

BOROUGH OF GARWOOD

ORDINANCE NO. 23-07

Adopted: April 13, 2023

Introduced:	March 23, 2023
Motion:	Councilman Kearney
Seconded:	Councilman Lazarow

Public Hearing:	April 13, 2023
Motion:	Councilman Lazarow
Seconded:	Councilwoman Nolde

AN ORDINANCE AMENDING CHAPTER 67, ENTITLED “BUILDINGS AND STRUCTURES” OF THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY CREATING NEW ARTICLE VIII, “REGISTRATION OF RENTAL UNITS”.

WHEREAS, the Borough of Garwood (the “Borough”) has previously adopted Chapter 67, Buildings and Structures; and

WHEREAS, the Borough seeks to ensure the safety of the occupants in rental units in the Borough; and

WHEREAS, the Borough also seeks to comply with its duty to ensure rental unit owners have obtained the required liability insurance proscribed by law; and

WHEREAS, Borough Council seeks to amend the Code to create the new article VIII registration of rental units; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Garwood that Chapter 67 Buildings and Structures, New Article VIII, Registration of Rental Units, is hereby created as follows (additions underscored, deletions ~~struck through~~):

Article VIII Registration of Rental Units

§ 67-29 Definitions.

As used in this section:

AGENT

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

APARTMENT COMPLEX

Shall mean a building or group of buildings constituting a multiple dwelling, as defined by the State of New Jersey, containing three or more dwelling units or apartments, which are located within close proximity of each other and are owned by the same owner.

APARTMENT OR DWELLING UNIT

Shall mean any cottage, home, apartment, bungalow, room or group of rooms occupying all or part of

a floor or floors in a building, with or without housekeeping facilities for dwelling purposes.

LICENSE

Shall mean the license issued by the Borough Administrator or designee of the Borough of Garwood attesting that the rental unit has been properly registered in accordance with this section.

LICENSEE

Shall mean the person to whom the license is issued pursuant to this section. The term "licensee" includes within its definition the term "agent" where applicable.

MULTIPLE DWELLING

Any building of one or more stories in which two or more dwelling units are occupied or are intended to be occupied by two or more persons who live independently of each other.

OWNER

Shall mean 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

Shall mean an individual, firm, corporation, partnership, association, trust or other entity or any combination thereof.

RENTAL FACILITY

Shall mean 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 within its definition the terms "apartments" and "apartment complexes" where applicable.

RENTAL UNIT

Shall mean a dwelling unit which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes.

TENANCY

Occupancy of a dwelling unit by one or more tenants.

TENANT

The occupant of a dwelling unit other than the owner.

§ 67-30 Registration; Issuance of License.

Multiple dwellings classified as apartment buildings or complexes with one or more dwelling units shall hereafter be registered with the Borough Administrator or designee of the Borough of Garwood, or such other person as designated by the Governing Body on forms which shall be obtained from the Borough Administrator or designee. Upon registering, each unit shall be issued a license. After the initial registration, a new license will be required upon the change of tenant occupancy.

§ 67-31 License Required Upon Change of Occupancy; Initial Registration.

Each rental unit shall be licensed with each change of occupancy. The initial registration shall occur within 90 days following the adoption of this section on April 13, 2023. Any lease which was executed prior to the adoption of this section, shall not be affected, but the rental unit must nevertheless be registered and licensed in accordance with this section. No rental unit shall hereafter be rented unless the rental unit is registered, inspected and licensed in accordance with this section.

§ 67-32 Contents of Registration Form.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all required residential units as described herein shall be registered and licensed in the manner prescribed by the Borough of Garwood. Every owner shall file with the Borough Administrator or designee of the Borough of Garwood, or such other person as designated by the Governing Body, a registration form for each dwelling 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 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. If the record owner is a corporation, the name and address of the registered agent and corporate officers of the corporation 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 address of any record owner is not located in Garwood or in Union County, then the name and address of a person who resides in Union 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.
- C. The name and address of the agent of the premises, if any.
- D. The name and address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.
- E. 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 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 herewith.
- F. The name and address of every holder of a recorded mortgage on the premises.
- G. 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.

- H. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirements of this provision, an owner shall submit a floor plan which shall become part of the application and which shall be attached to the registration form when filed by the Borough Administrator or designee.
- I. The number of tenants who occupy the rental unit and the number of tenants under the age of eighteen (18), the number of adults over eighteen (18) and children under two (2) years of age, and a list of tenant's names.
- J. Such other information as may be prescribed by the Borough.

§ 67-33 Indexing and Filing of Registration Forms.

The Borough Administrator or designee shall index and file the registration forms. In doing so, the Borough Administrator 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. 46:8-8 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this section.

§ 67-34 Filing of Amended Registration Forms.

Every person required to file a registration form pursuant to this section shall file an amended registration form within 20 days after any change in the information required to be included thereon pursuant to Subsection 67-32 of this section. No fee shall be required for the filing of an amendment except where the tenancy of a dwelling unit is changed.

§67-35 Inspections.

