



Legislation Text

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AN ORDINANCE AMENDING TITLE II, ADMINISTRATION, CHAPTER 10, DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY CREATING SECTION 9, RENTAL PROPERTY REGISTRATION TO REQUIRE ALL OWNERS OF RENTAL UNITS IN THE CITY OF NEWARK TO REGISTER WITH THE CITY'S DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT.

WHEREAS, the City of Newark (the "City") recognizes that there is a substantial number of residential units located within the City, which are not subject to specific regulations by responsible entities; and

WHEREAS, it is appropriate to establish procedures, so as to insure that landlords of residential properties are notified of code violations on their respective properties, through the maintenance of current and accurate contact information; and

WHEREAS, it is in the best interest of the health, safety and welfare of the residents of the City that code violations be corrected as quickly as possible, so as to reduce negative health and economic consequences resulting from the continuation of such violations; and

WHEREAS, a Landlord Registration Program will also enable the City to have current contact information for landlords and tenants, and an annual registration and inspection program for residential rental properties located within the City will underpin the positive maintenance of the health, safety and welfare of the community.

WHEREAS, the City has deemed it appropriate to supplement its Municipal Code to include requirements for landlord registration of dwelling units in the City, pursuant to N.J.S.A. 46:8-27, et seq., and N.J.A.C. 5:29-1.1, et seq.

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

SECTION 1. The foregoing whereas clause is incorporated herein by reference and made a part hereof.

SECTION 2. Title II, Administration, Chapter 10, Department of Economic and Housing Development, to add the following new subsection entitled Rental Property Registration requiring Landlord's to register all rental units with the City's Department of Economic and Housing Development.

§ 2:10-9 RENTAL PROPERTY REGISTRATION

§ 2:10-9.0 Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases when used in this chapter shall have the following meanings:

AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this chapter. The term does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

CERTIFICATE HOLDER

The person to whom the certificate of habitability is issued pursuant to this chapter. The term "certificate holder" includes within its definition the term "agent" where applicable.

CERTIFICATE OF HABITABILITY

The certificate issued by EHD or Designee attesting that the rental unit is in compliance with all State and Local Laws and regulations including, but not limited to, the City's Zoning Ordinance, Health Department Laws and Regulations, Property Maintenance Code, Uniform Construction Code, Housing Code, Building Code and/or Uniform Fire Safety Act.

DWELLING <<https://ecode360.com/36690133>>

Shall mean any structure which is used or is intended, arranged or designed for use by human occupants for living or sleeping purposes, whether occupied or vacant, inclusive of dwelling units as defined herein.

DWELLING UNIT <<https://ecode360.com/36690134>>

Shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or designed for living, sleeping, cooking and eating, bathing and toilet purposes.

EHD

Shall mean the Department of Economic and Housing Development.

OWNER

Any person or persons, firm, corporation or officer thereof, partnership, association or trust who owns, operates, exercises control over or is in charge of a rental facility.

PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

LANDLORD

Shall mean the person or persons who own, or purport to own, or exercise control of any building or project having one or two units in which there is rented or offered for rent housing space for living or dwelling purposes under either a written or oral lease, provided that this definition shall not include owner-occupied two-unit premises. As used in this Article this definition shall include any multiple dwelling subject to the “Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1, et seq.

REASONABLE TIME

Between the hours of 8:00 A.M. and 5:00 P.M. or such other time mutually agreed.

RENTAL FACILITY

Every building, group of buildings or a portion thereof which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration to one or more individuals and is meant to include apartments and apartment complexes.

RENTAL UNIT

A dwelling unit which is available for lease or rental purposes in a rental facility and is meant to include a dwelling unit offered for lease or rental, including but not limited to Short-Term Rental Property, one-family homes, two-family homes, three-family homes, four-family homes, etc., as well as individual apartments located within apartment complexes.

SHORT-TERM RENTAL PROPERTY <<https://ecode360.com/36690285>>

Shall mean a rental unit that is used and/or advertised for rent as a short-term rental by transient occupants as guests. Dwelling units rented to the same occupant for more than 28 continuous days, licensed Bed and Breakfast establishments, licensed rooming or boarding houses, hotels, and motels shall not be considered Short-Term Rental Property.

§ 2:10-9.1 Registration required.

Pursuant to N.J.S.A. 46:8-28, the City’s Municipal Clerk hereby designates that all existing and future rental units shall be registered with the Department of Economic and Housing Development (“EHD”) or such other department or person as designated by the Director of EHD (“Designee”). EHD or Designee shall work in conjunction with all other departments including, but not limited to, the City Clerk, Department of Engineering, Building Division (UCC), Health Department, and the Department of Public Safety on forms, which shall be provided for that purpose and which shall be obtained from EHD.

§ 2:10-9.2 Registration process.

