

CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2337-21

**AN ORDINANCE OF THE CITY OF WOODBURY ADOPTING A NEW CHAPTER OF
THE CODE BOOK OF THE CITY OF WOODBURY TO BE TITLED “RENTAL
HOUSING”**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodbury, County of Gloucester and State of New Jersey as follows:

Section 1. A new Chapter of the Code Book of the City of Woodbury titled “Rental Housing,” is hereby adopted to read as follows:

Rental Housing

1. Definitions For the purpose of this chapter, the terms used herein are defined as follows:

BASEMENT

That portion of a building which is partly or completely below grade.

CITY

The City of Woodbury.

CELLAR

See "basement."

DWELLING UNIT

A room or group of rooms, located within a rental facility, forming a single habitable unit with facilities which are used or intended to be used for living or sleeping and which is provided with facilities for cooking and eating.

HABITABLE ROOM

A room occupied by one or more persons for living, eating or sleeping, including kitchens where provided, but not including serving and storage pantries, corridors, bathrooms and spaces that are not used frequently or during extended periods of time.

IMMEDIATE FAMILY MEMBER

"Immediate family member" is defined as the parents or foster parents, stepparents, spouse, domestic partner, civil union partner, children (including in-laws), stepchildren, adopted children, or foster children of the owner. The definition also includes the owner's sister, brother, mother-in-law, father-in-law, grandmother, grandfather, stepgrandparents, brother-in-law, or sister-in-law who reside in the owner's home.

LANDLORD

See "owner."

OCCUPANCY

The earlier of the effective date of the contractual obligation for the rental of the property or when an occupant begins to live or sleep in a dwelling unit.

OCCUPANT

Any individual who lives or sleeps in, or has actual possession of, a dwelling unit.

OWNER

Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

REGISTERED AGENT

An individual who shall be responsible for receiving notice of violation of this chapter and fulfilling the responsibility of the owner of a rental facility to correct such violation. The registered agent shall reside in the County of Gloucester. The name, physical address and telephone number of such registered agent must be filed with the City of Woodbury as provided in this chapter. The registered agent must sign an affidavit or notarized statement indicating that he or she has accepted the responsibility to act as the registered agent for the property owner, and that he or she will accept service of process, etc., for the out-of-county owner. This document is part of and must be submitted with the application for the registration of a rental facility.

RENTAL FACILITY

Every building, a group of buildings, or a portion thereof, consisting of a dwelling, apartment and/or one or more rooms, which contains no more than five dwelling units and has sleeping facilities for fewer than 25 occupants, kept, used, maintained and advertised, or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or not, to one or more individuals who are not the owner or an immediate family member of the owner.

2. Registration

A. Registration is required. No building or part thereof shall be occupied as a rental facility prior to registration with the City as hereinafter provided. All rental facilities must be registered on an annual basis. The rental calendar begins on January 1 and ends on December 31 of each year.

B. Term of registration. All registrations hereunder issued shall be issued for a period of up to one year commencing upon approval for occupancy. The rental year ends on December 31.

C. Applications. Application to register a rental facility shall be made in writing prior to initial occupancy as a rental facility, on an annual basis, and/or prior to any change of occupancy and shall be signed by the owner on a form provided by the City Housing Official. The annual application forms shall be submitted prior to January 31 as determined by the Department, but such date shall not be less than 30 days from the mailed postmarked date from the Department. Said application shall state the name and physical address of the owner, the owner's driver's license number, owner's phone numbers, the name, address and telephone number of the registered agent (which may be the same as the owner); the location of the building; what portion of the building is to be used as a rental

facility; the number of dwelling units; the proposed number of occupants, and their dates of birth, in each dwelling unit; the number of rooms in each dwelling unit, the proposed use of each room and the dimensions of each such room. Such application shall be accompanied by a floor plan, drawn approximately to scale, indicating the location, use and accurate dimensions of each room covered by the application. Prior to occupancy or any change of occupancy of the premises during the registration period, the applicant shall furnish to the City a list of the names and dates of birth of all occupants and the driver's license numbers of any tenants of driving age occupying the premises.

