

**AN ORDINANCE OF THE TOWNSHIP OF DEPTFORD  
AMENDING ORDINANCE NO. O.13.12 FOR LANDLORD TENANT**

**§ Definitions.**

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

**AGENT or MANAGING AGENT** The individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this Chapter. If the owner provides no such designation, the owner shall be considered the agent or managing agent. In any event, the owner shall be responsible for any acts or omission by the designated agent. 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 or DWELLING** Any apartment, cottage, bungalow, single family home, townhouse, condominium or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment is designed for a residence, office or the operation of any industry or business or any other type of independent use. Multiple units which are located within one single family home shall each be considered a separate Apartment or Dwelling.

**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.

**BUILDING** Any building or structure or part thereof used for human habitation, use or occupancy, and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

**DWELLING UNIT** Any room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied for sleeping and dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

**GUEST** A person occupying a dwelling unit for 30 days or less.

**HABITABLE ROOM** A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet

compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

**HOUSING OFFICIAL** Township Employee or third-party inspector retained by Township.

**LICENSE** The license issued by the Housing Code Official, or his or her 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.

**LODGING UNIT** A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of person living together or by a person living alone, within a building.

**MANAGING AGENT** See "agent."

**OCCUPANT** A person occupying a dwelling unit for more than 30 days.

**OWNER** The person who owns, purports to own or exercises control over any building.

**PERMITTEE** A person to who a permit is issued hereunder.

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

**REGISTERED TENANT** The person or person to whom a rental unit is leased or rented by the licensee.

**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** Any "apartment," "dwelling," "building," "dwelling unit," "habitable room" or "lodging unit," as defined by this chapter, regardless of the consideration for occupancy, including but not limited to money paid, services rendered, or accommodation incident to employment.

**SLEEPING ACCOMMODATIONS** The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within any rental unit.

#### **§ Landlord Responsibility**

A. Any landlord and/or owner of leased property/rental unit located within the Township of Deptford shall be responsible for any activities, actions, events and conduct of any

person and/or animal which occur in, on or about said premises or property. The landlord/owner's responsibility shall extend to and include, but not be limited to, any disorderly conduct, nuisance, offensive language and any other behavior or conduct which is a violation of any state statute or of any of the provisions of the Code of the Township of Deptford.

B. The landlord/owner of any such property located within the Township of Deptford shall be responsible and liable for the conduct and actions of any tenant, invitee, guest or any other person who is in, on or about the premises and/or property with the permission, either express or implied, of the landlord, owner, tenant, guest or invitee.

### **§ Annual Registration with Housing Code Official required.**

All rental units shall hereafter be registered with the Housing Official or his designee on forms which shall be provided for that purpose and which shall be obtained from the Housing Code Official or his designee. Such registration shall occur immediately upon the adoption of this chapter and upon every change in occupancy; however, if there has not been a change in occupancy in three years, then the owner of a rental unit shall register on the first of January following the expiration of the three-year period.

### **§ Registration and licensing; change of occupancy; term; initial registration.**

Each rental unit shall be registered and licensed. The license terms shall commence:

January 1 for Apartments or Dwellings of the applicable year the unit is registered with the Township; and

January 1 for Apartment Complexes of the applicable year the unit is registered with the Township.

Such registration shall be valid for a one-year period. The initial registrations shall occur within 30 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. Re-registration is not required upon change of occupancy, however a change of occupancy will subject the rental unit to inspections as required by the International Property Maintenance Code, 2009 as adopted by the Township through Ordinance O.6.10.

### **§ Inspections.**

Inspections shall be in accordance with the International Property Maintenance Code,

2009, as adopted by the Township through Ordinance O.6.10.

**§ Access for inspection.**

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 ordinance 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 ordinance or any lawful order issued pursuant thereto.

C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this ordinance, an inspecting officer and/or police officer shall conduct an inspection as hereinbefore provided.

**§ 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 Deptford which is not registered and licensed in accordance with this Chapter.

**§ Issuance of license; license review**

Upon the filing of a completed registration form, the provision of a satisfactory and current certificate of inspection, and payment of the prescribed fee (or pro rata payment), the owner shall be entitled to the issuance of a license as follows:

January 1 for Apartments or Dwellings of the applicable year the unit is registered with the Township; and

January 1 for Apartment Complexes of the applicable year the unit is registered with the Township.