The registration for every rental unit in the City of Newark that is currently being rented shall occur within one hundred twenty (120) days following the adoption of this Ordinance. No unrented unit shall be rented unless and until the rental unit is registered and a certificate of habitability is issued in accordance with this chapter. Once a rental unit is registered and a certificate of habitability has

been issued, the registration shall be effective so long as the occupancy of the rental unit and the information necessary to obtain the certificate of habitability has not changed. Notwithstanding the above, Short-term Rental Property shall comply with the section on an annual basis only.

§ 2:10-9.3 Registration forms; filing; contents.

Without infringing upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered, and a Certificate of Habitability shall be issued as provided herein. Every owner shall file with EHD or Designee a registration form for each unit contained within a building or structure which shall include the following information:

- A. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours.
- B. If the record owner is a corporation, the names and addresses of the registered agent(s) and corporate officers of said corporation shall be provided, together with the telephone numbers for each of such individuals indicating where such individuals may be reached both during the day and evening hours.
- C. If the address of any record owner is not located in the City of Newark or in Essex County, the name and address of a person who resides in Essex County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.
- D. The name and address of the agent of the premises, if any.
- E. The name and address of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.
- F. The name, address and telephone number of an individual representative or the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.
- G. The names and addresses of every holder of a recorded mortgage on the premises.
- H. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
- I. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit the square footage of the rental unit, which shall become part of the application, and which shall be attached

to the registration form when filed by EHD or Designee.

J. Any such other information as may be prescribed by EHD or Designee.

§ 2:10-9.4 Indexing and filing of registration form.

EHD or Designee shall index and file the registration forms. In doing so EHD or Designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this Chapter. EHD or Designee shall provide a copy of each registration and the Certificate of Habitability to the Office of the City Clerk and a copy of the registration shall also be kept on file in the Office of Rent Control.

§ 2:10-9.5 Amended registration form.

Every person required to file a registration form pursuant to this Chapter shall file an amended registration form within twenty (20) days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or occupancy of the premises is changed.

§ 2:10-9.6 Inspections.

- A. Subsequent to the initial registration, the owner shall permit the City to inspect each rental unit at least once (1) every three (3) years or upon a change in occupancy of the unit.
- B. Such inspections shall be performed by such person, persons or agency duly qualified, authorized and appointed by the City. Inspections made by persons or an agency other than the duly qualified, authorized and appointed person, persons or agency of the City of Newark shall not be used as a valid substitute.
- C. Such inspections shall be for the purpose of determining if the property complies with all State and Local Laws and Regulations including, but not limited to, the City's Zoning Ordinance, Health Department Laws and Regulations, Property Maintenance Code, Uniform Construction Code, Housing Code, Building Code and/or Uniform Fire Safety Act.
- D. Unsatisfactory inspection.** In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall be registered, however a Certificate of Habitability shall not be issued, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected and approved. Upon inspection of any rental unit, the inspector, upon finding that the rental unit contains only minor violations of this chapter which are not inimical to the health, safety and welfare of a perspective occupant so as to prohibit occupation by the same, may cause to be issued a temporary certificate of habitability which shall be conditioned upon the property owner, complying with the provisions of this chapter within a reasonable period of time not to exceed thirty (30) days from the

issuance of such temporary certificate. Upon compliance by the property owner with the provisions of this Chapter, the City's Division of Code Enforcement shall issue a Certificate of Habitability at no additional fee. The permanent Certificate of Habitability shall be effective for the same period of time as if issued upon initial inspection. If the corrections are not made within that thirty (30) day period, the property owner or landlord shall be deemed in violation of this Chapter.

§ 2:10-9.7 Access for inspections and repairs; complaints.

- A. All rental units subject to this Chapter are subject to inspections to determine their condition in order to safeguard the health, safety and welfare of the occupants and of the general public.
- B. At the time of such inspections, all rental units must be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be conducted with prior, written notice to the occupant at least twenty-four (24) hours in advance of said inspections and shall be made between 8:00 A.M. and 4:00 P.M. with the consent of the occupant, who is of legal age to grant such consent, unless there is reason to believe that a violation exists of a character which is an immediate threat to health or safety, requiring inspection and abatement without delay, or where the time taken to apply for and secure the issuance of a Court Order would render ineffective the immediate action necessary to abate the condition.
- C. After receiving prior, written notice of at least twenty-four (24) hours, every occupant shall give the owner of the rental unit access during reasonable hours to any part of such rental unit in compliance with any prior arrangements for such action that the tenant and owner established, including provision of any lease entered into by the parties for the purpose of making such repairs and alteration as are necessary to effect compliance with the provisions of this Chapter or any lawful order issued pursuant thereto. Should the parties not have a written lease or prior agreement regarding such course of action, or any written lease is silent regarding such measure, then the tenant shall provide access at all reasonable times after receiving prior notice of at least twenty-four (24) hours.
- D. **Complaints.** Within ten (10) days of receipt of a complaint alleging a reported violation of this Chapter, an inspecting officer shall conduct an inspection as hereinbefore provided.

§ 2:10-9.8 Inspection Officers; identification and conduct.

