

# 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 SARATOGA

FILED  
STATE RECORDS  
MAY 29 2024

Local Law No. 2 of the year 20<sup>24</sup>

DEPARTMENT OF STATE

A local law AUTHORIZING PROPERTY OWNERS TO REQUEST THE REMOVAL OF UNLAWFUL  
(Insert Title)  
OCCUPANTS FROM DWELLINGS

Be it enacted by the BOARD OF SUPERVISORS of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of SARATOGA

as follows:

(Please see attached)

(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. 2 of 2024 of the (County)(City)(Town)(Village) of SARATOGA was duly passed by the BOARD OF SUPERVISORS on MAY 21 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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) (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 thereon 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.

*Cherise M. Condy*

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

Date: 5/22/2024

(Seal)



# BOARD OF SUPERVISORS

05/21/2024

## RESOLUTION 139 - 2024

**Introduced by Law and Finance: Supervisors M. Veitch, Edwards, Grasso, Lant, Ostrander, Tollisen, and K. Veitch**

### **ADOPTING A LOCAL LAW AUTHORIZING PROPERTY OWNERS TO REQUEST THE REMOVAL OF UNLAWFUL OCCUPANTS FROM DWELLINGS**

**WHEREAS**, Resolution 118-2024 introduced and presented a proposed Local Law identified as Introductory No. 1, Print No. 1 of 2024, to this Board of Supervisors and scheduled a public hearing thereon for May 14, 2024 at 4:30 P.M. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

**WHEREAS**, notice of that public hearing was duly published and posted as required by law; and

**WHEREAS**, the scheduled public hearing was held and all persons desiring to be heard have been heard by this Board; now, therefore, be it

**RESOLVED**, that this Board of Supervisors, on this 21st day of May, 2024 hereby adopts a Local Law identified as Introductory No. 1, Print No. 1 of 2024, as set forth in the annexed Schedule A; and it is further

**RESOLVED**, that this Resolution shall take effect immediately.

**BUDGET IMPACT STATEMENT:** No Budget Impact.

May 21, 2024 Regular Meeting  
Motion to Adopt: Supervisor Grasso  
Second: Supervisor Ball

**AYES (191216):** Joseph Grasso (4328), Philip C. Barrett (19014.5), Angela Thompson (19014.5), C. Eric Butler (6500), Diana Edwards (819), Jean Raymond (1333), James D. Arnold (3525), Kevin Veitch (8004), Arthur M. Wright (1976), Kevin Tollisen (25662), Cynthia Young (17130), Scott Ostrander (18800), Willard H. Peck (5242), Ian Murray (5808), Michele Madigan (14245.5), Matthew E. Veitch (14245.5), David Ball (8208), John Lant (17361)

**NOES (0):**

**ABSENT (44293):** Eric Connolly (11831), Thomas Richardson (5163), Jesse Fish (16202), Sandra Winney (2075), Edward D. Kinowski (9022)

**INTRODUCTORY NO. 1**

**PRINT NO. 1**

**INTRODUCED BY: Supervisors M. Veitch, Edwards, Grasso, Lant, Ostrander, Tollisen,  
and K. Veitch**

**COUNTY OF SARATOGA  
LOCAL LAW 2 - 2024**

**A LOCAL LAW AUTHORIZING PROPERTY OWNERS TO REQUEST THE  
REMOVAL OF UNLAWFUL OCCUPANTS FROM DWELLINGS**

**BE IT ENACTED by the Saratoga County Board of Supervisors as follows:**

**SECTION 1. PURPOSE:** The purpose of this law is to protect owners of dwellings in Saratoga County from unlawful occupants commonly referred to as “squatters” and to protect lawful occupants of dwellings from unlawful evictions.

