

Ordinance No. 2478-24

AN ORDINANCE AMENDING ORDINANCE NO. 2428-22 AN
ORDINANCE OF THE TOWNSHIP OF LAWRENCE REGULATING RESIDENTIAL RENTAL UNITS

WHEREAS, there are numerous residential rental units in the Township of Lawrence not presently regulated by the State of New Jersey; and

WHEREAS, an ordinance to ensure that residential rental units are properly maintained, that landlords and tenants comply with the Township housing code and that the lives and property of all Township residents are protected is necessary given the number of unregulated residential rental units within the Township; and

WHEREAS, such an ordinance will work to reduce pests, infestation and injury and guard against hazardous conditions and thereby protect Township citizens and property values;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Lawrence that the municipal ordinances of the Township of Lawrence be amended to regulate residential units.

Section 1. **Licensing of Residential Rental Units**

A. **Definitions:** Unless the context clearly indicates a different meaning, the following words or phrases when used in this section shall have the following meanings:

“Agent” means 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 section. They are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman if such person designated by the owner as his agent is so licensed. term does not necessarily mean a licensed real estate broker or salesman as those terms

“Apartment complex” means two or more buildings, each containing two or more apartments, which are located within close proximity of each other and are owned by the same owner.

“Apartment” or “dwelling” means any apartment, cottage, bungalow, single family dwelling, any room or rooms in a rooming/boarding house, or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes, except that this ordinance shall not apply to an owner-occupied residential dwelling in which up to two bedrooms are rented, provided such rooms are not accessed by separate entrance, not utilized by the other residents of the dwelling. This definition shall apply notwithstanding whether the apartment be designed for residence, for office, or the operation of any industry or business, or for any other type of independent use.

“License” means the license issued by the municipal clerk attesting that the rental unit has been properly registered in accordance with this section and inspected for a certificate of occupancy.

“Licensee” means the person to whom the license is issued pursuant to this section. The term “licensee” includes within its definition the term “agent” where applicable.

“Owner” means any person or group of 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” means an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

“Rental facility” means 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” means a dwelling unit which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes.

“Change in tenancy” means a change in the tenant renting a rental unit.

B. Registration. All rental units shall hereafter be registered with the Lawrence Township municipal Clerk on forms which shall be provided for that purpose and which shall be obtained from the municipal clerk’s office. Such registration shall occur on an annual basis as provided herein.

C. Registration and Licensing: Terms: Initial Registration Provisions.

1. Each rental unit shall be registered and licensed annually and upon each change in tenancy. Any rental unit located in an apartment complex with on-site maintenance personnel and on-site management may, at the discretion of the Fire Official, submit an affidavit in lieu of on-site inspection by the Fire Official

a) The Fire Official, under the Division of Housing, may designate inspections and other functions under this Ordinance to a designee.

2. The license shall expire one year from the date of issuance. Any lease which has been executed prior to the adoption of the ordinance codified in this section shall not be affected, but the rental unit must nevertheless be registered [inspected] and licensed in accordance with this section. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this section.

D. Registration Forms; Filing; Contents. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein with the Lawrence Township Municipal Clerk. Every owner shall file with the Municipal Clerk a registration form for each unit contained within a building or structure which shall include the following information, but in no case shall a Post Office Box be accepted in lieu of a street address where an address is required:

1. The name and address, including the dwelling unit number, of each occupant or tenant occupying the rental unit together with a copy of the lease for the premises;

2. 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 a 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 individuals may be reached, both during the day and evening hours. If the record owner is a corporation, the name and address of the registered

agent and corporate officers of the corporation, together with the telephone numbers for each of such individuals indicating where such individual may be reached, both during the day and evening hours;

3. If the address of any record owner is not located in the Township, or in Mercer County, the name and address of person who resides in Mercer County and who is authorized to accept notices from a tenant and to issue receipts therefore and to accept service of process on behalf of the record owner;
4. The name and address of the agent of the premises, if any;
5. The names and address, including dwelling unit numbers of the superintendent, janitor, custodian and other individual employed by the owner or agent to provide regular maintenance service, if any;
6. The name, address and telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of any 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;
7. The name and address of every holder of a recorded mortgage on the premises;
8. 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;
9. 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 include a floor plan as a part of the application, which shall be attached to the registration form by the municipal clerk; and
10. Such other information as may be prescribed by the Township.