The City's inspectors shall be supplied with official identification and shall exhibit such identification when entering any rental facility, rental unit, rooming house and boardinghouse or any part of any premises subject to this Chapter. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

§ 2:10-9.9 Refusal of entry for inspection; Court Order

- A. If EHD or Designee is unable to work with the owner to gain access to the rental unit, the City may, upon affidavit, seek a Court Order from the from the Municipal Court of the City or any other court of competent jurisdiction based upon facts and the actual conditions and

circumstances that provide a reasonable basis for believing that a violation of this Chapter exists, including one (1) or more of the following:

- (1) The premises requires inspection according to the cycle established by the City for periodic inspections of premises of the type involved.
- (2) Observation of the external condition of the premises and its public areas has resulted in the belief that violations of this Chapter exist.
- (3) Circumstances such as age of building, type of building, particular use of premises or other factors which render systematic inspections of such building necessary in the interest of public health and safety.

B. If satisfied as to the matter set forth in such affidavit, the Judge of the Municipal Court of the City shall authorize the issuance of a Court Order granting the City access to conduct the appropriate inspection required under this Chapter.

C. Where the City or its agent, in possession of a Court Order, is refused entry or access or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this Chapter and subject to any penalty imposed by the Municipal Court for failing to comply with a Court Order as well as be subject to penalty set forth in § 2:10-9.18 of this Chapter.

§ 2:10-9.10 Prohibitions on occupancy.

No owner or landlord shall be permitted to lease any rental unit without first registering with the EHD or Designee in accordance with this Chapter and receiving a Certificate of Habitability as provided herein.

§ 2:10-9.11 Certificate of Habitability.

Upon the filing of a completed registration form, payment of the prescribed fee and a satisfactory inspection by the City, the owner shall be entitled to the issuance of a Certificate of Habitability commencing on the date of issuance and indicating same expiring upon a change of the occupancy of the rental unit. A registration form shall be required for each rental unit, and a Certificate of Habitability shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained in the property.

§ 2:10-9.12 Fees.

At the time of the filing of the registration form and prior to the issuance of a Certificate of Habitability, the owner or agent of the owner must pay a fee in accordance with the following:

- A. An inspection fee of \$50 for each rental unit.
- B. Renewal must be made every three (3) years (per unit) or upon change in tenant within those three (3) years. All renewals are subject to a \$50 inspection fee per unit.

- C. Failure of owner to renew every three (3) years or notify EDH or Designee upon change of tenant will result in an increased fee of \$100 per rental unit.
- D. There will be a re-inspection fee of \$50 if the unit is not in compliance upon first inspection.
- E. There will be no fee for owner occupied units: owner must be on deed and must supply a copy of their driver's license or some other document as proof of residency.

§ 2:10-9.13 Supplying and posting copy of certificate of habitability to occupants and tenants. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the Certificate of Habitability as required by this Chapter. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey, pursuant to the Hotel and Multiple Dwelling Law as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

§ 2:10-9.14 Maximum number of occupants; unlawful residents.

Written notice of the maximum number of occupants permitted in each rental unit shall be provided to the owner. It shall be unlawful for any person to allow a greater number of persons than the maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding twenty-nine (29) days as provided for in said notice. Any person violating this provision shall be subject to the penalty provisions of § 2:10-9.18 of this Chapter.

§ 2:10-9.15 Prepayment of taxes and other municipal charges.

No rental unit may be registered and no Certificate of Habitability shall issue for any property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

§ 2:10-9.16 Adherence to other standards.

All dwelling units shall be maintained in accordance with the State of New Jersey Uniform Construction Code.

§ 2:10-9.17 Revocation of certificate of habitability.

Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the certificate of habitability issued hereunder upon the happening of one or more of the following:

- (1) Conviction of a violation of this Chapter in the Municipal Court or any other court of competent jurisdiction.
- (2) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this Chapter.
- (3) Maintaining the rental unit or units on the property in which the rental unit is a part in a

dangerous condition likely to result in injury to person or property.

§ 2:10-9.18 Violations and penalties.

Any person who violates any provision of this Chapter shall be a violation of this Ordinance. Each such violation shall constitute a separate offence, each punishable for a fine not exceeding \$1,250 for each violation that the violation(s) exist beyond the prescribed period of time.

Any person who is convicted of violating this Ordinance within one (1) year of the date of a previous violation of the same Ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the Ordinance, but shall be calculated separately from the fine imposed for the violation of the Ordinance.

If the Court determines that violation(s) exist, the Court shall not consider reducing the total amount of the penalties referred to herein until the Court has been satisfied that the violations are abated.

SECTION 3. Severability. If any provision of this Ordinance or any section, sentence, clause, phrase, or word or the application thereof, shall in any circumstance be held invalid, the validity of the remainder of the law and the application of any such provision, section, sentence, clause, phrase, or word shall not be affected.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

STATEMENT

Ordinance amending Title II, Administration, Chapter 10, Department of Economic and Housing Development, to add an additional sub-section entitled, Rental Property Registration, requiring all owners of rental units in the City of Newark to register with the City of Newark Department of Economic and Housing Development.