The exception shall be if there is a change in occupancy of the unit.

A separate registration form shall be required for each rental and a license shall be issued to the owner for each individual unit, notwithstanding the existence of multi-rental-units on the same property.

Each renewal for licensure shall be made and filed prior to the expiration of the rental license which occurs on June 30 or December 31 based on the form of rental unit.

**§ Fees.**

A. At the time of filing the rental registration form and prior to the issuance of the license, the owner or agent of the owner must pay a fee at the prevailing rate as set forth in the applicable resolution of the Township Council or as follows:

1. 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. Apartment or dwelling: \$100
  - b. Apartment complex:
    - (1) Non-owner-occupied rental units, 1-5 units: \$100.
    - (2) Non-owner-occupied rental units, 6-10 units: \$150.
    - (3) Non-owner-occupied rental units, 11-25 units: \$175.
    - (4) Non-owner-occupied rental units, 25+ units: \$250.
  - c. The re-inspection fee shall be in accordance with the International Property Maintenance Code, 2009 as adopted by the Township through Ordinance O.6.10.
  - d. For the initial year this Ordinance is adopted, all units must comply with registration on, or before, July 1<sup>st</sup> and all above fees will be prorated to 50% for the first year only.

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 of \$50.00 will be assessed. If any fee is not paid within 60 days of its due date, the owner shall be subject to the provisions of Violations and Penalties below.

### **§ Registration forms.**

In accordance with N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein.

A. Every owner shall file with the Housing Official or his designee a registration form or other forms developed by the Township for each rental unit contained within a building or structure, which shall include the following information:

- (1) The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the rental business, if not the same persons, shall be provided. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual may be reached both during day and evening hours, which telephone numbers shall include cell phone numbers. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided, together with the telephone number for each such individual, indicating where such individual may be reached both during day and evening hours, which shall include providing the cell phone numbers of each such individual. All registration addresses shall be physical addresses; post office boxes alone are insufficient.
- (2) If the address of the owner of record is not located in the County of Gloucester, the name, address and telephone number of a person who resides in the County of Gloucester who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the owner of record.
- (3) The name, address and telephone number of the managing agent of the premises, if any.
- (4) The name, address and telephone number of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any.
- (5) The name, address and telephone number and cellular telephone number of an individual representative of the owner of record or managing agent who may be

reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

(6) The name and address of every holder of a recorded mortgage on the premises.

(7) 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.

(8) As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling and by the square footage thereof.

(9) Name, address and telephone number of any and all rental agencies with the authority to lease or otherwise permit occupancy of the subject premises.

(10) Number of occupants or tenants occupying the rental unit.

(11) Whether or not the landlord has conducted a tenant screening for each new tenant and authorized adult household member.

(12) A classification of the rental unit type using the following abbreviations:

SFD	(Single-Family Detached)
SFA	(Single-Family Attached)
DPL	(Duplex - 2 units)
TPL	(Triplex - 3 units)
QD	(Quad - 4 units)
CPL	(Complex - five or more units)
RH	(Rooming house)
CM	(Commercial - unit is located in a commercial business structure)

(13) As to each rental unit, the following suffix classifications in addition to the above rental unit type classifications:

O	(Location has one or more units occupied by the owner)
A	(Tenancy is restricted by age or disability)

- S (Rent is subsidized)
- C (Unit is located in structure that has been converted from a non-rental property to rental property)
- Z (Other)

(14) Such other information as may be prescribed by the Township on the appropriate form or otherwise by ordinance or resolution.

B. In addition to the registration information set forth above [Subsection A(1) through (14)], every owner shall file with the Housing Official and provide a copy to each individual tenant by separate forms the name, age and address, including the dwelling unit number, of each occupant or tenant occupying a rental unit and a floor plan of the rental unit. These forms shall be filed with the Housing Official and shall not be available for public inspection.

**§ Registration forms available for public inspection.**

The Housing Code Official or his designee shall index and file the registration form and make it reasonably available for public inspection. In doing so, the Housing Official or his 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. The Housing Official or his designee shall maintain a master index of all such registration forms and any person may obtain from the Housing Official or his designee a list of all rental units properly registered and licensed upon payment of a fee consistent with N.J.S.A. 47:1A *et seq.*

**§ Amended registration forms.**

Every person required to file a registration form pursuant to this Chapter shall file an amended registration form within 20 days of any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, with the exception of a change in ownership of the premises.

