



Village of Colonie

Village Hall, 2 Thunder Road, Colonie, NY 12205
Telephone: (518)869-7562 Fax (518) 464-0389
www.colonievillage.org
villagehall@colonievillage.org

Building
Department

RESIDENTIAL OCCUPANCY PERMIT GUIDE

INTRODUCTION:

Through Local Law #4 of 2024, the Village of Colonie Mayor and Board of Trustees approved the addition of Chapter 243: Rental Registry to the Village of Colonie Code. This allows the Building Department to require property owners to register their properties as rentals and maintain a registry with such property information. The purpose of residential occupancy permits is to ensure that rental properties are safe dwellings, and to ensure that the Village of Colonie has up-to-date contact information for property owners and/or property managers.

RESIDENTIAL OCCUPANCY PERMIT APPLICATIONS:

To register a unit as a rental property, property owners should complete the Residential Occupancy Permit application. The application asks for the number of units within a property, and the number of bedrooms and occupants of each unit. If one property has two units, 1 application can be filled out, and it will be indicated that there are two units within the property. The application also requires contact information for property owners and/or property managers if applicable. This is important, as the Building Department may need to contact property owners, and will need to have up-to-date contact information to do so. Once this application is completed, it can be submitted to the Building Department for review.

WHAT IF MY PROPERTY IS NOT A RENTAL?

Letters will be sent out based on mailing addresses from the assessment roll. Therefore, a property owner will receive a letter if the mailing address does not match the property address. If the property is not a rental, please fill out the Residential Occupancy Permit Affidavit that certifies the property is not a rental. Further, if a family member is residing in the property, a permit would not need to be issued for that unit.

PERMITTING AND INSPECTION PROCESS:

Once the application is received, the Building Department will schedule an inspection of

the property. They will follow a checklist to ensure that the Village of Colonie and NYS Building Code is being complied with.

1. Smoke and Carbon Monoxide Detectors: The Code Enforcement Officer will confirm that there are working smoke and carbon monoxide detectors in the unit. This responsibility primarily falls on the property owner to maintain.

2025 NYS Fire Code §907.2.11.2: Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-2, R-3, R-4 & I-1 regardless of occupant load:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and unhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Not less than 3 feet horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by this section.
5. In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches or more.
6. Within the room to which a sleeping loft is open, in the immediate vicinity of the sleeping loft.
7. In each common space shared by three or more dwelling units such that an alarm notification is clearly audible in each common space.
8. Where the interior floor area for a given level of a dwelling unit, excluding garage areas, is greater than 1000 ft², smoke alarms shall be installed per both of the following: all points on the ceiling shall have a smoke alarm within a distance of 30 ft travel distance or shall have an equivalent of one smoke alarm per 500 ft²; and where dwelling units include great rooms or vaulted/cathedral ceilings extending over multiple floors, smoke alarms located on upper floor that are intended to protect the aforementioned area shall be permitted to be considered as part of the lower floor's protection scheme.

2025 NYS Fire Code §915.2.1: Interior spaces with direct carbon monoxide sources. In all occupancies, interior spaces with a direct carbon monoxide source shall be provided with carbon monoxide detection located in close proximity to the direct carbon monoxide source.

2025 NYS Fire Code §915.2.3: Interior spaces with forced-indirect carbon monoxide sources. In all occupancies with a forced-indirect carbon monoxide source shall be provided with carbon monoxide detection in accordance with either of the following: detection in each space with a forced-indirect carbon monoxide source or detection only in the first space served by the main duct leaving the forced-indirect carbon monoxide source, with an audible and visual alarm signal provided at an approved location.

2025 NYS Fire Code §915.2.4.1: Direct carbon monoxide sources in dwelling or sleeping units. Where a direct carbon monoxide source is located in a bedroom or sleeping room, or bathroom attached to either, carbon monoxide detection shall be installed in the bedroom or sleeping room. Where carbon monoxide detection is not installed in bedrooms

or sleeping rooms, carbon monoxide detection shall be installed outside of each separate sleeping area in close proximity to bedrooms or sleeping rooms for either of the following conditions:

1. The dwelling unit or sleeping unit has an attached, enclosed garage.
2. A direct carbon monoxide source is located in the dwelling unit or sleeping unit outside of bedrooms or sleeping units.

2025 Fire Code §915.2.4.2: Forced-indirect carbon monoxide sources. Bedrooms or sleeping rooms in dwelling units or sleeping units that are exposed to a forced-indirect carbon monoxide source shall be provided with carbon monoxide detection in accordance with Section 915.2.4.1 or Section 915.2.3.

