

**ORDINANCE O.2215-2024**

**AN ORDINANCE AMENDING CHAPTER 17, “HOUSING” BY AMENDING SECTION 17-2 “MULTIPLE DWELLING REGISTRATION”**

**WHEREAS**, the Township of Edison (hereinafter referred to as the “Township”) is a public body corporate and politic in the County of Middlesex, State of New Jersey; and

**WHEREAS**, Chapter 17, “Housing” of the Township of Code of General Ordinances (hereinafter referred to as the “Code”) provides definitions, rules, regulations, and standards for renting property within the Township; and

**WHEREAS**, the Township wishes to amend Chapter 17, “Housing,” to amend section 17-2 “Multiple Dwelling Registration” to ensure that residential rental units are properly maintained in accordance with the Property Maintenance, Zoning and related codes, as well as to protect the property and the health, safety and welfare of Township residents and tenants; and

**WHEREAS**, the creation of standards necessary for the registration and licensing of certain rental units within the Township will contribute to the public good.

**NOW, THEREFORE, BE IT ORDAINED**, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey that Chapter 17 of the Township of Edison Municipal Code, entitled “Housing,” be amended as follows:

Deletions are noted by ~~strikethrough~~

Additions are indicated by **bold underline**

Language that remains unchanged is not highlighted in anyway.

[the following subsection shall be inserted as §17-3 “Rental Registration Fees”]

**SECTION I**

§ 17-2. ~~MULTIPLE DWELLING REGISTRATION~~ **RESIDENTIAL RENTAL UNITS.**

§ 17-2.1. Construction of Provisions.

This section, being necessary for the welfare of the Township and its inhabitants, shall be liberally construed to effectuate the general intended purposes.

§ 17-2.2. Definitions.

As used in this section **the following words or phrases when used in this subsection shall have the following meaning:**

**AGENT**

**The individual or individuals designated by the Landlord as the person(s) authorized by the owner to perform any duty imposed upon the owner by this article.**

#### LANDLORD

Means the person or persons who own or purport to own any ~~multiple dwelling~~ **residential rental** unit as defined herein.

#### **LICENSE**

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

#### **LICENSEE**

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

#### MULTIPLE DWELLING

~~Includes any building or structure or trailer or land used as a trailer park, rented or offered for rent to one (1) or more tenants or family units. Excluded from this definition and from the operation of this section are motels, hotels and similar type buildings and those buildings in which one third (1/3) or more of the occupied space is devoted to commercial purposes and housing units are less than three (3) units.~~

#### **OCCUPANT**

**Means any person (including an owner or operator) over one (1) year of age living and sleeping in a dwelling unit or rooming unit.**

#### **OWNER**

**Any person or group of persons, firm, corporation, or officer thereof, partnership association, or trust, who owns, operates, exercises control over or is in charge of a rental facility.**

#### **RENTAL FACILITY**

**Every building, group of buildings or a portion thereof, containing five (5) or more rental units, 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 dwelling unit, including single-family homes and owner-occupied two-family homes, which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes, but shall not include rental facilities containing less than five (5) units, group homes, subsidized senior citizen housing, and assisted living units. Excluded from this definition and from the operation of this section are motels, hotels, boarding houses, and similar-type buildings and those buildings in which one-third (1/3) or more of the occupied space is devoted to commercial purposes and housing units are less than three (3) units.

### SENIOR CITIZENS

Means persons sixty-two (62) years of age or older.

### § 17-2.3. ~~Registration Statement~~ Annual Registration Required

Every landlord within the Township shall, by January 15 of each and every year, file under oath with the Municipal Clerk of the Township and the Secretary to the Rent Control Board of the Township a statement for each rental unit which shall include ~~containing~~ the following information, on forms provided by the municipality and available at the Township Clerk's office:

