09-18

TOWNSHIP OF SOUTH ORANGE VILLAGE

PASSED ORDINANCE

AN ORDINANCE TO ESTABLISH A UNIFORM SYSTEM FOR THE REGISTRATION OF RENTAL UNITS, THE LICENSING OF SUCH UNITS, AND TO IMPOSE SANCTIONS ON LANDLORDS WHO PERMIT REPEATED VIOLATIONS OF LAW BY THEIR TENANTS.

BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1. Findings.

It is hereby found by the Board of Trustees of the Township of South Orange Village that a significant number of landlords rent residential units to unrelated persons who frequently engage in conduct which constitutes breaches of the peace. Such conduct has a negative effect upon occupants of other rental units and nearby structures, impacts the quality of life of the neighborhood and tends to depress the value of surrounding property. This condition is in major part due to the presence of numerous university students in the community, a condition present in relatively few communities. As landlords control both the selection of tenants and their eviction for cause, only landlords can effectively remedy the condition.

Section 2. Purpose

It is the purpose of this ordinance to create a single-point uniform system for the registration of single-family rental properties and multi-family rental properties; one which satisfies the requirements of registration for Rent Control (Chapter 124 of the Code of the Township of South Orange Village), N.J.S.A. 46:8-27 et seq. and licensing pursuant to this ordinance. While registration and licensing of rental units is authorized pursuant to N.J.S.A. 40:48-2.12c and 40:52-1d, revocation of licenses and the penalties provided for herein are necessary due to the conditions set forth in the findings herein. Due to the localized nature of the condition this ordinance seeks to address and the absence of adequate remedies in state law, it is the purpose of this ordinance to exercise the municipal police power implicit in the New Jersey Constitution and granted pursuant to N.J.S.A. 40:48-2 and, *inter alia*, to promote the welfare of the municipality and its inhabitants.

Section 3. Definitions

Dwelling Unit(s) (also referred to as **Units, Rental Units** or **Residential Units**) - A room or series of connected rooms designed for permanent residency, containing living, cooking, sleeping and sanitary facilities for one housekeeping unit (as defined in Chapter 92 of the Code of the Township of South Orange Village). The dwelling unit shall be self-contained and shall not require the use of outside stairs (other than those required for initial access to the structure), passage through another dwelling unit or other indirect route to get to any portion of the dwelling unit.

License - Collectively, the licenses issued to the owner of either a single-family rental property or multi-family rental property pursuant to this ordinance. Each dwelling unit in a multi-family rental property shall be separately licensed pursuant to the provisions of this ordinance.

Owner - The fee owner of any single-family rental property or multi-family rental property whether individual, corporation, partnership, trust, limited liability company or other business entity. For the purpose of this ordinance, owner shall also include all corporate officers, partners, trustees, trust beneficiaries, members of LLCs or others with a control interest in an owner, no matter the form.

Quality of Life Violation - Conviction for disorderly, indecent, tumultuous or riotous conduct, including, by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, urinating or defecating in public, lewdness, criminal mischief, crimes against property or excessive noise, by a tenant or a tenant's guest on or in the vicinity of any single-family rental property or multi-family rental property wherein such tenant resides. A violation shall be deemed to have occurred in the vicinity of a covered property if such violation occurred in the adjacent public right of way in front of the covered property or on any property adjacent to the covered property.

Multi-family Rental Property - Any structure containing two (2) or more units available for rent, whether occupied or not, also referred to as a covered property.

Post/Posting - The requirement to permanently affix information required to be made known to tenants at rental properties regulated by this ordinance. Posting shall be at eye level near the primary entrance to the property, at a place where it is most likely to be seen. The Clerk shall provide forms that shall be used for posting.

Single-family Rental Property - Any single-family structure held out for rental, whether occupied or not, also referred to as a covered property.

Section 4. Registration of Multi-family Rental Properties

Pursuant to N.J.S.A. 40:52-1d, commencing September 1, 2009, and annually on September 1 of each succeeding year, owners of all multi-family rental properties shall register same with the Village Clerk. Annually, at the time of registration, a $100 registration fee shall be paid to the Village Clerk. Such registration shall be on forms provided by the Village Clerk, or by electronic means at such time as a computerized system becomes available. Required information shall generally include the following, information which will be required in greater detail on forms issued by the Clerk:

1. Premises address, and tax block and lot number

2. Owner contact information

3. If owner is a corporation, officer contact information

4. If owner is a limited liability company, member contact information

5. If owner is a partnership, partner contact information

6. Resident Management Agent contact information

7. Rental Agent and other agent contact information

8. Number of persons permitted to occupy each unit pursuant to Sections 117-25 and 117-28 of the Code of the Township of South Orange Village

9. Unit descriptions, including room sizes, number of bathrooms and the like

10. Summary information regarding leases and tenants, including lease terms, names of tenants and the like

11. Name and address of all mortgagees of record

12. Contact information for any on-site superintendent

13. Emergency contact information

14. If heated by fuel oil, contact information for oil supplier

Owners shall amend the filing required by this section within 7 days of an occurrence affecting the required information and shall annually, on July 1 of each year, update the information required by this section. Compliance with this section shall also constitute compliance with the requirements of N.J.S.A. 46:8-27 and registration for the purposes of Chapter 125 of the Code of the Township of South Orange Village - Rent Control.