- A. Each rental unit shall be inspected upon change of occupancy and a new license obtained. Inspections will be carried out within three working days of notice by the landlord or his agent, or as soon thereafter as practicable based upon the Borough of Garwood's workforce availability.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough, and inspections made by persons or an agency other than the duly authorized and appointed person or agency of the Borough shall not be used as a valid substitute.
- C. Such inspections shall be for the purpose of determining Zoning Code compliance and, to the extent applicable, determining if the property complies with the Property Maintenance Code, 2015 International Property Maintenance Code and its successor documents as published by the International Code Council (ICC), and 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 not thereafter be licensed, 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 licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within sixty (60) 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 subsection 67-45.

§ 67-36 Access for Inspections and Repairs; Complaints.

- A. The Inspection Officers are hereby authorized to make inspections to determine the condition of the applicable dwelling units in order that they may promote the purposes of this section to safeguard the health, safety and welfare of the occupants and of the general public. For the purpose of making such inspections, the Inspecting Officers are hereby authorized to enter, examine and survey the rental units at all reasonable times. The owner and occupant of every rental unit shall give the Inspecting Officers free access to the rental unit at all reasonable times for the purpose of such inspections, examinations and surveys.
- B. Every occupant shall give the owner of the rental unit access to any part of such 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 chapter or a lawful order issued pursuant thereto.
- C. Complaints. Within 10 business days of receipt of a complaint alleging a reported violation of this section, an Inspecting Officer shall conduct an inspection as hereinbefore provided.

§ 67-37 Occupancy of Unlicensed Rental Units Prohibited.

No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit within the Borough which is not registered and licensed in accordance with this section.

§ 67-38 New Occupant License.

Upon the filing of a completed licensing form, payment of the prescribed fee and inspection, the owner shall be entitled to the issuance of a license commencing on the date of the issuance. A licensing form shall be required for each change in occupancy in each rental unit, and a license shall issue to the owner for each rental unit.

§ 67-39 Fees.

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:

- A. An initial registration fee of \$150 per dwelling unit.
- B. Upon change of occupancy, a fee of \$125.
- C. If there is a violation and a reinspection fee is required, a fee of \$100.

- D. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining units, who would otherwise qualify under the State of New Jersey for a property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee for that unit.

§ 67-40 Registration Form to be Provided to Occupants and Tenants.

- A. Every owner shall provide each tenant occupying a rental unit with a copy of the registration form and license granted as required for that unit by this section upon a change of tenancy. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).
- B. Every owner shall conspicuously post the following information in at least one common area, lobby, or publicly accessible location within a multiple dwelling and keep the same updated in similar accordance with the provisions of Subsection 67-34:
- (1) The name of the multiple dwelling along with the property address of the same;
 - (2) The name, address, and daytime phone number of the owner of record;
 - (3) The name, address and daytime phone number of the management agent 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;
 - (4) The name, address (including the dwelling unit number) and phone number of the on-site superintendent, janitor, custodian and/or other individual employed by the owner or agent to provide regular maintenance service, if any;
 - (5) The name, address and emergency telephone number of an individual or individuals representative of the owner or agent who may be reached or contacted on any day, at any time, day or night, 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 herewith.

§ 67-41 Maximum Number of Occupants; Posting.

The maximum number of occupants shall be posted in each rental unit.

§ 67-42 Payment of Taxes and Other Charges Precondition for Registration and License.

No rental unit may be registered and no license 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.

§ 67-43 Property Maintenance Standards.

All dwelling units shall be maintained in accordance with the 2015 International Property Maintenance Code

and its successor documents as published by the International Code Council (ICC).

§ 67-44 Liability Insurance.

- A. Except as provided in subsection (B) of this subsection, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any once accident or occurrence. (C.40A:10A-1(a)).
- B. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence. (C.40A:10A-1(b)).

§ 67-45 Registration of Certificate of Insurance; Administrative Fee.

- A. The owner of a business, owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance demonstrating compliance with subsection 67-44 with the Borough Administrator. (C.40A:10A-2(a)).
- B. A fee of \$25.00 will be paid alongside the certificate of insurance to the Borough Administrator. (C.40A:10A-2(b)).
- C. Owners who fail to comply with the requirements of subsections 67-44 and 67-45 will be fined not less than \$500 but no more than \$5,000 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.). (C.40A:10A-2(b)).

§ 67-45 Violations and Penalties.

Any person who violates any provision of this section shall, upon conviction in the Municipal Court of the Borough of Garwood or such other court having jurisdiction, be liable to a fine not exceeding one thousand (\$1,000.00) dollars. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section.

§ 67-46 Enforcement.

This section shall be enforced by the Borough Administrator or designee of the Borough of Garwood, the Police Department, or such other person as designated by the Governing Body.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

ATTEST:

Catherine D. Cameron

Catherine D. Cameron, R.M.C.
Borough Clerk

APPROVED:

Jennifer Blumenstock

Jennifer Blumenstock, Mayor

RECORDED VOTE	INTRODUCTION:	ADOPTION
COUNCILWOMAN HERZ	AYE	AYE
COUNCILMAN KEARNEY	AYE	AYE
COUNCILMAN LAZAROW	AYE	AYE
COUNCILWOMAN NOLDE	AYE	AYE
COUNCILWOMAN SALMON	RECUSE	ABSENT
COUNCIL PRESIDENT GRAHAM	AYE	AYE