

Ordinance #2020 -1232
An Ordinance To Provide For Rental Housing Registration,
Inspection And Permits In The Borough Of Manville

Statement of Purpose

The purpose of this Ordinance is to protect the health and safety of person occupying leased, rented, or subleased residential housing with the Borough of Manville.

WHEREAS, the Borough of Manville seeks to exercise its municipal police power which is implicit in the New Jersey Constitution and granted to municipalities as per N.J.S.A. 40:48-2.

WHEREAS, the purpose of this ordinance is to protect the health and safety of person occupying leased, rented, or subleased residential housing within the Borough of Manville.

WHEREAS, this Ordinance enacts a uniform system for the registration, licensing and reporting of quality life violations to landlords and residential rental property Owners.

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

Section 1
STATEMENT OF PURPOSE

The purpose of this Ordinance is to protect the health and safety of person occupying leased, rented, or subleased residential housing within the Borough of Manville. This Ordinance enacts a uniform system for the registration, licensing and reporting of quality life violations to landlords and rental property Owners and landlords. The Borough of Manville seeks to exercise its municipal police power which is implicit in the New Jersey Constitution and granted to municipalities as per N.J.S.A. 40:48-2.

Section 2
DEFINITIONS.

(a) Available for Rent to Tenant

Fit for habitation as defined by applicable zoning, construction, housing, and property maintenance statutes, ordinances, or codes.

(b) Basement Sleeping

Beds, rooms, etc. in the basement are illegal unless area was issued an Certificate of Approval

from the Construction Department and all worked has meet the New Jersey Uniform Construction Code Standards.

(c) **Dwelling Unit**

All or any part of a detached single-family structure or building or 2 family or multiple dwelling structure or building in which the entire dwelling is leased or subleased in whole or in part, or a room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which are occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by two or more persons, in addition to the Owner thereof, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

(d) **Habitable Room**

A residential room or space, having an area exceeding 59 square feet in which ordinary functions of domestic life are carried on, and which includes bedrooms, living rooms, studies, recreation rooms, kitchens, dining rooms and other similar spaces, but does not include closets, halls, stairs, laundry rooms, or bathrooms.

(e) **Hearing Officer**

A licensed attorney of the State of New Jersey appointed by the Governing Body, who shall not be an Owner, Licensed Registered Rental Operator, or lessee of any real property within the Borough of Manville, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

(f) **Lease**

A Lease for purposes of this Ordinance shall include a residential lease, sublease, rental agreement or subrental agreement, whether oral or written, for any term including but not limited to a month-to-month agreement, or a longer term agreement, for a residential building, structure or dwelling unit in the Borough of Manville.

(g) **Housing Official**

The Borough staff member licensed as a Housing Code Official from the State of New Jersey Department of Community Affairs, who shall be designated as having responsibility for enforcement of housing, and property maintenance standards, and this Ordinance.

(h) **Landlord**

(1) The Owner, Licensed Registered Rental Operator, manager, designated agent, or otherwise a person or persons who own or purport to own a building, structure or dwelling unit, or who rent a building, structure or dwelling unit and then act as a sublessor landlord, in which there is

leased, subleased, rented, subrented, or offered gratuitously or in exchange for a fee or compensation, whether monetary or otherwise, for rent, one or more units (in addition to any owner-occupied unit) of housing space for living or dwelling under either a written or oral lease.

(2) An Owner who personally resides in an owner-occupied residential building, structure, or dwelling-unit, and only rents one additional unit (to be occupied by two or less persons) shall not be deemed a Landlord for purposes of this Ordinance.

(i) **Licensed Registered Rental Operator**

Shall refer to an Owner or Landlord who has complied with the requirements of this Ordinance, has filed the appropriate registration materials, and is authorized to offer dwelling units to the public for rent.

(j) **Multiple Dwelling Inspector**

A member of the Borough staff licensed as a Multiple Dwelling Inspector from the State of New Jersey Department of Community Affairs, designated as having responsibility for enforcement of housing, and property maintenance standards, and this Ordinance.