E. Registration Form; Indexing and Filing; Public Inspection; Fee. The Municipal Clerk shall index and file the registration forms and make them reasonably available for public inspection. In doing so, the Municipal Clerk 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 section.

F. Registration Form; Amendments; Filing. Every person required to file a registration form pursuant to this section, shall file an amended registration form, with the Municipal Clerk, within twenty (20) days after any change in the information required to be included therein. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.

G. Periodic Inspections.

1. Each rental unit shall be inspected at least once in every twenty-four (24) month period and upon each change in tenancy, for the purposes of the issuance of a Certificate of Inspection.

2. **Inspections of rental units in apartment complexes with on-site maintenance and on-site management may, in the discretion of the Fire Official, submit a sworn affidavit instead of an on-site inspection.**
 - a) **The sworn affidavit shall include, but is not limited to, information determining that the apartment complex is in compliance with all Township zoning ordinances, that the apartment complex is in compliance with the International Property Maintenance Code and any other information that the Fire Official believes is imperative. Failure of the apartment complex to submit an affidavit after request of the Fire Official will be considered an unsatisfactory inspection of this chapter.**
3. **Such inspection shall be performed by such person, persons or agency duly authorized and appointed by the Fire Official. Inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township, shall not be used as a valid substitute.**
4. **Such inspection shall be for the purpose of determining zoning ordinance compliance, and to the extent applicable, to determine if the property complies with the International Property Maintenance Code. Upon compliance, the Fire Official shall cause to be issued a Certificate of Inspection pursuant to Lawrence Township Administrative Code.**
5. **Unsatisfactory Inspection: In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, nor shall a license 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 maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s) and the property is thereafter subsequently reinserted, approved, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within thirty (30) days, and if not made within that time period, the owner shall be deemed in violation of this section and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of this chapter.**

H. Access for Inspections; Repairs.

1. **The inspection officers under the Division of Housing are hereby authorized to make inspections to determine the condition of rental facilities, and rental units in order that they may promote the purposes of this section to safeguard the health, safety and welfare of the occupants of rental facilities and rental units and of the general public. For the purpose of making such inspection the inspecting officers shall be vested with the authority set forth in the Lawrence Township Municipal Code. The owner or occupant of every rental facility and rental unit shall give the inspecting officer free access to the rental unit at all reasonable times for the purpose of such inspections, examinations and surveys.**
2. **Every occupant shall give the owner of the rental unit access to any part of such rental facility and rental unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this section or any lawful order issued pursuant thereto.**
3. **Complaints: Within ten (10) days of receipt of a complaint alleging a reported violation of this section, an inspecting officer shall conduct an inspection as provided herein.**

- I. **Prohibitions on Occupancy.** No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit with the Township, which is not registered and licensed and for which a Certificate of Inspection has not been issued in accordance with this section.
- J. **License.** Upon the filing of a completed registration form, payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same date of the next calendar year. A registration form shall be required for each rental unit, and a license shall be issued to the owner for each rental unit, even if more than one rental unit is contained in the property.
- K. At the time of the filing of the registration form, and prior to the issuance of a license, the owner or agent of the owner must pay a fee in accordance with the following.

- 1. **An annual registration fee of fifty (\$50.00) dollars which shall not include the fees for the issuance of a Certificate of Inspection.**
- 2. For each inspection of multiple dwelling units pursuant to section (g), the following fees are established:

<u>Number of Units</u>	<u>Cost per unit</u>
For Units 1 through 7	\$33.00 per unit
For Units 8 through 24	\$21.00 per unit
For Units 25 through 48	\$18.00 per unit
For Units 49 and up	\$12.00 per unit

- 3. No re-inspection fee shall be charged for any re-inspection after a notice of failure.

- L. **Providing Registration Form to Occupants and Tenants.** **At the time of creation of new tenancy, every landlord shall provide each occupant or tenant in the building or project a copy of the certificate of registration required by this section. If an amended certificate is filed, the landlord shall furnish each occupant or tenant with a copy of the amended certificate within seven days after the amended certificate is filed with the Municipal Clerk in the case of a tenant-occupied one family dwelling or non-owner-occupied two-family dwelling.** 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 Act 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).

