

Chapter 79A

RENTAL PROPERTY AND LANDLORD REGISTRATION

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[HISTORY: Adopted by the Township Committee of the Township of Elk 4-4-2013 by Ord. No. O-1-2013. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 54.
Fire prevention — See Ch. 64.
Noise — See Ch. 74A.

Unified development — See Ch. 96.
Property maintenance — See Chs. 79; 110.

§ 79A-1. Definitions.

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

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 salesman 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 salesman of the State of New Jersey if such person designated by the owner as his agent is so licensed.

APARTMENT COMPLEX — 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 UNIT — Any apartment, cottage, bungalow, 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 and notwithstanding whether the apartment shall be designed for residence, for office or the operation of any industry or business or for any other type of independent use.

LICENSE — The license issued by the Township Clerk or designee attesting that the rental unit has been properly registered in accordance with this chapter.

LICENSEE — The person to whom the license is issued pursuant to this chapter. The term "licensee" includes within its definition the term "agent" where applicable.

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.

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

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 and is meant to include individual apartments located within a home, duplex, triplex and/or apartment complex.

§ 79A-2. Annual registration required.

All rental units shall hereafter be registered or reregistered with the Township Clerk or designee of the Township of Elk or such other person as designated by the Township Committee, on forms which shall be provided for that purpose and which shall be obtained from the Township Clerk or designee. Such registration shall occur on an annual basis as provided herein.

§ 79A-3. Registration and licensing at change of occupancy; term; initial registration.

Each rental unit shall be registered with each change in occupancy. The license term shall commence on March 1 and shall be valid until February 28 of the following calendar year, at which time it shall expire and a new registration shall be required. The initial registration shall occur within 45 days following the adoption of this chapter. Any lease which has been executed prior to the adoption of this chapter shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this chapter. No rental

unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this chapter.

§ 79A-4. Filing and contents of registration forms.

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. Every owner shall file with the Township Clerk or designee of the Township of Elk or such other person as designated by the Township Committee 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 address 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 said 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. All registration addresses shall be physical addresses; post office boxes alone are not acceptable.
- B. If the address of any record owner is not located in Elk Township or in Gloucester County, the name and address of a person who resides in Gloucester 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 therewith;
- 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;
- 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 requirement 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 Township Clerk or designee;

- I. A classification of the rental unit type using the following abbreviations:
- (1) SFD (Single-family detached).
 - (2) SFA (Single-family attached).
 - (3) DPL (Duplex: two units).
 - (4) TPL (Triplex: three units).
 - (5) QD (Quad: four units).
 - (6) CPL (Complex: five or more units).
 - (7) RH (Rooming house).
 - (8) CM (Commercial: unit is located in a commercial business structure).
- J. Whether or not the landlord has conducted a tenant screening for each new tenant and authorized adult household member;
- K. Such other information as may be prescribed by the Township.

§ 79A-5. Indexing and filing of forms.

The Township Clerk or designee shall index and file the registration forms. In doing so, the Township Clerk 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.

§ 79A-6. Filing of amended 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 of the premises is changed.

§ 79A-7. Periodic inspections.

- A. Each rental unit shall be inspected upon registration and annually on the renewal anniversary date of the initial registration, or upon a change in occupancy.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Elk and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township of Elk shall not be used as a valid substitute.
- C. Such inspection shall be for the purpose of determining Chapter 96, Unified Development, compliance and to the extent applicable, to determine if the property

complies with Chapter 110, Property Maintenance, the Uniform Construction Code, Chapter 54, and the Fire Prevention Code, Chapter 64.

- 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 registered nor shall a license issue 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, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 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 § 79A-18 of this chapter.

§ 79A-8. Access for inspections, repairs.

- A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses in order that they may promote the purposes of this chapter to safeguard the health, safety, welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of such inspections, examinations and surveys.
- B. Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house 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 any lawful order issued pursuant thereto.
- C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this chapter, an inspecting officer shall conduct an inspection.

§ 79A-9. Prohibitions on occupancy.