(k) **Operator**

(1) Any person(s), corporation or business entity that is an Owner or Landlord, including its agents, and offers one or more dwelling units to the public for lease, rent, or gratuitously or in exchange for a fee or compensation whether monetary or otherwise, or (2) any person who rents a building, structure, or dwelling unit, and who then acting as a sublessor offers one or more dwelling units to the public for lease, rent, or gratuitously or in exchange for a fee or compensation whether monetary or otherwise.

(k) **Owner**

Any person who owns any legally cognizable interest in any dwelling unit including, but not limited to, outright ownership, ownership through a partnership, corporation or limited liability company.

(l) **Provisional Rental License**

A provisional license issued by the Borough of Manville stating that the referenced structure or unit does not conform to applicable construction, housing, and property maintenance requirements. However, occupancy of that structure or unit is conditionally permitted for residential use. A provisional rental license is only valid for fifteen (15) days.

(m) **Quality of Life Violation**

A violation of any provision of Title 2C of the New Jersey Statutes, including, by way of example,

but not limited to, disorderly, indecent, tumultuous, or riotous conduct, simple assault, terroristic threats, harassment, public urination or defecation, lewdness, criminal mischief, crimes against persons or property, excessive noise; violation of any municipal ordinance governing disorderly conduct; or violation of "Police Regulations," "Housing," or of "Property Maintenance," of the Revised General Ordinances of the Borough of Manville. For purposes of this Ordinance, "quality of life violation" shall refer to the conduct listed here, which occurs on or in proximity to a rental premises and is attributable to any of the tenants of those premises or their guests. A quality of life violation shall be deemed to have occurred in proximity to a rental premises if such quality of life violation occurred in the adjacent public right-of-way or on any adjacent property.

(n) **Registration Year**

The **Initial Registration Period** after adoption of this Ordinance shall run for 18 months from July 1, 2020 through December 31, 2021;

Thereafter, the **Annual Registration Year** shall from run for 12 months each year, **from January 1 through December 31 of each calendar year** thereafter.

References in this Ordinance to the Registration Year shall refer to the Initial Registration Period or the Annual Registration Year, as applicable.

(o) **Rental License**

A license issued by the Borough of Manville stating that the referenced structure or unit conforms to applicable construction, housing, and property maintenance requirements, and that occupancy of that structure or unit is permitted for residential use.

(p) **Rental Property**

Any structure or building containing one or more dwelling unit(s) which are occupied by persons, other than if solely occupied and resided in by the Owner or if in addition to the residing Owner are further occupied without compensation by the residing Owner's spouse, domestic partner or cohabitant, Owner's relatives, or guests.

(q) **Rental Unit**

Any dwelling unit(s) which are occupied by persons other than the Owner (or other than a unit owner-occupied and further occupied without compensation by the residing Owner's spouse, domestic partner or cohabitant, Owner's relatives, or guests.

(r) **Required Floor Plans**

Of the unit depicting the number, dimensions and location of each room in the unit. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the approved sketch provided by the Owner or Landlord and approved by the Housing Official.

(s) **Substandard**

Any deficiency in a structure or housing unit as defined by applicable zoning, construction, housing, and property maintenance statutes, ordinances, or codes.

(t) **Substantiated Complaint**

A complaint which may form the basis for a legal proceeding.

**Section 3
EXCEPTIONS**

Hotels, motels, rooming houses, and boarding houses licensed by the State of New Jersey shall not be subject to the requirements of this Ordinance

**Section 4
RENTAL LICENSE REQUIRED**

Prior to offering a rental unit to the public for rent, the Owner or Landlord of the rental unit shall become a Licensed Registered Rental Operator and file a Rental Property Registration Statement. No tenant shall occupy any rental unit until a rental license has been issued.

**Section 5
LICENSED REGISTERED RENTAL OPERATOR APPLICATION**

(a) **Registered Rental Operator Application** The Borough shall make available at the Housing Official's office and the Borough Clerk the Licensed Registered Rental Operator application. The application shall require the following information:

(1) The name, e-mail address and the address of all record Owners and the Operator of the rental property, building or of the rental business (including all general partners in the case of a partnership, all members in the case of a limited liability company, and all shareholders in the case of a corporation).