**SECTION 2. DEFINITIONS:** As used in this local law:

- (a) **“DWELLING”** means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings.
- (b) **“UNLAWFUL OCCUPANT”**: means a person who knowingly enters or remains unlawfully in a dwelling having entered the dwelling without permission of a party entitled to possession. It does not mean a person who entered the dwelling upon consent of a party entitled to possession even if the consent is later revoked including: (i) tenants whose oral or written lease has expired; (ii) family members who have been in the dwelling unit for at least 30 days; (iii) roommates or other licensees of tenants and occupants who have been in the dwelling unit for at least 30 days or (iv) workers who have been provided housing as part of their job.
- (c) **“ENTERS OR REMAINS UNLAWFULLY”**: means entering or remaining in a dwelling without any current or prior agreement or consent of the owner or an authorized agent of the owner, whether written or oral concerning the use of the dwelling.
- (d) **“OWNER”**: a person or persons who holds legal title to the property upon which a dwelling sits as evidenced by the most recent deed to the property filed in the Saratoga County Clerk’s Office and the property tax records maintained by the Saratoga County Treasurer’s Office.
- (e) **“AUTHORIZED AGENT”**: a person authorized to act on behalf of the owner of the dwelling by a power of attorney on file with the Saratoga County Clerk and/or a deceased owner’s duly appointed Executor or Administrator as evidenced by either Letters of Testamentary or Administration.

- (f) **“ROOMMATE”**: any person occupying the dwelling with the consent of another lawful occupant even if that other lawful occupant has since vacated the dwelling.
- (g) **“LAW ENFORCEMENT”**: any local law enforcement agency or department located in Saratoga County.

**SECTION 3. CONDITIONS FOR REMOVAL OF UNLAWFUL OCCUPANT:** A property owner or their authorized agent may request from law enforcement the immediate removal of a person or persons unlawfully occupying a dwelling in Saratoga County pursuant to this local law if all the following conditions are met:

- (a) The person requesting the removal is the property owner or authorized agent of the property owner.
- (b) The property that is being occupied is a dwelling.
- (c) An unauthorized person or person has unlawfully entered and remains in the owner’s dwelling.
- (d) The owner of the dwelling or their authorized agent has directed the unlawful occupant to leave the property.
- (e) The person to be removed is not a current or former tenant pursuant to a written or oral rental agreement authorized by the property owner.
- (f) The person to be removed is not a family member of the owner who has been in the dwelling unit for at least 30 days.
- (g) The person to be removed is not a roommate or other licensee of a tenant or any other occupant who has been in the dwelling unit for at least 30 days.
- (h) The person to be removed is not a worker or a member of the worker’s family who has been provided housing as part of their job.
- (i) There is no pending litigation related to the dwelling between the property owner and any known unauthorized person.

**SECTION 4. REQUEST FOR REMOVAL:** to request the immediate removal of an unlawful occupant of a dwelling, the property owner or their authorized agent must submit an affidavit to law enforcement and sign any other forms required by law enforcement. The affidavit submitted must be in substantially the following form:

“I, (insert name) am the owner or authorized agent of the owner of the real property located at (insert address of the dwelling), state under the penalty of perjury that:

1. I am the current owner of the dwelling or the authorized agent of the current owner of the dwelling located at (insert the complete legal address of the dwelling).
2. I purchased the above referenced dwelling on [insert the date of purchase].
3. I have given no individual(s) my consent, permission, or authority to use, possess or exercise dominion and/or control over the dwelling described herein, or take or remove any property from the dwelling.
4. I have given no individual(s) my consent, permission or authority to damage or otherwise tamper with the above referenced dwelling.
5. The person or persons sought to be removed has or have unlawfully entered and remained in the above referenced dwelling.
6. I have directed the unauthorized person or persons to leave the above referenced dwelling, but they have not done so.
7. Anyone found currently occupying the dwelling is Criminal trespassing in violation of Penal Law §140.15.