- a. The address of the premises; the name ~~and address,~~ and phone number of the owner of the premises and the record owner or owners of the rental business if not the same persons; in the case of a partnership, the names, addresses, and phone numbers of all general partners; if the record owner is a corporation, the name address and telephone number of the registered agent and corporate officers of said corporation; the name, ~~and address~~ and telephone number of the superintendent and/or the name, ~~and address~~ and telephone number of the agent in charge of the premises; the number of ~~apartments~~ rental units in the premises; the number of square feet in the entire premises, building or combination of buildings;
- b. The number or other designation of each ~~apartment~~ rental unit;
- c. The total square footage for each ~~apartment~~ rental unit, including a specification as to the exact number of sleeping rooms and kitchen facilities contained in the rental unit;
- d. The current base rent chargeable for each ~~apartment~~ rental unit;
- e. The immediately previous base rent chargeable for each ~~apartment~~ rental unit;

- f. The most current tax surcharge chargeable to each apartment rental unit;
- g. The most current energy surcharge chargeable to each apartment rental unit;
- h. Any capital improvement surcharge chargeable to the apartment rental unit;
- i. The effective date of the most recent lease, if any, including the total number of occupants of each rental unit designated by adults and children;
- j. If no lease, then the date that the last increase in the base rent became effective;
- k. If the address of any record owner is not located in the State of New Jersey, the name and address of a person who resides in the State of New Jersey and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;
- l. The name and address of every holder of a recorded mortgage on the premises;
- m. An acceptable affidavit of fire alarm system inspection and test for all premises where a common area automatic fire alarm is required and an acceptable affidavit of fire sprinkler system inspection and test for all premises where a fire sprinkler system is required;
- n. Such other information as may be required by the Township.

**§ 17-2.4. Records; Availability to Public Annual registration required.**

~~A copy of the registration statements shall be kept at the office of the Municipal Clerk and shall be available for public inspection and copying during normal business hours.~~ **All rental units shall be registered with the Township Clerk of the Township of Edison, or their designee, or such other person as designated by the Mayor of the Township of Edison pursuant to this section. Upon proper registration and payment of all fees a license shall issue for the rental unit so registered.**

**§ 17-2.5. Violations; Penalties Registration and licensing at change of occupancy; term; initial registration.**

~~Any violation of any of the provisions hereof, including but not limited to material misstatements contained in the registration statement required herein, shall be punishable in the Municipal Court by fines of not more than two hundred (\$200.00) dollars for a first offense and not more than the penalty stated in Chapter I, Section 1-5.~~ **The license term shall commence on March 1 and shall be valid until February 28 of the following calendar year, at which time it shall expire and a new registration shall be required. Any lease which has been executed prior to the adoption of this section shall not be affected, but the rental unit must nevertheless be registered, licensed and inspected in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in**

accordance with this chapter.

**§ 17-2.6. Prohibition on occupancy**

**For rental facilities containing five (5) or more units, no person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit with the Township of Edison which is not registered and licensed in accordance with this section.**

**§ 17-2.7. Indexing and filing of forms.**

**The Township Clerk or designee shall index and file the registration forms. In doing so, the Township Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1. and N.J.S.A. 55:13A-12, as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28.1 and N.J.S.A. 55:13A-12 to the extent that it applied to the property being registered and will also satisfy the registration requirements of this article.**

**§ 17-2.8. Filing of amended form.**

**Every person required to file a registration form pursuant to this article, shall file an amended registration form within 45 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the tenancy of the premises is changed.**

**§ 17-2.9. Records; Availability to Public.**

**A copy of the registration statements shall be kept at the office of the Municipal Clerk and shall be available for public inspection and copying during normal business hours.**

**§ 17-2.10. Inspections.**

- A. If there are reported issues within a unit or building, then the subject site shall be inspected until the subject site passes inspection without critical or major issues. Appointments for inspections shall be scheduled at reasonable times and upon notice to the owner and tenant. Newly constructed apartments and/or dwelling units in excess of four rental units are exempt from this inspection for two State of New Jersey licensing periods after the certificate of occupancy is issued, provided that there are no violations filed with the Township Building Department and the property is properly registered and inspected with and by the State of New Jersey as required by the Hotel and Multiple Dwelling Code.**
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Edison, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township of Edison shall not be used as a valid substitute.**
- C. Such inspection shall be for the purpose of determining Chapter 37 (Zoning)**

compliance and, to the extent applicable, to determine whether the property complies with Chapter 15 (Property Maintenance) and any other municipal code appropriate for the conditions observed.