(2) The name and address of a person who resides in Somerset County and is authorized to accept notices from a tenant or a municipality, to issue receipts for these notices and to accept service of process on behalf of the Operator.

(3) A certified statement from the Owner, Landlord, and/or Operator that, to the best of their knowledge, the rental property is current with all applicable municipal taxes, utility charges, that the exterior and interior of the rental property comply with applicable building codes (applicable construction, housing, and property maintenance requirements) and that there are no current or pending violations of applicable codes for the rental property.

(4) A required floor plan of the unit depicting the number, dimensions and location of each room in the unit. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the sketch provided by the Owner or Landlord and approved

by the Housing Official.

(b) Rental License Application Simultaneously with the application as a Licensed Registered Rental Operator, the applicant shall also be responsible for providing for each unit:

(1) The address and unit number, if any, of each rental unit;

(2) If the rental unit is occupied at the time of the application, the name of the tenant shown on the lease or rental agreement;

(3) The number of habitable rooms in the rental unit;

(4) The total number of adults and children residing in the rental unit;

(5) The required floor plan of the unit depicting the number, dimensions and location of each room in the unit.

(6) No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the sketch provided by the Owner and approved by the Housing Official.

(c) Additional Information The Housing Official may require additional information as necessary to administer the provisions of this Ordinance.

(d) Duty to Notify of Changes in Information It is the responsibility of the Licensed Registered Rental Operator to notify the Housing Official of the Borough of any changes of tenants, or changes in the information required in Sections 5(a) or 5(b) above, within the Registration Year from January 1st. to December 31st. of the same year (or during the 18-month Initial Registration Period as defined in Section 2(n) above).

Section 6

LICENSED REGISTERED RENTAL OPERATOR FEE

Consistent with the provisions of this Ordinance, each Licensed Registered Rental Operator will pay a single annual fee. The Licensed Registered Rental Operator fee shall be one hundred fifty dollars (\$150) per rental unit per Registration Year. There will be a fifty dollar (\$50.00) per month late fee assessed on the first day of each month beginning on **February 1st** of the Annual Registration Period (or beginning September 1st of the (Initial Registration Period). [See Section 2(n) above]

Section 7

EXISTING OCCUPANCY

Except as provided below, any rental unit that is occupied at the time of the adoption of this Ordinance may continue to be occupied, even if substandard, so long as that unit is registered under this Ordinance and subject to inspection, and does not constitute an unsafe structure or violate the standards. Units found to be substandard will be issued a provisional rental license valid only for the tenants in possession or residence and valid only until expiration of the current term of the rental

license.

Section 8
FAILURE TO REGISTER

A failure to file the required Rental Property Registration Statement shall be deemed to be abandonment of any right to a provisional rental license regardless of actual intent.

Section 9
AUTHORIZATION AS LICENSED REGISTERED RENTAL OPERATOR

Upon completion of the Licensed Registered Rental Operator application and payment of the Licensed Registered Rental Operator fee, the Operator shall be deemed a "Licensed Registered Rental Operator" and is authorized as an Operator in the Borough.

Section 10
LICENSED REGISTERED RENTAL OPERATOR TERM

Upon compliance with the requirements for obtaining and maintaining a rental license, a Licensed Registered Rental Operator is an authorized Operator for one year. The Licensed Registered Rental Operator term/year shall run from **January 1st. through December 31st** of the same year. Provided, however, that per Section 2(n) above, the Initial Registration Period after adoption of this Ordinance shall be for the 18 months from July 1, 2020 through December 31, 2021. Thereafter each Registration Year shall be from January 1 through December 31 each calendar year, beginning January 1, 2022 through December 31, 2022 and each calendar year thereafter.

Section 11
RENTAL LICENSE INSPECTION

Upon receipt of an application for a rental license or rental license renewal, the Housing Official, or a duly designated representative, shall conduct a general inspection of the premises and the visible parts of the building exterior and dwelling unit interior to ensure compliance with the required standards. The Housing Official shall make a report thereon, favorable or otherwise, within fifteen (15) business days after completing the inspection, which will be sent via regular mail and certified mail or signed by the Owner, Landlord or agent of the record property identifying receipt of notice.