8. The person or persons currently occupying the dwelling are not current or former tenants pursuant to any valid lease authorized by the owner of the dwelling or any former owner of the dwelling, and any lease produced by an occupant is fraudulent including any claim of an oral lease.
9. The persons or persons sought to be removed are not an owner or co-owner of the property unless the person or persons have engaged in title fraud.
10. The person sought to be removed is not a current or former tenant pursuant to a written or oral rental agreement authorized by the property owner.
11. The person or persons sought to be removed is not a family member of the owner who has been in the dwelling unit for at least 30 days.
12. The person or persons sought to be removed is not a roommate or other licensee of a tenant or any other occupant who has been in the dwelling unit for at least 30 days.
13. The person or persons sought to be removed is not a worker who has been provided housing as part of their job or a member of such a worker's family.
14. There is no pending litigation related to the dwelling between the property owner and any known unauthorized person.
15. There is no person or persons lawfully currently residing in the dwelling.
16. Law enforcement is authorized to enter the dwelling described herein.
17. I hereby express my wishes to have all current occupants of the dwelling described herein investigated, arrested, and prosecuted for Criminal trespassing and any other criminal acts they may have committed involving the dwelling described herein.
18. I am requesting law enforcement to immediately remove the unauthorized person(s) from the dwelling.
19. I am also requesting that a local court issue a stay away order of protection directing the person, or persons removed from the dwelling to stay away from me and the dwelling.
20. I realize that law enforcement will rely upon the representations set forth herein in the investigation, arrest and prosecution of the individual named herein for Criminal trespass, other offenses and/or the removal of any individual named herein from the premises/property. I understand that law enforcement will act based upon the representations made herein without prior contact with me. If there are any changes to the status of the dwelling, or amendments or changes to this Affidavit. I agree to notify the appropriate law enforcement agency in writing of these changes or amendments immediately.
21. I have read and understood Real Property Actions and Proceedings Law §768 which makes it a crime to unlawfully evict a lawful occupant of a dwelling.
22. I understand that a person or persons removed from the property pursuant to this local law may bring a cause of action against me for any false statements made in this affidavit, or for wrongfully using this local law, and that because of such action I may be held civilly liable for actual damages, penalties, costs, and reasonable attorney fees.
23. If applicable, I have affixed hereto either Letters of Testamentary or Administration.
24. I agree to hold harmless and indemnify law enforcement and/or their agents, servants and employees in the event a claim is made alleging that the individual named herein is investigated, arrested and/or prosecuted due to any misrepresentation in this affidavit and/or my failure to give law enforcement written notice of any changes or amendments to the status of the premises/property or any changes or amendments to the representations made herein. This indemnification includes all loss, damages or claims

- related to any misrepresentation or failure to give written notice of changes or amendments described herein, including attorney's fees necessary to defend the claim.
25. I waive any and all claims against the law enforcement, their officers, employees and/or agents and assume full responsibility for any physical or financial damage to my property or any physical, mental, emotional, or other personal injury that I may suffer as a result of the enforcement of this Trespass Affidavit regardless of how such loss or injury may arise and regardless of who is at fault, even if the loss or injury is caused by neglect, negligence or other fault of law enforcement and/or their officers, employees or agents.
  26. I have had an opportunity to consult with an attorney of my own choosing prior to signing this affidavit.
  27. I have read every statement made in this affidavit and each statement is true and correct. I understand that the statements made in this petition are being made under penalty of perjury, pursuant to Penal Law §210.40.”

**SECTION 5. REMOVAL PROCEDURE:** Upon receipt of the affidavit, law enforcement shall verify that the person who submits the affidavit is the record owner of the real property upon which the dwelling sits by having the Saratoga County Attorney's Office review the records of the Saratoga County Clerk's Office and the Saratoga County Treasurer's Office. If verified, law enforcement may take the unlawful occupants into custody and bring them without unreasonable delay before a local court judge on Criminal trespassing charges as well as any other applicable charges. 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 and entertained by 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 Criminal 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 and entertained by the Court. Any order of protection issued by the court may be fully enforced by the Sheriff or other law enforcement agency.

**SECTION 6. SCOPE:** This local law does not limit any law enforcement officer's authority to arrest an unlawful occupant for Criminal trespassing, criminal mischief, burglary, or other crimes absent such an affidavit or any dwelling owner from simultaneously pursuing other remedies available to them pursuant to the Real Property Actions and Procedure Law of the State of New York.

**SECTION 7: EFFECTIVE DATE:** This local law shall go into effect 60 days after being adopted and shall remain in effect unless or until preempted by state law or rescinded by action of the Saratoga County Board of Supervisors.