



Legislation Details (With Text)

File #: 18-1549 **Version:** 1 **Name:** Ordinance Amendment (Zoning for Short Term Rentals)
Type: Ordinance **Status:** Adopted
File created: 9/26/2018 **In control:** Economic and Housing Development
On agenda: 1/15/2019 **Final action:** 8/7/2019

Title: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, AMENDING THE CITY OF NEWARK ZONING ORDINANCE, TITLE XLI, CHAPTERS 2 AND 4 OF THE MUNICIPAL CODE, TO PERMIT SHORT TERM RENTAL USE IN ALL LEGAL DWELLINGS, AND ESTABLISH MINIMUM STANDARDS FOR SHORT TERM RENTAL USE.

- Deferred 6F-b 012319
- Deferred 6F-a 020619
- Deferred 6F-a 022219
- Deferred 6F-a 030619
- Deferred 6F-a 032019
- Deferred 6F-a 040319
- Deferred 6F-a 041719
- Deferred 6PSF-b 051519
- Deferred 6PSF-b 060619
- Deferred 6PSF-b 071019

Sponsors: Council of the Whole

Indexes:

Code sections: 41: - Title 41, Zoning & Land Use Regulations

Date	Ver.	Action By	Action	Result
8/7/2019	1	Municipal Council	Close on Public Hearing and Adopt	Pass
7/10/2019	1	Municipal Council	Maintained on Public Hearing and Deferred	Pass
6/6/2019	1	Municipal Council	Maintained on Public Hearing and Deferred	Pass
5/15/2019	1	Municipal Council	Maintained on Public Hearing and Deferred	Pass
5/1/2019	1	Municipal Council	Adopt on First Reading	Pass
4/17/2019	1	Municipal Council	Defer on First Reading	Pass
4/3/2019	1	Municipal Council	Defer on First Reading	Pass
3/20/2019	1	Municipal Council	Defer on First Reading	Pass
3/6/2019	1	Municipal Council	Defer on First Reading	Pass
2/22/2019	1	Municipal Council	Defer on First Reading	Pass
2/20/2019	1	Municipal Council	No Action Taken	
2/6/2019	1	Municipal Council	Adopt on First Reading	Pass
2/6/2019	1	Municipal Council	reconsider	Pass
2/6/2019	1	Municipal Council	Defer on First Reading	Pass

1/23/2019	1	Municipal Council	Defer on First Reading	Pass
1/15/2019	1	Municipal Council	Advance to First Reading	Pass

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, AMENDING THE CITY OF NEWARK ZONING ORDINANCE, TITLE XLI, CHAPTERS 2 AND 4 OF THE MUNICIPAL CODE, TO PERMIT SHORT TERM RENTAL USE IN ALL LEGAL DWELLINGS, AND ESTABLISH MINIMUM STANDARDS FOR SHORT TERM RENTAL USE.

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WHEREAS, the Municipal Council of the City of Newark (the "Municipal Council"), pursuant to N.J.S.A. 40:55D-62, may adopt or amend a Zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council seeks to permit short term rental use in legally permitted dwelling units throughout the City of Newark in order to facilitate the booking of reservations for such uses through internet-based booking platforms in order to promote tourism and economic vitality in the City; and

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-64, has sought and received the recommendations of the Newark Central Planning Board relative to these issues; and

WHEREAS, the Central Planning Board, at its December 18, 2016 regular meeting, confirmed that the proposed amendment is substantially consistent with the City's land use plan element, in accordance with the provisions of N.J.S.A. 40:55D-62.

Note: Additions are shown as **underlined and bold**. Deletions are shown as ~~strikethroughs~~.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

SECTION 1: Title XLI, Entitled Newark Zoning Ordinance, is hereby amended as follows:

41:2-2 Definitions shall be amended to include the following:

Short Term Rental shall mean the accessory use of a Dwelling Unit or part thereof for occupancy by someone other than the unit's owner or permanent resident for a period of 28

or less consecutive days, which unit is regularly used and kept open as such for the lodging of guests. Short term rentals shall be permitted in all dwellings with the exception of dormitories, foster homes, adult family care homes, transitional housing facility, assisted living facilities, community residences for developmentally disabled, persons with head injuries and terminally ill persons, community shelters for victims of domestic violence, and nursing homes.

41:4 Use categories shall be amended to include Short Term Rental as an accessory use under the use category of Residences and Lodging.

41:4-6 Additional Standards shall be amended to include the following:

41:4-612 Short Term Rentals

1. The person offering a Dwelling Unit for Short-Term Rental use must be the owner of the Dwelling Unit in which the Short-Term Rental activity occurs.
2. All Short Term Rentals must comply with all applicable rules, regulations, and ordinances of the City of Newark and all applicable rules, regulations, and statutes of the State of New Jersey, including regulations governing such lodging uses, as applicable.
3. Any unit to be used for short-term rentals shall obtain a Short-Term Rental Permit and rental Certificate of Occupancy from the City of Newark, Department of Engineering before renting or advertising for rent any short-term rental property.
4. Any unit to be used for short-term rentals shall be registered on an annual basis with the City and shall be required to submit proof of current homeowners' or renters' insurance, as applicable, and a satisfactory inspection report from the Department of Engineering, Office of Code Enforcement certifying that the unit is substantially compliant with State and Municipal fire safety regulations and applicable standards of habitability. The inspection certificate shall be framed and prominently displayed within the unit on or near the entrance door. Short-term rentals shall not be permitted in a unit with outstanding building code and/or fire code violations.
5. The Department of Engineering, Office of Code Enforcement shall develop a fee schedule for the registration and inspection certification of a unit to be used for short-term rentals. This fee shall be applied to the cost of inspection and administration of the City database of short-term rental units.
6. Any unit used for short-term rentals shall be subject to the applicable City and State lodging and occupancy taxes.
7. No unit shall be rented for more than a cumulative total of sixty (60) days in any one calendar year. This maximum shall be in addition to the restriction on short-term rental stays for no more than twenty-eight (28) consecutive days at any one time.

8. **No individual or legal entity shall be permitted to rent more than five (5) units as short-term rentals at any one time.**
9. **Short-term rental agreements for rent controlled units must be in compliance with the standards and regulations required under the Rent Control ordinance of the City of Newark.**
10. **Units owned, managed and operated by the City of Newark Housing Authority may not be used for short-term rentals. Tenants receiving U.S. Department of Housing and Urban Development (“HUD”) housing vouchers may not engage in short-term rentals.**

SECTION 2: To the extent that any previous ordinance is inconsistent with or contradictory hereto, said ordinance is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 3: The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

SECTION 4: This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance amends Newark Zoning Ordinance, Title XLI, Chapters 2 And 4 of the Municipal Code, to permit Short Term Rental use, of up to 28 consecutive days in all legal dwellings, and establishes minimum standards for Short Term Rental use.