

**00CITY OF EGG HARBOR**

Ordinance # 3-2022

**AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE  
OF THE CITY OF EGG HARBOR ENTITLED “RENTAL PROPERTY  
REGISTRATION AND LANDLORD RENTAL RESPONSIBILITY” BY  
CREATING CHAPTER 267 ESTABLISHING A REGISTRATION  
REQUIREMENT FOR RENTAL PROPERTIES**

**WHEREAS**, municipalities are authorized to regulate buildings used for sleeping, lodging and occupancy purposes, including but not limited to boarding houses, rooming houses and rental housing or living units pursuant to N.J.S.A. 40:52-1, et seq. and

**WHEREAS**, N.J.S.A. 40:48-2.12 (a) authorizes the governing body of any municipality to make, amend, repeal and enforce ordinances to regulate buildings and structures and their use and occupation, to prevent and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality; and

**WHEREAS**, the City of Egg Harbor has received and continues to receive complaints related to rental properties located within the City; and

**WHEREAS**, the Mayor and Council have determined that there exists a wide range of problems otherwise diminishing the quality of life for those residents and business operators in the vicinity of the improperly maintained rental units; and

**WHEREAS**, these problems are exacerbated by absentee landlords who do not properly manage or supervise their rental properties which are considered nuisances in view of their negative effects on nearby properties and the residents or users of those properties act as a barrier to the City’s continued orderly development and revitalization; and

**WHEREAS**, it is the express intention of the City to hold landlords accountable for unsafe conditions for units which experience disturbances, damage, and incur public expense resulting from inadequately supervised rental units; and

**WHEREAS**, conditions such as overcrowding, noise complaints and code violations have caused and continue to cause the City to incur disproportionate costs and expend considerable time and expense in its enforcement efforts, including but not limited to an increased number of property inspections; and

**WHEREAS**, the Mayor and Council wish to adopt regulations concerning these issues and provide for appropriate enforcement measures.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** by the City Council of the City of Egg Harbor, County of Atlantic, State of New Jersey as follows:

**SECTION 1:** Chapter 267 is created and titled **RENTAL PROPERTY REGISTRATION AND LANDLORD RENTAL RESPONSIBILITY** as follows:

**ARTICLE 1- RENTAL PROPERTY REGISTRATION**

**§ 267-1. Definitions**

a. **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 is designated by the owner as the owner's agent.

b. **APARTMENT OR DWELLING UNIT:** Any room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designated to be occupied for sleeping and dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof; and which shall include a single family- detached residence designed for use by one family or household unit for living and sleeping purposes. Owner occupied one or two dwelling units are not covered by this ordinance pursuant to N.J.S.A. 46:8-28.

c. **HEARING OFFICER:** the City Attorney or designee appointed by the governing body, who shall not be an owner or lessee of any real property within the City, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

d. **LANDLORD:** The legal entity listed upon the title as it appears in the public records after the deed is properly recorded.

e. **LANDLORD REGISTRATION CERTIFICATE:** The certificate issued by Code Enforcement of the City of Egg Harbor or designee authorizing the certificate holder to maintain, operate, or otherwise conduct the business of landlord in the City of Egg Harbor attesting that the rental unit has been properly registered in accordance with this Chapter.

f. **OWNER:** 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.

g. **OWNER-OCCUPIED:** A portion of a rental facility, dwelling, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein.

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

i. **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.

j. **RENT OR RENTED:** An apartment or dwelling unit occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner received consideration for occupancy, regardless of whether there is a written lease, sublease or oral understanding.

k. **SUBSTANTIATED COMPLAINT:** A complaint for a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises which has been substantiated by prosecution and conviction in any court of competent jurisdiction.