**§ Owner to provide copies to occupants; exceptions.**

The owner shall provide each occupant or tenant occupying a rental unit with a copy of the rental registration ordinance and registration form required by this chapter and 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 guesthouse or bed-and-breakfast registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3.



**§ Limitations on occupancy.**

Each licensee granted a license pursuant to this Chapter shall be permitted to lease or rent the rental unit which has been registered and for which a license has been granted hereunder to a specific number of registered tenants, which number shall not exceed the number which has been computed in accordance with the following:

A. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

B. Rental units shall not be occupied by more occupants than permitted by the maximum occupancy area requirements of Table 1.

<b>Table 1</b>				
<b>Minimum Occupancy Area Requirements</b>				
<b>Minimum Occupancy Area in Square Feet</b>				
	<b>Space</b>	<b>1-2 Occupants</b>	<b>3-5 Occupants</b>	<b>6 or more</b>
	Living room	No requirements	120	150
	Dining room	No requirements	80	100
	Kitchen	50	50	60
	Bedrooms	Shall comply with § 148-12A		

C. Combined living-room and dining-room spaces shall comply with the requirements of Table 1 if the total area is equal to that required for separate rooms and if the space is so located that it functions as a combination living room/dining room.

D. Decks/Porches. The maximum allowable occupancy on any deck shall be one person per nine square feet.

**§ Maximum number of occupants required.**

A. It shall be unlawful and a violation of this Chapter for an owner, permittee, lessor or registered tenant of any registered dwelling to allow a number of people greater than the maximum number of occupants listed on the registration form. It shall also be a violation of this chapter for the owner, permittee, lessor or registered tenant to lease a dwelling unit to a number or group of tenants which exceeds the total number of sleeping accommodations which has been set forth in the permit for which application was made under this chapter. It shall also be unlawful for an owner, permittee, lessor or registered tenant to allow a number of people greater than the maximum number of people permitted to occupy the decks or porches of a dwelling unit.

B. The Police Officers of the Deptford Police Department or the officials of the Deptford Code Enforcement Office are authorized to issue a summons for a violation of this Chapter to any owner, permittee, lessor or registered tenant found to be in violation of any of the provision of this chapter.

**§ Payment of taxes and municipal charges required.**

No rental unit may be registered and no license shall be issued for any property containing a rental unit unless all municipal taxes, water and sewer charges and other municipal assessments are current.

**§ Tenant screening at change of occupancy.**

A. At each change of occupancy of any rental unit, the record owner or owners of the premises shall be required to conduct a tenant screening for the new inhabitants of the unit. Such screening shall include the substantial equivalent of the following:

- (1) A check for activity in the Landlord/Tenant Section of the Special Civil Part of the Superior Court of the State of New Jersey for the county of the tenant's last residence for a period of three years.
- (2) All records of any conviction for any offense in the municipal court of the municipality of the resident's last residence for a period of three years.
- (3) All records of any conviction for any offense in the Superior Court of the State of New Jersey for the county of the resident's last residence for a period of three years.

(4) Subsection A(2) and (3) above shall apply to the tenant(s) and all authorized adult members of the tenant's household.

B. Proof of an adequate screening shall be a letter indicating that such a screening was completed by a reputable tenant screening company or organization. Such a letter must be dated and shall be prepared by a screening company or organization.

C. No certificate of occupancy shall issue unless proof of an adequate screening has been provided or unless the license applicant indicates in writing his or her refusal to submit proof of a screening.

### **§ Occupant standards.**

A. 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. 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 the public in general, such that it shall constitute a nuisance as defined in the ordinance of the Township of Deptford.

C. 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 Deptford and state and federal laws.

D. Any landlord, tenant, or other person violating the provisions of this section shall be subject to the penalty provisions of this chapter.

### **§ Revocation of license; procedure.**

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

(1) Conviction of a violation of this Chapter in the Municipal Court or other court of competent jurisdiction.

(2) Determination of a violation of this chapter at a hearing held pursuant to Subsection B herein.