Section 5. Registration of single-family rental properties

Pursuant to N.J.S.A. 40:52-1d, commencing September 1, 2009, and annually on September 1 of each succeeding year, owners of single-family rental properties shall register same with the Village Clerk. Annually, at the time of registration, a $50 registration fee shall be paid to the Village Clerk. Such registration shall be on forms provided by the Village Clerk, or by electronic means at such time as a computerized system becomes available. Required information shall include:

1. Premises address, and tax block and lot number

2. Owner contact information

3. If owner is a corporation, officer contact information

4. If owner is a limited liability company, member contact information

5. If owner is a partnership, partner contact information

6. Number of persons permitted to occupy each unit pursuant to Sections 117-25 and 117-28 of the Code of the Township of South Orange Village

7. Unit descriptions, including room sizes, number of bedrooms and bathrooms

8. Summary information regarding leases and tenants, including lease terms, and names of tenants and permanent addresses

9. Emergency contact information

10. If heated by fuel oil, contact information for oil supplier

Owners shall amend the filing required by this section within 7 days of an occurrence affecting the required information and shall annually, on July 1 of each year, update the information required by this section. Compliance with this section shall also constitute registration as may be required for the purposes of Chapter 125 of the Code of the Township of South Orange Village - Rent Control.

Section 6. Licensure

Upon filing of a completed registration form and the payment of the registration fee, the Village Clerk shall issue a License or renewal to the owner. In the case of a multi-family rental property, the Village Clerk shall issue a single license certificate whereon shall be listed all dwelling units contained in that property. Each dwelling unit so listed shall be deemed separately licensed.

Section 7. Violations

Failure to register, to amend a registration when so required, to permit occupancy in violation of Sections 117-25 and 117-28 of the Code of the Township of South Orange Village, or to permit repeated violations pursuant to Section 9, shall be a violation of this ordinance. Each such violation shall constitute a separate offense, each punishable by a fine of not less than $500. Continued rental of a dwelling unit, after revocation or suspension of a license, shall constitute a separate offense punishable upon conviction in the municipal court by a fine of not less than $500 for each day such unit was rented without a license.

Section 8. Obligation of Owner

No owner shall knowingly permit a tenant to remain in occupancy of a dwelling unit who, or whose guests, commit repeated quality of life violations.

Section 9. Repeated Quality of Life Violations

On each occasion that a tenant in a multi-family rental property or a single-family rental property, or such tenant's guest, commits a quality of life violation, the Public Officer shall cause notice of such violation to be sent to the owner via certified mail. Upon the occurrence and notice of two (2) quality of life violations by one or more tenants or his/her/their guests, with respect to any dwelling unit within any 12-month period, the Public Officer may cause a complaint to be filed in the Municipal Court and/or to conduct a public hearing, on notice to the owner, why the license to operate a rental property should not be revoked or suspended. In a multi-family rental property, license revocation may only be imposed upon the dwelling unit associated with the subject quality of life violation. Whether the Public Officer seeks to proceed in the Municipal Court or to seek to revoke or suspend the license, proof that the owner unsuccessfully attempted in good faith to evict the offending tenant(s), after commission of two quality of life violations, shall constitute an absolute defense.

Section 10. Resident Agent/Posting

A. Pursuant to N.J.S.A. 40:48-2.12c, every owner of a multi-family rental property who does not reside in South Orange shall designate an agent with authority to act in the absence of the owner with respect to such property, and which agent shall be a resident of South Orange. Owners of two-family residences are exempt from the requirement of this subsection.

B. Owners shall post both a copy of the most current license and the names, addresses, telephone numbers and e-mail addresses of all persons available in the event of an emergency. Owners of multi-family rental properties shall also include such information for resident agents.

Section 11. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 12. Effective Date

This ordinance shall take effect upon final passage and publication as required by law.

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Bauer		X	X			
Davis Ford					X	
Goldberg				X		
Gould			X			
Levison	X		X			
Rosner			X			

The above ordinance was passed on second and final reading by the Board of Trustees of the Township of South Orange Village, County of Essex, NJ at a Regular Meeting held on Monday, July 27, 2009.

LYNN M. CUCCINIELLO, ACTING VILLAGE CLERK

DOUGLAS C. NEWMAN, VILLAGE PRESIDENT