Under the North Hempstead Town Code, a landlord must obtain a rental permit from the Building Department prior to collecting rent from a tenant. A landlord must also provide a written receipt in exchange for any rent payment offered in cash.

WHAT ARE ILLEGAL ALTERATIONS?

Illegal alterations occur when work is undertaken at a property without the benefit of required building or plumbing permits. Oftentimes, illegal housing and illegal rentals involve the creation of basement or attic apartments, the addition of multiple kitchens, the installation of partition walls to segregate space, and the installation of additional bathrooms.

WHAT ARE THE PENALTIES FOR HAVING ILLEGAL ALTERATIONS?

Illegal alterations are offenses under the North Hempstead Town Code and may result in court proceedings and fines. The penalty for each illegal alteration carries a maximum fine of \$1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense. The fine amount increases for subsequent offenses.

AM I ALLOWED TO HAVE A SECOND KITCHEN IN A ONE-FAMILY HOME?

No. A second kitchen is prohibited in a one family home unless the property has been designated as a Mother/Daughter residence.

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I PERFORMED WORK ON MY HOUSE FOR MY OWN USE, BUT DID NOT GET BUILDING PERMITS FIRST. IS THIS LEGAL?

No. Building and plumbing permits are required for alterations to any property. You may be fined for making alterations without first obtaining the required permits. Your home may also contain alterations that were made prior to your ownership. In such cases, a permit is required to legalize the alteration, which is the responsibility of the current homeowner.

HOW IS AN ILLEGAL ALTERATION CORRECTED?

Illegal alterations may be corrected in one of two ways:

- 1) Remove the illegal alteration(s): The alteration is removed and returned to its prior legal use or layout. **A permit to remove the alteration may be required in certain instances.** Contact the Building Department for further information; or
- 2) Legalize the alteration(s): In many instances, the alteration(s) may be legalized by obtaining a permit from the Building Department. Contact the Building Department for further information.

WILL THE BUILDING DEPARTMENT CHARGE ME MORE TO LEGALIZE AN ILLEGAL ALTERATION?

Normally, the Town collects a fee equivalent to **four times** the normal fee as a penalty for conducting work without the required permits. Currently, however, the penalty portion of the fee has been waived for all homeowners through December 31, 2014. During this “reconciliation” period, homeowners are encouraged to legalize any unpermitted alterations.

WHY DOES THE GOVERNMENT CARE WHAT I DO WITH MY PRIVATE HOME?

Government regulates all aspects of business and industry to preserve the health and safety of its citizens. Illegal alterations are frequently done in violation of existing fire and building codes, and constitute a significant danger to tenants and other individuals living in the building. In addition, fires that begin in homes with illegal apartments or alterations pose hazards for first responders such as firemen, police, and ambulance personnel.

Illegal housing affects residents and homeowners by negatively impacting their quality of life. It places a burden on many services provided for residents, causes the overcrowding of homes, creates life/safety issues, and, in some cases, negatively impacts property values. Illegal housing prevents the proper inspection of homes required to ensure a safe environment for both area residents and prospective tenants alike.

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CAN I APPEAL DECISIONS OF THE BUILDING DEPARTMENT?

The Board of Zoning and Appeals hears and decides appeals from property owners whose applications to construct or alter buildings or establish new uses have been denied by the Building Department. Under very specific and limited circumstances, the Board may grant a variance or special permit if specific findings have been made as prescribed by the zoning resolution, building code, and case law.

For further information you can contact the Board of Zoning and Appeals by calling (516) 869-7667 or you can download the application forms at: www.northhempsteadny.gov/ApplicationForms.

Applications require technical supporting data and drawings that should be prepared for filing by licensed professionals (attorneys, architects, or engineers) who have experience working with the Board of Zoning and Appeals.

WHAT IS ZONING?

Zoning is a tool that regulates the use, density, and type of structure that can be built on property within the Town of North Hempstead. Every block and lot within the Town limits is zoned for residential, commercial, and/or industrial uses. Residential zones include R-AAA, R-AA, R-A, R-B, and R-C; the "R" stands for "residential" and the letter for the density (from lowest to highest, AAA to C). Each district has its own regulations for the size and setbacks of houses. You can check the zoning map for your section to find your zoning district, see: www.northhempsteadny.gov/ZoningMaps. You can find the Town's zoning code (Chapter 70) online at <http://ecode360.com/NO0081>.

HOW DO I REPORT ILLEGAL HOUSING OR OTHER CODE VIOLATIONS?

The Building Department is responsible for investigating complaints of illegal housing and other code violations. If you know of an illegal housing condition or other suspected violation in your area, you may file a complaint by calling 311 from within the Town or by dialing (516) 869-6311 from outside the Town.

WHAT HAPPENS AFTER A COMPLAINT IS FILED?

Whenever an illegal housing complaint is received, an inspector from the Building Department is assigned to investigate. If the inspector uncovers an illegal housing condition or other violation, the inspector may issue a notice of violation or an appearance ticket. If a notice of violation is issued, the recipient is given a specified time period in which to remedy the violation. Failure to do so can result in the issuance of an appearance ticket. If an appearance ticket is issued, the recipient will be required to appear in court. The subsequent court proceedings will help ensure compliance and normally result in the imposition of fines.

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LOOKING FOR MORE INFORMATION ON ILLEGAL HOUSING?
Call North Hempstead's 311 Call Center



311 or (516) 869-6311

Monday - Friday: 7:30 a.m. - 7:30 p.m.

Saturday: 10 a.m. - 6 p.m.

Sunday: 10 a.m. - 5 p.m.

Log on to 311 Online

Service requests can be submitted 24 hours a day at www.northhempsteadny.gov.

Download the Mobile App

Service requests can also be submitted through the “My North Hempstead” mobile application available in the iTunes and Google Play stores.

Our 311 Call Center Operators will be available to answer questions on:

- Zoning Rules and Regulations
 - Notices of Violation
- Your rights as a tenant facing eviction
- Your rights as a landlord seeking to evict tenants

AND

- How you can assist in reporting an illegal apartment or other building code violation

Any question that does not fall under the jurisdiction of the Town of North Hempstead will be forwarded to the appropriate agency.

TOWN OF NORTH HEMPSTEAD BUILDING DEPARTMENT FIGHTING ILLEGAL HOUSING GUIDE 2014



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