Section 12
INSPECTION STANDARD

The New Jersey State Regulations for the Maintenance of Hotels and Multiple Dwellings is adopted as the standard for rental license inspections without revisions, and the International Property Maintenance Code most recent version adopted by State of New Jersey. All codes shall be maintained as required by New Jersey Statute.

Section 13
NUMBER OF PERMISSIBLE OCCUPANTS

The Housing Official shall determine, at the time of inspection, the maximum number of occupants for the rental unit. Such determination shall be made in accordance with the Occupancy Standards of the New Jersey Regulations for the Maintenance of Hotels and Multiple Dwellings.

Section 14
FORM OF RENTAL LICENSE

If the premises are found to conform to the required standards, the Housing Official shall approve the application and post the Rental License in a location, which is in a common area of the subject premises. To be valid, the Rental License must display the maximum number of occupants. This posting requirement is subject to posting exceptions.

Section 15
DENIAL OF RENTAL LICENSE APPLICATION

If the premises are found to be nonconforming, the Housing Official shall notify the applicant that the rental license application will be denied or conditionally approved. Such notification shall be in writing and shall state the reasons for denial or conditional approval and advising the repairs of improvements necessary for a rental license to be issued.

Section 16
REVOCAION OF RENTAL LICENSE

Any rental license may be revoked by the Housing Official after:

- (a) An inspection that identifies nonconforming conditions;
- (b) Written notice of violation to the Licensed Registered Rental Operator, Owner, Landlord, rental agent or manager; and
 - (i) A ten (10) business days period to correct such violations. Except that in the case of an immediate threat to the health, welfare, or safety of the occupants as determined by the Housing Official or the Housing Official's designee, then the ten (10) business day requirement may be shortened at the Housing Official's discretion.
 - (ii) A rental license may be revoked if the Landlord is found liable for such violation and fails to correct in a timely manner in accord with section (a).
 - (iii) A rental license may be revoked if a Landlord is found to have provided false information to the Housing Official and/or Borough.

Section 17
REINSPECTION AFTER DENIAL OR REVOCATION OF RENTAL LICENSE

Any dwelling unit which is required to be re-inspected shall be required to pay a fifty (\$50) re-inspection fee prior to the re-inspection.

Section 18 PENALTIES FOR OFFENSES

Violations of the Property Maintenance Code and Borough Zoning Code in conjunction with this Ordinance will constitute a municipal infraction and will be subject to the penalties under this Ordinance, in addition to those imposed by any other applicable code or ordinance. For violation of any provision of this Ordinance, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be one or more of the following: (i) imprisonment in the County Jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) Days; (ii) by a fine not exceeding three thousand dollars (\$3,000) or (iii) by a period of community service not exceeding ninety (90) days. For violations of a housing code the Housing Official shall provide a fifteen (15)- day period in which the Owner or Landlord shall be afforded the opportunity to abate the condition(s) and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the fifteen (15)-day period, a fine of two thousand dollars (\$2,000) shall be imposed; for each violation that upon re-inspection of the property, it is determined that the abatement has not been substantially completed. Court appearance shall be required. Except as otherwise provided, every day in which a violation continues to be unabated of any provision of this Ordinance shall constitute an additional one hundred dollar (\$100) a day penalty until violation(s) has been abated.

Section 19 RIGHT OF ENTRY

No person shall:

a. Obstruct, hinder, delay or interfere with by force or otherwise, the Housing Official or Multiple Dwelling Inspector in the exercise of any power or discharge of any function or duty under the provisions of P.L.1967,c.76(C.55:13A-1et seq.)

b. Prepare, utter or render any false statement, report document plans or specifications permitted or required to be prepared, uttered or rendered under the provisions of P.L.1967,c.76(C.55:13A-1et seq.)

c. **PENALTY:** Any person who violates, or causes to be violated, any provisions of the subsection 19(a) or (19(b) of this Ordinance shall be liable to a penalty of not less than \$ 250.00 nor more than \$500.00 for each violation, and a penalty of not less than \$2000.00 nor more than \$5,000.00 for each continuing violation. (N.J.S.A. 55:13A-19).