No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit within the Township of Elk which has not been inspected or registered and licensed in accordance with this chapter.

§ 79A-10. License; review; declaration of moratoriums.

- A. Upon the filing of a completed registration form and payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a license, indicating the applicable classification designations as provided in § 79A-4I, 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 license shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

- B. The Mayor and Committee or their designees shall on a yearly basis review the number and classifications of rental properties and may declare moratoriums on the issuance of licenses of such classification or classifications to ensure the health and welfare of the Township and its residents.

§ 79A-11. Fees.

- A. 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 registration fee in the sum of \$95. If there is no change in occupancy, the annual registration renewal fee shall be \$10. Upon change in occupancy, the owner or agent of the owner must pay a registration fee in the sum of \$95, and comply with the provisions of § 79A-3 et seq.
- B. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee.
- C. If any fee is not paid within 30 days of its due date, a late fee surcharge of the prevailing rate as set forth in the applicable resolution of Township Committee will be assessed.

§ 79A-12. Providing registration form and Truth in Renting Handbook to occupants and tenants.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this chapter as well as with the "Truth in Renting Handbook" published by the New Jersey Department of Community Affairs. 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. 55:31A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

§ 79A-13. Maximum number of occupants; posting.

- A. 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 provision shall be subject to the penalty provisions of § 79A-18 of this chapter.
- B. Only those occupants whose names are on file with the Township as required in this chapter may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section shall be subject to the penalty provisions of § 79A-18 of this chapter.

§ 79A-14. Payment of taxes and other municipal charges required.

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.

§ 79A-15. Other rental unit standards.

All dwelling units shall be maintained in accordance with the Uniform Construction Code, Chapter 54 and Property Maintenance, Chapter 110.

§ 79A-16. Occupant standards.

- A. Occupants. Only those occupants whose names are on file with the Township Clerk as provided in this chapter may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.
- B. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance as defined in the ordinances of the Township of Elk.
- C. 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 of Elk and with all applicable state and federal laws.
- D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 79A-18 of this chapter.

§ 79A-17. Revocation of license.

- A. 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:
 - (1) Conviction of a violation of this chapter in the Municipal Court or any other court of competent jurisdiction.
 - (2) Determination of a violation of this chapter at a hearing held pursuant to § 79A-17B herein.
 - (3) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of Chapter 74A, Noise, of the Elk Township Code.
 - (4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this chapter.

- (5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

B. Procedure: written complaint; notice; hearing.

- (1) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Township Clerk or designee. 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 individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information.
- (2) Upon the filing of such written complaint, the Township Clerk or designee shall immediately inform the Township Committee and a date for a hearing shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The Township 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.
- (3) The hearing required by this section shall be held before the Township Committee unless, in its discretion, the Township Committee determines that the matter should be heard by a hearing officer, who shall be appointed by the Township Committee. If the matter is referred to a hearing officer, such officer shall transmit his findings of fact, conclusions of law, and recommendation for penalty to the Township Committee within 30 days of the conclusion of the hearing. The Township Committee 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 Committee, then the Township Committee shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered, dismissing the complaint, revoking or suspending the license or determining that the license shall not be renewed or reissued for one or more subsequent license years.
- (4) The hearing shall be recorded. All witnesses shall be sworn prior to testifying. The rules of evidence shall not be strictly applied, and the evidential rules and burden of proof shall be those that generally control administrative hearings.
- (5) The Township Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. 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 abated the conditions 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 guest(s) for recovery of the premises, eviction of the tenant(s) or otherwise.

RENTAL PROPERTY AND LANDLORD REGISTRATION

§ 79A-18

§ 79A-21

§ 79A-18. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction in the Municipal Court of the Township of Elk or such other court having jurisdiction, be liable to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 30 days, or both. Each day that a violation occurs shall be deemed a separate and distinct violations subject to the penalty provisions of this chapter.

§ 79A-19. Severability.

Should any section, clause, sentence, phrase or provision of this chapter be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this chapter.

§ 79A-20. Repealer.