(3) Renting the unit to a tenant who is convicted of two or more violations during the course of their tenancy of the Noise Ordinances of the Township of Deptford.

(4) Permitting the rental unit to be occupied by more than the maximum number of occupants as defined herein.

(5) Maintaining the rental unit or units or the property on which the rental unit is located in a dangerous condition likely to result in injury to persons or property.

(6) A rental license issued under this chapter shall be suspended and considered revoked if taxes or other assessments are delinquent for three consecutive quarters. Upon payment of such delinquent taxes or assessments, the license or permit shall be restored, upon new inspections for occupancy taking place.

B. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a license may be filed by one or more of the following: the Chief of Police, Construction Code Official or Zoning Enforcement Officer. Such complaint shall be in writing and filed with the Housing Code Official or his designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to allow the licensee the opportunity to present a defense. The individuals 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 Housing Code Official or his designee shall immediately inform the Township Solicitor and a date for a hearing shall be scheduled which shall not be sooner than 10 days nor more than 30 days thereafter. The Housing Code Official or his designee shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the managing agent, if any, at the address indicated on the rental registration form. All such correspondence shall be sent by certified mail, return receipt requested. Service upon the managing agent shall be sufficient.

(3) The hearing required shall be held before the Township Council unless, in its discretion, the Township Council determines that the matter should be heard by a hearing officer who shall be appointed by the Township Council.

If the matter is referred to a hearing officer, such officer shall transmit his finding of fact and conclusions of law to the Township Council within 10 days of the conclusion of the hearing. The Township Council shall be bound thereby.

In the event that the matter is not referred to a hearing officer and is heard by the Township Council, the Township Council shall render a decision within 10 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the rental license, or determining that the license shall not be renewed or reissued for one or more subsequent rental license terms.

(4) A recording shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(5) The Township Solicitor or a special prosecutor appointed by the Township Council 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 the rental license by a demonstration 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 the recovery of the premises, eviction of the tenant(s) or otherwise and has submitted proof of adequate tenant screening in accordance with this chapter.

#### **§ Violations and penalties.**

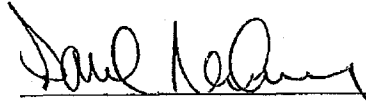
In addition to the penalties set forth in N.J.S.A. 46:8-35, any person who violates any provision of this chapter shall, upon conviction in the Municipal Court of the Township of Deptford or such other court having jurisdiction, be liable for a minimum fine of \$250 (or higher if permitted by court order) and a maximum fine not to exceed \$2,000 or imprisonment or community service not exceeding 90 days, or any combination thereof.

Each day that the violation occurs shall be considered a separate and distinct violation subject to the penalty provisions of this chapter. Any person who is convicted of violating this chapter within one year of the date of the previous violation of this chapter and who was fined for same shall be sentenced by the court to an additional fine as a repeat offender and calculated separately from the fine imposed for the violation of the chapter.

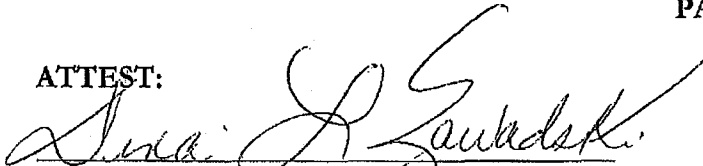
#### **§ Enforcement.**

Any of the violations referred to in this chapter may be enforced, as applicable, by the Police Department, Department of Community Development or such other persons designated by the Administrator, or having such authority by law.

TOWNSHIP OF DEPTFORD

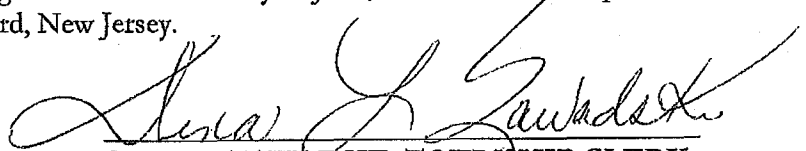
  
 PAUL MEDANY, MAYOR

ATTEST:

  
 DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 7<sup>th</sup> day of May, 2012, and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on 11<sup>th</sup> day of June, 2012 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

  
 DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.16.12				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.16.12				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			