Section 20

UNFIT FOR HUMAN OCCUPANCY/IMMINENT DANGER

- a. A structure or unit is unfit for human occupancy whenever the code official finds such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lack maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- b. When in the opinion of the code official, there is imminent danger to the occupants or structure; the code official shall order the building, structure to be vacated forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official/Housing Official" It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making required repairs, removing the hazardous condition or of demolishing the same.

Section 21

REVOCAION OF AUTHORIZATION AS A LICENSED REGISTERED RENTAL OPERATOR FOR ALLOWING OCCUPANCY OF A RENTAL UNIT WITHOUT A VALID RENTAL LICENSE

In addition to the penalties provided for in "Penalties for Offenses," allowing occupancy of a rental unit without a valid rental license shall subject the violator to revocation of authorization as a Licensed Registered Rental Operator.

Section 22

COMPLIANCE NOT A DEFENSE AGAINST VIOLATION OF OTHER ORDINANCES

No certification of compliance with these regulations shall constitute a defense against any violation of any other ordinance of the Borough of Manville applicable to any structure or premises.

Section 23

PREVAILING STANDARDS

In any case where the provisions of this Ordinance impose a higher standard than that set forth in any other ordinance of the Borough or under any law of the State of New Jersey, then the standards as set forth herein shall prevail.

Section 24

HOUSING OFFICIAL'S REPORTING REQUIREMENT

- a. Valid rental license report. No later than **July 31** of each Annual Registration Period (or February 1, 2021 for the Initial Registration Period [see Section 2(n) above], the Housing Official shall prepare a report listing the address, unit number, and maximum occupancy of each

rental unit within the Borough of Manville, having a valid rental license. A copy of the report shall be submitted to the Mayor and Borough Council.

b. Annual review of standards and requirements. The Housing Official shall, in accordance with a schedule he/she shall establish, review the provisions and operation of this Ordinance. In conducting the review, the Housing Official shall enlist, as needed, the Health Officer, Fire Marshal, Construction Official, Borough Engineer and Borough Attorney. The Housing Official shall submit a report of findings and recommendations to the Mayor and Borough Council on or before October 1 including, at a minimum:

- (i) Any recommended amendments, additions, or modifications of the provisions of this Ordinance consistent with the field experience of the personnel charged with enforcement.
- (ii) A summary of the enforcement experience and such other pertinent information as will provide the Borough Council with an annual account of the maintenance of the standards required by this Ordinance.
- (iii) Any material changes to the inspection standard, named in the above, adopted by the State of New Jersey.
- (iv) Any additions, changes, deletions, or amendments to the inspection standard set forth in the Borough's Property Maintenance Code.
- (v) Any further recommendations as to how this Ordinance and the procedures and operations thereunder may be improved.

Section 25
RENTAL PROPERTY REGISTRATION STATEMENT

A Licensed Registered Rental Operator shall also file an annual Rental Property Registration Statement with the Housing Official/Code Enforcement Official and the Borough Clerk.

a. Certificate of registration. The Owner, Landlord, and/or Licensed Registered Rental Operator of a rental property as described in this Ordinance shall register with the Housing Official/Code Enforcement Official on an annual basis and shall be filed at the same time that the Operator submits its application to become a Licensed Registered Rental Operator and/or renewal of same.

b. Registration forms. Registration shall be on forms provided by the Housing Official and shall require:

1. The complete name, addresses, and telephone number of the Owner, Landlord, and Licensed Registered Rental Operator.

(a) Where the Owner or Landlord is a corporation, the names of all principal officers shall be provided;

(b) Where the Owner or Landlord is a partnership the names of all the general partners shall be provided;

2. Such description by street number or otherwise as will enable the Housing Official/Code Enforcement Official easily to locate same;

3. The complete name, address, and telephone number of the person, association, corporation, or managing agent of the premises, if any;

4. The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or other individual employed by the Owner, Landlord, or managing agent to provide regular maintenance service, if any;

5. The name, address and telephone number of an individual representative of the Owner, Landlord, 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; the maximum number of dwelling units, occupied or available for occupancy, on the premises;

6. The required floor plans of the unit depicting the number, dimensions and location of each room in the unit. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the approved sketch provided by the Owner or Landlord, and approved by the Housing Official.