- M. **Registration of Certificate of Insurance.**

Pursuant to P.L.2022, c.92, every landlord in the Township of Lawrence shall, by July 1 of each year or at the time of the creation of the first tenancy in any newly constructed or reconstructed building, register with the Clerk of this Municipality a certificate of insurance that satisfies the requirements of P.L.2022, c.92.

- N. **Taxes and Other Municipal Charges; Payment Precondition for Registration and License.** No rental unit may be registered, and no license shall be issued 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.

O. Other Rental Unit Standards. All dwelling units shall be maintained in accordance with the Code of the Lawrence Township, Housing Standards.

P. Occupant(s) Standards.

1. Compliance with Other Laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Township with all applicable state and federal law, including laws pertaining to underage drinking and controlled substances.

Q. Revocation of License; Procedure.

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

- a) Conviction of a violation of this [section Ordinance in the municipal court or any other court of competent jurisdiction;
- b) Determination of a violation of this section at a hearing held pursuant to subsection P(2);
- c) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this section;

2. Procedure; Written Complaint; Notice; Hearing;

- a) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Director of Public Safety, Chief of Police, Construction Official, Fire Official, Housing Inspector or the Zoning Enforcement Officer. Such complaint shall be in writing and filed with the Municipal Clerk. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The person filing the complaint may do so, on the basis of information and belief and need not rely on personal information.
- b) Upon the filing of such written complaint, the municipal clerk shall immediately inform the Township Council and a date for a hearing shall be scheduled which shall not be sooner than ten nor more than thirty days thereafter. The Municipal Clerk shall forward a copy of the complaint and a notice as to due date of the hearing to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.
- c) The hearing required by this subsection shall be held before the Township Council unless, in its discretion, the council determines that the matter should be heard by a hearing officer who shall be appointed by the Council. If the matter is referred to a hearing officer, such officer shall transmit his/her findings of fact and conclusions of law to the Council within thirty (30) days of the conclusion of the hearing. The council shall then review the matter and may accept, reject, or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by the Township Council, then the Council shall render a decision within thirty (30) days of the conclusion of the hearing.

The decision shall either dismiss the complaint, revoke or suspend the license, or determine that the license shall be renewed or reissued for one or more subsequent license years.

- d) The hearing shall be taped. If determined to be necessary, the council may have a stenographic transcript prepared. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply. All relevant evidence shall be admissible. The burden of proof shall be that which generally controls administrative hearings.
- e) The Township Attorney or his designee shall appear on behalf of the complainant in all hearings conducted pursuant to this section.

3. Defenses.

- a) It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions including bringing the condition of the property in compliance with applicable codes or circumstances giving rise to the revocation proceeding, including but not limited to, the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises; eviction of the tenant(s) or otherwise.

Section 2. Violations; Penalty

Any person violating any of the provisions of this chapter, unless another penalty is provided, shall, upon conviction thereof, pay a fine of no less than one hundred dollars (\$100.00), and no more than two thousand (\$2,000.00) or imprisonment for any term, not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days, for the violation thereof.

Any person violating or failing to comply with the provisions of Section 1 (M) shall, through a summary proceeding pursuant to N.J.S.A. 2A:58-10 et seq., be subject to a fine of not less than \$500, but no more than \$5,000.

In a municipal court proceeding a landlord shall not be found to be in violation of this ordinance during such period of time as the landlord shall be proceeding to evict the tenants in accordance with all statutory procedures pursuant to N.J.S.A. 2A:18-61.1, et seq.

Section 3. This Ordinance shall take effect twenty (20) days after passage.

STATEMENT

This ordinance amends the revised general municipal ordinances of Lawrence Township to regulate owner of a business, owner of a rental unit or units, and owner of multifamily home of four or fewer units, one of which is owner occupied.

Additions _____
Deletions { }

Adoption: October 1, 2024

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X					X	
Mr. Kownacki	X						X
Ms. Perry	X						
Mr. Ryan	X						
Mayor Farmer	X						