2025 Fire Code §915.3: Location of detection devices. Carbon monoxide detection devices shall be installed in accordance with manufacturers' instructions in a location that avoids dead air spaces, turbulent air spaces, fresh air returns, open windows and obstructions that would inhibit accumulation of carbon monoxide at the detection location. Carbon monoxide detection in air ducts or plenums shall not be permitted as an alternative to required detection locations.

2. **Open Means of Egress:** There shall be at least two ways of getting out of a residential unit in the event of an emergency. These means of egress must be properly lit and clear of debris. This responsibility primarily falls on the tenant to maintain.

2025 Property Maintenance Code §702.1: A safe, continuous and unobstructed path shall be provided from any point in a building or structure to the public way.

2025 Property Maintenance Code §402.2: Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lit at all times with not less than 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet.

3. **General Cleanliness:** The residence should be free of rubbish, garbage and hazardous materials. The Village of Colonie provides garbage service, and garbage should be disposed of on a weekly basis. This responsibility primarily falls on the tenant to maintain.

2025 Property Maintenance Code §308.1: Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

2025 Property Maintenance Code §308.2: Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

4. **Potential Structural Problems:** The Code Enforcement Officer will examine the building's foundation for potential signs of failure. This responsibility to maintain falls on the property owner.

2025 Property Maintenance Code §304.1.1: Exterior structure potentially unsafe conditions. The following conditions shall be considered to be potentially unsafe and shall be assessed.

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.

2025 Property Maintenance Code §305.1.1: Interior structure potentially unsafe conditions. The following conditions shall be considered to be potentially unsafe and shall be assessed.

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appear to reduce their load-carrying capacity.
4. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

5. **Electrical Facilities:** The dwelling should be functional and safe from electrical hazards.

NYS Property Maintenance Code §604.3: Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

6. **Running, Clean Water:** The Code Enforcement Officer will check to ensure that the dwelling has clean, running water. This is primarily the responsibility of the property owner's to ensure and maintain.

NYS Property Maintenance Code §505.1: General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Plumbing Code of New York State.

NYS Property Maintenance Code §505.2: Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

NYS Property Maintenance Code §506.1: General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Upon inspection, if other issues are identified, they may be recorded and further investigated. The property owner will be notified of any deficiencies that may be found during the inspection, and a list will be provided with what needs to be done to correct them. Unless they are critical, you will be given 30 days to make the necessary repairs

or changes. A reinspection may be conducted after 30 days to ensure compliance. It's important to note that if no one is at the property to let the inspector perform the inspection at the scheduled time, a \$50/unit no-show fee may be assessed. Cancellations received less than 24 business hours before the scheduled inspection may also incur a \$50/unit fee.

If the inspection is successful, the property owner will be issued a Residential Occupancy Permit for each unit. This permit will then be good for 24 months, or until a new tenant moves in, whichever comes first. Then, the process will begin again. It is up to the property owner to notify the Village of Colonie's Building Department if any changes to the tenant or property are made. Please note that this permit process does not replace the building permit process, and a separate building permit should be filed for any structural changes to the property.

TENANT AND LANDLORD RESPONSIBILITIES:

Each situation is different, but please find below a general list of responsibilities for tenants and landlords with regard to Building Code and rental properties. There are multiple responsibilities that fall on both landlords and tenants, so it is important for both parties to work together to ensure safety and code compliance. It is also important to note that the Village of Colonie has no authority over the landlord-tenant relationship. We must ensure that buildings within the Village of Colonie's jurisdiction are compliant with Village of Colonie Code and Codes of New York State.

Landlord Responsibilities:

1. Limiting occupancy to the maximum number of people and prohibiting unlawful use.
2. Maintenance of the premises in a clean, safe and sanitary condition.
3. Maintenance of the operation of service facilities in good order and condition.
4. Maintenance of plumbing, heating and electrical equipment and systems, appliances, fixtures, as well as other building equipment and facilities, in an appropriate, good operative, clean and sanitary condition.
5. Maintenance of walls, floor and ceiling in public places in a clean and sanitary condition.
6. Keeping exits free and clear.
7. Disposing of garbage, refuse and junk in a safe and sanitary manner and keeping the premises free and clear therefrom, and broom-clean, and extermination of insects, vermin, rodents, pests and elimination of harborage.

Tenant Responsibilities:

1. Occupancy limitations and its lawfully permitted use.
2. Maintenance in clean, safe and sanitary condition.
3. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities in a clean and sanitary condition, and providing reasonable care in the operation and use thereof.
4. Keeping exits free and clear.
5. Disposing of garbage and refuse into provided facilities in a sanitary manner and keeping the premises free and clear therefrom.

6. Keeping domestic animals and pets in an appropriate manner and under control.