7. The name and address of every holder of a recorded mortgage on the premises; 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;

8. The construction class, number of stories, and the year, or approximate year, of construction.

Section 26 REGISTRATION

Every Owner or Landlord required to register in accordance with the above, shall amend the filing within thirty (30) days after any change in the information required to be included thereon. No fee shall be charged for filing an amended registration except where the ownership of the premises is changed. All changes in tenancy must be reported within thirty (30) days.

Section 27 REGISTRATION AVAILABLE FOR PUBLIC INSPECTION

Registrations shall be indexed and filed in the office of the Housing Official and will be made reasonably available for public inspection upon filing of a proper Open Public Records Act request.

Section 28

POSTING OF NOTICE REQUIRED

Every Owner or Landlord of a rental property shall post, and keep posted, in a conspicuous place in a main public area, the certificate of registration and a notice, at least six (6) by eight (8) inches in size setting forth:

- a. The name, address and telephone number of the person, firm, or corporation responsible for the management of the building.
- b. The name, address, apartment number, and telephone number of the resident agent or superintendent of the building.

Section 29 POSTING EXCEPTION

In the event that a building is a one-unit house, the notice described in Section 28 need not be posted.

Section 30 REGISTRATION FEES

The initial license fee shall be one hundred fifty dollars (\$150) per property for each Registration Period. [see section 2(n) above]

Section 31 LANDLORDS WHO PERMIT REPEATED QUALITY OF LIFE VIOLATIONS BY THEIR TENANTS

Findings, Determinations, and Declarations:

- a. The Borough of Manville and the residents thereof have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by inept or indifferent landlords.
- b. To preserve the peace and tranquility of the Borough, it is necessary and desirable to provide adequate means to curb and discourage those occasional excesses arising from irresponsible rentals.
- c. The New Jersey Legislature has authorized the governing body of any municipality to enact ordinances holding landlords to standards of responsibility in the selection of tenants and supervision of the rental premises, requiring that under certain circumstances, such landlords may be held responsible for the disorderly behavior of their tenants, and the consequences of such behavior.
- d. Accordingly, it is the purpose of this Ordinance to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords be held to sufficient standards of responsibility.

Section 32 OBLIGATION OF LANDLORD

No landlord shall knowingly permit a tenant to remain in occupancy of rental unit if that tenant, or that tenant's guests, commit repeated quality of life violations on or in proximity to the rental unit wherein such tenant resides.

(1) Repeated quality of life violations.

If, in any twenty-four-(24) month period, two (2) substantiated complaints of quality of life violations on or in proximity to the rental unit are attributable to any of the tenants of those premises or their guests, the Governing Body or any officer or employee of the municipality designated by the Governing Body for the purpose, may institute the following proceedings to hold the landlord responsible for future quality of life violations.

(2) Notice to Landlord.

a. Upon the occurrence of a substantiated complaint of a quality of life violation, the Governing Body, or the officer or employee designated to enforce this Ordinance shall cause notice advising that the conduct specified has occurred to be served on the landlord, Owner, and/or Licensed Registered Rental Operator in person or by certified and regular mail, at the address appearing on the tax records of the municipality, as well as the address provided on the Licensed Registered Rental Operator application and Rental Property Registration Statement, and providing a copy of this Ordinance.

b. Upon the occurrence of a second substantiated complaint of a quality of life violation, the Governing Body or the officer or employee designated to enforce this Ordinance shall cause to be served upon the landlord, Owner, and/or Licensed Registered Rental Operator, in person or by certified and regular mail to the address appearing on the tax records of the municipality, as well as the address provided on the Licensed Registered Rental Operator application and Rental Property Registration Statement, notice advising of a hearing to be held for the purpose of determining whether to hold the landlord responsible for future quality of life violations, together with particulars of the substantiated complaints forming the basis for the hearing, and of the time and place at which a hearing will be held in the matter, which shall be held in 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.