D. Issuance.

(1) Inspections; penalty for not appearing; reinspection fees.

(a) Prior to initial occupancy and prior to every change of occupancy of 50% or more of the registered occupants, or every three years, an inspecting officer shall conduct a full inspection of the dwelling and premises in accordance with the performance standards described hereafter in §5.

(b) Prior to every change of less than 50% of the registered occupants or on an annual basis, an inspecting officer shall inspect the dwelling and premises for visible life safety violations, including but not limited to smoke detectors, CO detectors, handrails, guardrails, electrical, and any other life-safety-related items.

(c) For the purposes of this section, a decrease in occupancy does not constitute a change of occupancy.

(d) If all requirements of this chapter are complied with, and upon payment of all applicable fees hereinafter provided for, then the registration shall have been completed. Said registration shall be signed by the inspecting officer who conducted the inspection and the and shall set forth the name and address of the owner, the address of the rental facility, the number of dwelling units approved, the number of occupants approved for each dwelling unit, and the expiration date of the license. Notwithstanding the above, the inspecting officer or administrative assistant may inspect the premises at any additional time or frequency as is deemed necessary.

(e) A fee of \$25 shall be charged to any landlord who fails to appear or have an authorized person appear for an inspection or reinspection as scheduled.

(2) If the inspecting officer finds noncompliance with any requirement of this chapter, he shall furnish the owner with a written statement specifying the same. The owner may thereupon do any of the following:

(a) Remedy the defect(s) and request a reinspection.

(b) Appeal the decision of the inspecting officer to the City of Woodbury in the manner hereinafter provided.

(c) Apply to the City of Woodbury for a waiver of the defect in the manner hereinafter provided.

E. Renewal. Application for renewal shall be made on an annual basis, prior to the expiration of the registration, in the same manner as the initial application.

Applications for renewal shall be made by January 31 on an annual basis.

F. Modification during registration period. Any modification in the rental facility or any increase in the number of occupants desired to be approved during the term of an existing term of an existing registration shall require a new application or an addendum approved by the Housing Officer, as provided in Subsection C above.

If the registration is amended to allow an increase in the number of occupants, the amended certificate of registration shall be issued upon compliance with all terms of this chapter and approval by the City and payment of any additional fees required. If at the time during the term of the registration there is a change in the identity of any one or more of the occupants, the certificate of registration shall immediately become void.

3. Fees

A. Registration fee. The annual registration fee for each rental unit shall be \$100, due no later than July 31 of each year but prior to a change of tenant. The annual registration fee shall include one inspection and one reinspection at no additional fee.

B. Reinspection fee. The fee for any reinspection (second and subsequent) shall be \$50 per inspection.

C. Change of occupancy inspection: no fee for any additional change of occupancy inspection during the rental year (January 1 to December 31).

D. Late fee. Failure to submit a completed rental application to the Department by the due date or prior to any change of occupancy will be subject to a late fee of \$50.

4. Housing Department; inspecting officers

The Mayor, with the advice and consent of the Council, shall from time to time appoint or hire such inspecting officers as are deemed necessary to administer and enforce this chapter; one of which such inspecting officers may be designated as the "Housing Official." The Mayor, with the advice and consent of the Council, may from time to time appoint or hire such secretarial or clerical personnel as are deemed necessary to perform secretarial and clerical work required by this chapter. All persons appointed or hired pursuant hereto shall comprise the Housing Department of the City of Woodbury.

5. Performance Standards

The owner of any rental facility shall comply with the requirements of the City of Woodbury Property Maintenance Code, other applicable adopted codes and the following standards:

A. Egress. Every dwelling unit shall have safe and unobstructed means of egress which shall lead to a safe and open space at ground level accessible to a street.

B. Basement and attic occupancy. Basement and attic occupancy shall be permitted as long as the means of egress equals or exceeds that required by the State Uniform Construction Code N.J.A.C. 5:23 and the minimum habitable space requirements of the State Housing Code N.J.A.C. 5:28 are equaled or exceeded.