### **§ 267-2. Landlord Registration Required.**

a. Registration Required. No person(s), corporation or business entity shall offer any residential property for rent, lease or let any residential property to any person(s) without first obtaining a Landlord Registration Certificate from the City. The Landlord Registration Form, which is required to be completed in order to obtain a Landlord Registration Certificate, may be obtained from Code Enforcement or designee during normal business hours.

b. The initial registration shall occur within 30 days following the final adoption of this Chapter. The initial term for the Landlord Registration Certificate shall be for a term not to exceed eight (8) months, or until December 31, 2022. Thereafter, the Landlord Registration Certificate shall be renewed annually and amended, as necessary, within 30 days of each change of ownership or occupancy of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this Chapter. The Landlord Registration Certificate shall not include approval for the use and occupancy of a rental unit. Consistent with §213-6H, an Occupancy inspection is required for each unit. Such Landlord Registration Certificate shall be granted or denied within ten (10) business

days from the day of the application for the same to determine whether or not a Continued Certificate of Occupancy, certifying that the building and premises are in compliance with all ordinances of the City of Egg Harbor, shall first be obtained from the Construction Code Official or the appropriate official as designated by the governing body of the City of Egg Harbor

**§267-3. Landlord Registration Form.**

a. The owner of every rental property, with the exception of owner occupied properties which contain one or two rental units, in the City of Egg Harbor shall file a Landlord Registration Form with Code Enforcement or designee. When providing a copy of same to any other person or entity requesting same, the City Clerk, Construction Code Office and all other Departments of the City of Egg Harbor shall redact the names and addresses, age and gender of the tenants.

b. The Landlord Registration Form shall be filed on an annual basis on or before December 31<sup>st</sup> of each year.

c. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered as provided herein. Every owner shall file with Code Enforcement or designee a Landlord Registration Form for each unit contained within a building or structure which shall include the following information:

1. The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the rental business, if not the same person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual 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 said corporation shall be provided together with the telephone number for each such individual, indicating where such individual may be reached both during day and evening hours. If the record owner is an LLC, the name and address of the Managing Member(s) shall be provided, indicating where such member (or its principal officers if a corporation) may be reached both during day and evening hours. All registration addresses shall be physical addresses; post office boxes are insufficient.

2. If the address of the owner of record is not located in the City of Egg Harbor, the name, address and telephone number of a person who resides in the City of Egg Harbor and who is authorized to accept notices from a tenant and to issue receipts therefrom and to accept service of process on behalf of the owner of record.

3. The name and address of the managing agent of the premises, if any, and the telephone number where such individual may be reached both during day and evening hours.

4. The name and address of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any, and telephone number where such individual may be reached both during day and evening hours.

5. The name, address and telephone number of at least one individual representative of the owner of record or managing 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 and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency.

6. The names and addresses of all holders of recorded mortgages on the property.

7. The owner shall be obligated to supply the required fuel type or energy utilized by the heating system and maintain said heating system in good operating condition so that it can supply heat as required, notwithstanding any contractual provision seeking to delegate or shift responsibility to the occupant or third person, except that the owner shall not be required to supply fuel or energy for heating purposes to any unit where the occupant thereof agrees in writing to supply heat to his own unit of dwelling space and the said unit is served by its own exclusive heating equipment for which the source of heat can be separately computed and billed for each such rental unit.

8. A description by number or letter and floor of each such rental unit.

9. The square footage of living space within each such rental unit and the number of rooms.

10. Provide a detailed floor plan with the exact number of sleeping rooms contained in each rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling and by the square footage thereof. This information shall be provided with the initial Landlord Registration Form and shall be updated as part of the annual renewal process should the floor plan change. If no changes to the floor plan were made during the course of the preceding year, then the registrant shall not be required to submit an updated floor plan.

11. Provide whether such rental unit is equipped with a kitchen.

12. Provide whether the rental unit is equipped with a fire suppression or fire sprinkler system, a fire extinguisher, a carbon monoxide alarm, a smoke detector alarm, fixed fire escape ladders or systems for emergency egress.