- D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue, and the Landlord of the property or his agent shall not lease or rent such property nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 60 days, and if not made within that time period, the owner shall be deemed in violation of this article, and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of this article.
- E. An inspection made by the Township for a certificate of continued occupancy pursuant to Chapter 14 of the Code of the Township of Edison shall satisfy the requirements of Subsection A of this section.

§ 17-2.11. Inspection officers, identification and conduct.

Inspection officers as designated by the Township of Edison shall be supplied with official identification and shall exhibit such identification when entering any rental facility and rental unit or any part of any premises subject to this section. Inspection officers are authorized and directed to make inspections to determine compliance with this section. For this purpose he or she is authorized to enter and examine any rental unit, yard, or part of either at all reasonable times, and every owner, landlord or agent shall provide him or her free access to it. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

§ 17-2.12. Refusal of entry for inspection; use of search warrants.

A. Should the inspection officer be denied access, the inspection officer may, upon affidavit, apply to the Judge of the Municipal Court of the Township for a search warrant, setting forth the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this article may exist on the premises, including one or more of the following:

(1) Observation of the external condition of the premises and its public areas has resulted in the belief that violations of the municipal code exists.

(2) Circumstances such as age of building, type of building, particular use of premises or other factors make systematic inspections of such building necessary in the interest of public health and safety.

B. If the Judge of the Municipal Court of the Township is satisfied as to the matter set forth in such affidavit, he shall authorize the issuance of a search warrant permitting access to an inspection of that part of the premises on which the nuisance or violation may exist.

**C. Where the inspection officer or his agent in possession of an administrative warrant is refused entry or access or is otherwise impeded or prevented by the owner, landlord, agent or occupant from conducting an inspection of the premises, such person shall be in violation of this section and subject to the penalties hereunder.**

**§ 17-2.13. License; review; declaration of moratoriums.**

**For rental facilities containing five (5) or more units, upon the filing of a completed registration form and payment of the prescribed fee, the Landlord shall be entitled to the issuance of a license. A registration form shall be required for each rental unit and a license shall issue to the Landlord for each rental unit, even if more than one rental unit is contained in the property.**

**§ 17-2.14. Fees**

**A. At the time of the filing of the registration form and prior to the issuance of a license, the Owner, Agent, or Landlord of the property must pay a fee in accordance with the following:**

**(1) The annual registration fee for owners, landlords or facilities with five (5) or more rental units shall be one hundred (\$100) dollars per rental unit.**

**(2) A missed appointment fee of \$25 per missed appointment.**

**B. If the Owner or Landlord of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit(s) 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 upon proof of age and residence.**

**C. If any fee is not paid within 30 days of its due date, a late fee surcharge of \$30 will be assessed.**

**§ 17-2.15. Providing registration form to occupants and tenants.**

**Every Owner, Agent or Landlord shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this article. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3. A copy of the registration certificate must be posted in the rental unit(s).**

**§ 17-2.16. Maximum number of occupants; posting.**

**The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the Landlord, agent, tenant or registered tenant to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit.**

**§ 17-2.17. Payments of taxes and other municipal charges required.**

**No rental unit may be registered or reregistered and no license shall issue for any**

**property containing a rental unit unless all municipal taxes and sewer charges and any other municipal assessments are paid current.**

**§ 17-2.18. Other rental unit standards.**

**All dwelling units shall be maintained in accordance with the Uniform Construction Code and Chapter 15, the Property Maintenance Code, of the Township of Edison Municipal Code**

**§ 17-2.19. Occupant standards.**

- A. **Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Township of Edison and with all applicable state and federal laws.**
- B. **Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of this article.**

**§ 17-2.20 Violations; Penalties.**

**Any Owner, Agent, Landlord or Tenant who violates any of the provisions of this section hereof, including but not limited to material misstatements contained in the registration statement required herein, shall be liable in the Municipal Court for a fine of two hundred (\$200) dollars for a first offense, five hundred (\$500) dollars for a second offense and not more than the penalty stated in Chapter I, Section 1-5 for any subsequent offense. Each day that a violation occurs shall be deemed a separate and distinct violation and subject to the penalty provisions of this section.**

**SECTION II**

**SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**SECTION III**

**REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION IV**

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon this passage and publication in accordance with the law.

FIRST READING      April 10, 2024  
FINAL READING      April 25, 2024