(3) Hearing

a. At the hearing convened, the Hearing Officer shall give full hearing to both the complaint of the municipality 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.

b.If, prior to the date of the hearing, it shall be proven that the landlord has filed a complaint in the Superior Court, seeking eviction of the tenant or tenants convicted, or whose guests were convicted, of the quality of life violations, the hearing shall be adjourned for a period not to exceed 15 days. Should the landlord present proof that the tenant or tenants have been removed or otherwise no longer reside in the rental unit within this time, the proceeding shall be dismissed. Should the landlord fail to present such proof within the period of adjournment, the hearing shall be held and determined in accordance with this section of this Ordinance.

c. It shall be a defense to this proceeding, if, by the time of the hearing, the landlord shall prove:

1. That the tenant or tenants convicted, or whose guests were convicted, of the quality of life violations no longer reside in the rental unit; or

2. That the landlord diligently prosecuted an eviction in good faith against a tenant subject to eviction under State Law, but that, through no fault of the landlord, the Superior Court refused to evict the tenant. This defense shall be strictly construed against the landlord. It shall be within the discretion of the Hearing Officer to determine whether the landlord has established this defense.

d. 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 Ordinance.

(4) Landlord's liability; penalty

a.If, following the hearing, the Hearing Officer determines that the landlord shall be responsible for future quality of life violations, each and every future quality of life violation committed by that landlord's tenant or that tenant's guests shall be deemed a separate violation of this Ordinance by the landlord, and the landlord shall be subject to a penalty in an amount equal to the fines and penalties levied against the tenant or the tenant's guest for such quality of life violation.

b.In addition, a bond is required to be posted by the landlord 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. Any damage likely to be caused to public or private property and any damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises; and

2. Securing the payment of fines and penalties likely to be levied for such offenses; and,

3. Compensating the municipality for the costs of representing and prosecuting such incidents of disorderly behavior.

4. But no such bond shall be in an amount less than \$500.00 or more than \$5,000.00

c. 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 the bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

d. The failure on the part of the landlord to post a bond shall be grounds for revocation of authorization of a Licensed Registered Rental Operator and rental licenses associated with such registration.

(5) Period of liability

a. The landlord shall remain liable for current and future quality of life violations for the remainder of the ownership of the property.

b. After a period of four years without a quality of life violation, the landlord shall be released from liability for further quality of life violations, unless new proceedings are instituted in which case the security shall be renewed, in an amount and for a period that shall be specified by the Hearing Officer.

(6) Forfeiture of security

a. If during the period for which a landlord is required to give security, a substantiated complaint is recorded against the rental unit, the Governing Body or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security posted, 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. Any decision by the Hearing Officer to increase the amount or extend the period of the required security shall be determined and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this Ordinance indicates the appropriateness of such change in order to carry out the purposes of this Ordinance effectually. The decision of the Hearing Officer in such circumstances shall be enforceable.

(8) Landlord's recovery of forfeited security

A Landlord may recover from a tenant any amounts of security forfeited, in accordance with New Jersey Law.

**Section 34
REPEALER**

All other Ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this

ordinance shall apply.

Section 35
SEVERABILITY

In the event that any provision of this Ordinance, or the application of thereof to any person or circumstance is adjudged invalid, such adjudication of invalidity shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Section 36
PURPOSE OF CAPTIONS

Captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

Section 37
EFFECTIVE DATE

This Ordinance shall take effect July 1, 2020, after adoption, passage and publication according to law.

Borough of Manville,

A handwritten signature in black ink that reads "Richard M. Onderko". The signature is written in a cursive style with a large, prominent "R" and "O".

Richard M. Onderko, Mayor

ORDINANCE #2020-1232

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
✓		MAGNANI	✓			
	✓	LUKAC	✓			
		MAEDER	✓			
		PETROCK	✓			
		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

INTRODUCED this 9th day of March, 2020


Attest: 
Wendy Barras, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	✓	MAGNANI				✓
	✓	LUKAC	✓			
		MAEDER	✓			
✓		PETROCK	✓			
		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

[ADOPTED] ~~[DEFEATED]~~ this 13th day of April, 2020

Attest: 
Wendy Barras, Borough Clerk