13. The term on the lease and a copy of the current Continued Certificate of Occupancy.

14. A copy of the most recent valid certificate of inspection issued by the State of New Jersey Bureau of Housing, Department of Community Affairs, if applicable.

15. A certification as to who is paying the Property Taxes and Water/Sewerage Charges.

16. A copy of the completed Federal Lead Based Paint Disclosure Form, if applicable.

17. Such other information as may be prescribed by the City on the appropriate Landlord Registration Form or otherwise by ordinance or resolution.

#### **§ 267-4. Amended Landlord Registration Form**

Every person required to file a Landlord Registration Form pursuant to this Chapter shall file an amended registration form within 30 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 of the premises has changed.

#### **§267-5. Occupancy of unregistered premises prohibited.**

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the City which is not registered and for which a registration certificate has not been issued in accordance with this chapter.

#### **§267-6. Issuance of a Landlord Registration Certificate.**

- a. Upon the filing of a completed Landlord Registration Form, payment of the prescribed fee, and a satisfactory inspection, when required and as necessary, the owner shall be entitled to the issuance of a Certificate commencing on the date of issuance and expiring on December 31<sup>st</sup> of that calendar year. A Landlord Registration Form shall be required for each rental unit, every year, and a Landlord Registration Certificate shall be issued to the owner for each rental unit, even if more than one rental unit is contained in the property.

b. At the time of the filing of the registration form, the owner or agent of the owner must pay a registration fee as provided in §267-12.

c. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the Landlord Registration Form required by this chapter. This particular provision shall not apply to any hotel, motel or guesthouse 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 section may be complied with by posting a copy of the Landlord Registration Certificate in a conspicuous place within the rental unit(s).

d. Maximum number of occupants; posting. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this section shall be subject to the penalty provisions of §267-13 of this article.

e. Only those occupants whose names are on file with the City as required in this section may reside in the licensed premises. It shall be unlawful for a non-registered persons to reside in said premises and any owner, agent, tenant or registered tenant allowing a non-registered person to reside in said premises and the non-registered person, shall be in violation of this subsection.

f. In the event the City's authorized representatives have a reasonable basis to conclude that the occupancy limit for a particular unit is being exceeded, it shall provide notice of that fact to the landlord, who shall investigate and thereafter certify by its sworn signature, that it has corrected any violation and that to the best of his knowledge, no current violation exists.

g. A registration form shall be required for each rental unit, and license shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

#### **§267-7. Inspections.**

a. Inspections shall be performed by such person, persons or agency duly authorized and appointed by the City pursuant to the direction of the Construction Code Official. Inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the City shall not be used as a valid substitute.

b. Such inspection shall be for purpose of determining if the property complies with the Uniform Construction Code, the current City Property Maintenance Code, housing code and/or building code and the Uniform Fire Safety Act. Upon compliance, the Construction Code

Official shall cause to be issued a Landlord Registration Certificate pursuant to the provisions of this Article.

c. 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, and the landlord 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 reinspected, approved, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and if not made within that time period, the owner shall be deemed in violation of this chapter and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of §267-16 of this article.

d. Each rental unit shall be inspected at least once every twelve-month period.

e. There is no fee for an initial inspection.

1. Upon the filing of such written complaint, the City Clerk or designee shall immediately inform the City Council and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The City clerk or designee shall forward a copy of the complaint and a notice, as to the 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.
2. The hearing required by this section shall be held by the Hearing Officer within 30 days , such officer shall transmit his findings of fact and conclusions of law to the City Council within 30 days of the conclusion of the hearing. The City council shall then review the matter and may accept, reject or modify the recommendations of the Hearing Officer.

## **ARTICLE 2-LANDLORD RENTAL RESPONSIBILITY**

### **§267-8. Complaints**

If in any twenty-four month period a specified number, which shall not be less than two complaints, on separate occasions, of conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance the municipal governing body or any officer or employee of the municipality designated by the governing body for the purpose may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.