All prior ordinances or parts of ordinances inconsistent with this chapter be and the same are hereby repealed to the extent of such inconsistencies.

§ 79A-21. When effective.

This chapter shall take effect immediately upon final passage and publication in accordance with law

RENTAL PROPERTY AND LANDLORD REGISTRATION

79A Attachment 1

TOWNSHIP OF ELK, NEW JERSEY
OFFICE OF HOUSING OFFICIAL
667 Whig Lane Road
Monroeville, New Jersey 08343-9209
Phone (856) 881-6525 Fax (856) 881-5750

APPLICATION FOR RENTAL PROPERTY REGISTRATION
AND LANDLORD LICENSE RENEWAL-CHAPTER 79A

NOTE: ALL UTILITIES MUST BE ON PRIOR TO INSPECTION

1. ADDRESS TO BE INSPECTED: _____
BLOCK: _____ LOT: _____ IS THE DWELLING VACANT? YES _____ NO _____

2. OWNER/COMPANY'S NAME: _____
ADDRESS: _____
TELEPHONE #: _____ FAX # OR EMAIL: _____

3. INSURANCE COMPANY'S NAME/ADDRESS: _____
POLICY #: _____ TELEPHONE #: _____

4. RENTAL UNIT CLASSIFICATION (*choose one*):
_____ SFD (Single Family Detached) _____ SFA (Single Family Attached)
_____ DPL (Duplex-2 Units) _____ TPL (Triplex-3 Units)
_____ QD (Quad-4 Units) _____ CPL (Complex-5 or more Units)
_____ RH (Rooming House) _____ CM (Commercial Units located in a
commercial business structure)

5. **If the Owner/Company is not a resident of Gloucester County, please provide the name of a person who resides in Gloucester County and who is authorized to accept notices from a tenant, to issue receipts and to accept payments on behalf of the record Owner.**
NOTE: Form will be returned if this section is not filled in.

NAME: _____
ADDRESS (NO P.O. BOXES): _____
TELEPHONE #: _____

6. Name, address and phone number of Agent of the Unit, if any.

NAME: _____
ADDRESS (NO P.O. BOXES): _____
TELEPHONE #: _____

7. Name, address and phone number, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the Owner or Agent to provide regular maintenance services, if any, to the Unit.

NAME: _____
ADDRESS (NO P.O. BOXES): _____
TELEPHONE #: _____

ELK CODE

- 8. Name, address and phone number of the representative of the Owner or Agent of the Unit, to be reached or contacted at anytime in the event of an emergency and who has the authority to make emergency decisions.

NAME: _____
ADDRESS (NO P.O. BOXES): _____
TELEPHONE #: _____

- 9. Name, address and phone number of all holders of recorded Mortgage(s) on this property.

NAME: _____ NAME: _____
ADDRESS (NO P.O. BOXES): _____ ADDRESS (NO P.O. BOXES): _____
TELEPHONE #: _____ TELEPHONE #: _____

- 10. Name, address and phone number of the fuel oil dealer if fuel oil is used to heat this Unit, and the Landlord furnished the heat in this Unit.

NAME: _____
ADDRESS (NO P.O. BOXES): _____
TELEPHONE #: _____

- 11. Number of sleeping rooms in this Unit: _____
The number of persons who will occupy the Unit: _____

- 12. Enclosed is the required \$95.00 Registration fee for this unit. _____

- 13. This Unit is not a rental Unit. _____

I hereby certify that the above information is true to the best of my knowledge, information and belief. I am aware that if the foregoing information supplied is willfully false that I am subject to penalties and criminal prosecution.

OWNER'S SIGNATURE _____ DATE _____

FOR OFFICIAL USE ONLY:

_____ \$95.00 Registration Fee _____ Taxes, Utility Fees, Assessments satisfied
_____ \$30.00 Late Registration Fee _____ Floor Plan Attached
_____ Fee Exempt

RECEIVED BY: _____

DATE RECEIVED: _____

CHECK NUMBER: _____ CASH: _____