C. Utility service. If a dwelling unit shares electrical service or other utilities (i.e., heat or hot water) with another unit then the cost of such utility payments shall be borne by the landlord. Electric service must meet the minimum requirements for each dwelling unit per the requirements of the City of Woodbury Property Maintenance Code.

D. Water supply. The minimum rate of flow of hot or cold water issuing from any faucet or fixture shall be not less than one gallon per minute.

E. Kitchens. Every dwelling unit in which the regular preparation of meals is to be accomplished must be equipped with the following facilities:

(1) A kitchen sink of nonabsorbent and easily cleanable material in good working condition and properly connected to an approved water supply system which provides at all times an adequate amount of heated and unheated water under pressure and which is connected to an approved sewer system.

(2) A stove or similar device for cooking of food, which stove or device is properly installed with all necessary connections for safe, sanitary and efficient operation. Stoves must be provided with antitipping mechanisms installed.

F. Occupants. Only those occupants whose names are on file with the City as provided in this chapter may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises.

G. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption of surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance.

H. 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 City of Woodbury and with all applicable state and federal laws.

I. Maximum permitted occupancy; posting of premises.

(1) It shall be unlawful for any rental facility to contain at any one time a number of persons in excess of the number determined in accordance with any applicable adopted code(s).

(2) The Housing Official shall issue a license prior to occupancy indicating the maximum permitted occupancy. Said license shall remain so posted at all times. It shall be unlawful for any person to remove or alter said license.

J. Interior painting. The interior of every rental facility shall be painted as needed prior to every full change of occupancy. All walls, ceilings, and other surfaces shall be in good repair and properly prepared prior to painting.

6. Waiver of performance Standards

The owner may at any time within 15 days of the date of any notice appeal to the City of Woodbury for a waiver of any performance standards set forth in § 5 above. The City shall afford the owner a hearing if requested. Such hearing shall be conducted by the Mayor and Council. The City may, at its discretion, grant a waiver of any one or more of

the performance standards if it finds that, in light of the facts and circumstances presented in a particular case, a special reason exists for the waiver and that the granting of the same will not be contrary to the intent and purpose of this chapter and will not be detrimental to the health, safety and welfare of the occupants or proposed occupants of the rental facility, nor to the general public. The inspecting officer(s) who inspected the premises in question shall be present at such hearing.

7. Inspections

A. Free access. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities in order that they may perform their duty of safeguarding the health, safety and welfare of the occupants of rental facilities and of the general public. For the purpose of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities at all reasonable times. The owner or occupant of every rental facility shall give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspections, examinations and surveys. Every occupant shall give the owner of the rental facility access to any part of such rental facility 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 hereto.

B. Complaints. Within 10 days of the receipt of a complaint alleging a reported violation of this chapter, an inspecting officer shall conduct an inspection as hereinbefore provided. If the complaint is found to be valid and such causes a violation notice to be issued, then the owner shall be liable for any inspection and reinspection fees necessary.

8. Emergencies

Whenever an inspecting officer finds that an emergency exists with reference to a rental facility and the provisions of this chapter which requires immediate action to protect the health of occupants or the general public, he may, without notice or hearing, serve an order upon the owner reciting the existence of such emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. The owner to whom the order is directed shall comply therewith immediately, but upon appeal to the Board of Health, as hereinabove provided, shall be afforded a hearing as hereinbefore provided as soon as possible, within a period not to exceed 10 days. The order shall state the right to such hearing.

9. Violations and Penalties

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine not less than \$100 and not more than \$1,000, community service, or by imprisonment in the County Jail for a period not to exceed 90 days, or by any combination of such fine, community service and imprisonment as the Court may determine. Each day that a violation continues after due notice has been given shall be deemed a separate offense.