**§267-9. Notice requirements.**

- a. The governing body, an officer or employee designated pursuant to §267-8 shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records or Landlord Registration Certificate of the City, notice advising of the institution of such proceedings, together with the basis for those proceedings, and of the time and place at which a hearing will be held in the matter, which shall be the municipal building, municipal court or other public place within the municipality, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.
- b. In the event a tenant is convicted of any of the conduct described in §267-8, the governing body, or officer or employee designated pursuant to §267-8 shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the City or Landlord Registration Certificate.

**§267-10. Hearing: violations and penalties.**

a. At the hearing convened pursuant to this Chapter, the Hearing Officer shall give full hearing to both the complaint of the City and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. The Hearing Officer may consider, to the extent deemed relevant by the Hearing Officer, prior complaints about the residents of the property, even if those complaints did not result in a conviction. At the conclusion of the hearing, the Hearing Officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this chapter.

b. Any bond required to be posted shall be in accordance with the judgment of the Hearing Officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

1. Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises;
2. Securing the payment of fines and penalties likely to be levied for such offenses; and
3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; but no such bond shall be in an amount less than \$500 or more than \$5,000.00. The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

c. A bond or other security deposited in compliance with this section shall remain in force for a period recommended by the Hearing Officer but not less than two nor more than four years. Upon the lapse of the specified period the landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under §267-12 in which case the security shall be renewed, in an amount and for a period that shall be specified by the Hearing Officer.

**§267-11. Proceedings against landlord; recovery from tenant.**

a. If during the period for which a landlord is required to give security, a substantiated complaint is recorded against the property in question, the governing body or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension of the period for which such security is required, or for an increase in the amount of security required, or for any or all of those purposes.

b. Any forfeiture or partial forfeiture of security shall be determined by the Hearing Officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in §267-10. Any decision by the Hearing Officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in §267-10 and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to carry out the purposes of this chapter effectually. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided for in §267-10.

c. A landlord may recover from a tenant any amounts of security actually forfeited as described in this section.

**ARTICLE 3-FEES AND PENALTIES**

**§267-12. Fees.**

- a. Annual Registration Fees
  - 1. One to seven non owner- occupied units at one location ..... \$125.00 per unit.
  - 2. For eight to twenty five non owner occupied units at one location \$100.00 per unit
  - 3. For twenty-six or more non owner occupied units at the same location....\$75.00 per unit.
- b. Inspection Fees
  - 4. Initial inspection..... no fee
  - 5. First reinspection.....no fee
  - 6. Second reinspection.....\$50.00 per unit
  - 7. Third reinspection.....\$75.00 per unit
  - 8. Fourth and all subsequent re-inspections.....\$100.00 per unit

9. If any fee is not paid with 15 days of its due date, a late fee of \$25.00 shall be imposed.
10. If any fee is not paid within 30 days of its due date, an additional late fee of \$50.00 shall be imposed.

**§267-13 Penalties**

Any landlord, owner or agent who shall violate the provisions of this article shall upon conviction be subject to a fine not to exceed \$250.00 for the first offense and fines up to \$750.00 for a subsequent offense.

**SECTION 2. Repealer.** All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict.

**SECTION 3. Severability.** If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the City of Egg Harbor declares that it would have passed the ordinance and each section and subsection thereof; irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**SECTION 4. Effective Date.** The ordinance shall take effect immediately upon passage and publication according to law.

**ENACTED AND ADOPTED** by the Council of the City of Egg Harbor on this        day of  
2022.

Introduced: March 24, 2022  
Publication: March 30, 2022  
Public Hearing: April 7, 2002  
Adoption:

**ATTEST:**

**CITY OF EGG HARBOR**

By: \_\_\_\_\_  
Meg Steeb, City Clerk

By: \_\_\_\_\_  
Lisa Jiampetti, Mayor