10. Revocation or suspension of certificate of registration

A. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the certificate of registration issued hereunder upon the happening of one or more of the following:

- (1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
- (2) Determination of a violation of this article at a hearing held pursuant to § **11** of this Chapter.
- (3) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance of the City of Woodbury. Three convictions or more in a one-year period shall be considered a continuous event.
- (4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants permitted. Three written notices of violations within a one-year period shall be considered a continuous event.
- (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.
- (6) A false, misleading or fraudulent statement made in connection with the registration or inspection of a rental unit or units under this chapter.
- (7) A pattern of conduct which results in creating, maintaining, permitting or suffering the existence of any of the following conditions at or about the rental unit:
 - (a) Disorderly conduct on the part of tenants or occupants or their guests. "Disorderly conduct" shall be as defined in N.J.S.A. 2C:33-2; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the City to take action under this section;
 - (b) A nuisance, as that term is defined by N.J.S.A. 2C:33-12; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the City to take action under this section;
 - (c) The failure to comply with any directive of the City of Woodbury concerning the abatement of conduct prohibited by Subsection **A(7)(a)** or **(b)** hereof;
 - (d) The rental unit has continued to be, after written notice to cease to the landlord, so disorderly as to destroy the peace and quiet of the neighborhood; and
 - (e) The possession or consumption of alcoholic beverages by minors.

B. Whenever the Police Department shall have made an arrest of or issued a summons to a tenant, occupant or guest or owner on three or more occasions during any ninety-day (90) period for an offense related to or arising out of the use and occupancy of the same rental unit(s), the same shall be prima facie evidence of a violation of this section, provided that the owner and/or managing agent shall have had written notice of the existence of such circumstances or conditions.

C. It shall be a defense to any proceeding for the revocation, suspension, or other disciplinary action involving a certificate of registration by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenants, occupants or guests for recovery of the premises, eviction of the tenants or otherwise.

11. Notice of Violation; revocation of license; hearing

A. Procedure; written complaint; notice; hearing. Whenever an inspecting officer determines that there has been a violation of this chapter, he or she shall serve a written notice of the violation on the owner, operator and/or registered agent which shall include a statement of the reasons why it is being issued and what action, if any, the owner, operator and/or registered agent must take to abate the violation. Said notice shall also state that the violation(s) must be corrected within 10 days and, if not, that the certificate of registration and the certificate of occupancy for the subject premises shall be revoked, in addition to the remedies and provisions set forth elsewhere in this chapter. The said period for correction may be extended or abbreviated by the Housing Officer for a definite number of days for good cause. Good cause for such extension shall include but is not limited to delays in the correction of the violations caused by weather conditions, unavailability of building/construction materials, and/or unavailability of contractors hired to correct the violations or the existence of emergent circumstances affecting the health or safety of occupants or residents of Woodbury.

B. Revocation; appeal; hearing.

(1) If a violation is not corrected within 10 days of the service of a notice thereof, or any extension or abbreviation given, the inspecting officer may serve an order upon the owner, operator and/or registered agent that the certificate of registration and certificate of occupancy are revoked, and occupancy prohibited, effective five days from the service thereof.

(2) Notwithstanding the correction of any one or more violations, the Construction Code Official or designated housing officers may conduct a hearing in the manner provided above to consider suspension or revocation of a certificate of registration and certificate of occupancy on the grounds herein stated. If, as result of such hearing, the Construction Code Official or designated housing officers determine that the subject building or structure has been a source of serious or repeated violations of this chapter such that the operation of said rental facility is or has been harmful to the health and/or safety of the occupants or has constituted a public nuisance, the Construction Code Official or designated housing officers may suspend such certificate of occupancy for such period as he or she shall determine or may revoke such certificate.

(3) The City Solicitor or his/her 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 certificate of registration by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenants, occupants or guests for recovery of the premises, eviction of the tenants or otherwise.

Section 2. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: _____
PHILIP HAGERTY, Council President

ATTEST:

Cassidy Swanson, Acting City Clerk

APPROVED:

By: _____
PEG SICKEL, Mayor

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Councilwoman Moore				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2337-21 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **April 14, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Councilwoman Moore				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF ADOPTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2337-21 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **April 28, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk