

**CITY OF BEVERLY
COUNTY OF BURLINGTON**

ORDINANCE 2014-10

**AN ORDINANCE SETTING FORTH CERTAIN STANDARDS AND
RESPONSIBILITIES FOR LANDLORDS**

WHEREAS, the Common Council of the City of Beverly has determined that it is important for landlords to abide by certain standards of responsibility in the selection of tenants and the supervision of rental premises; and

WHEREAS, the State Legislature has provided the authority to provide such regulation and require landlord responsibility, in certain circumstances, for the consequences of disorderly behavior by their tenants, in N.J.S.A 40:48-2.12o et seq.; and

WHEREAS, the City has determined that providing such regulation will benefit the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by City Council of the City of Beverly, County of Burlington and State of New Jersey as follows:

Section One. Definitions. As used in this ordinance the following terms shall have the meanings indicated:

"Bond" or "security" means a bond or letter of credit (in a form acceptable to and approved by the City) or the posting of cash. Cash security shall be placed in escrow by the City.

"Hearing Officer" means a person designated pursuant to N.J.S.A. 40:48-2.12p(b) and this ordinance to hear and determine proceedings under this ordinance.

"Landlord" means the person or persons, including any business entity, who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease which building contains no more than four dwelling units.

"Substantiated Complaint" means a complaint substantiated by prosecution and conviction as a violation of Title 2C of the New Jersey Statutes or under any city ordinance governing disorderly conduct.

"Tenant" means a person or persons who occupy a housing space for living or dwelling pursuant to either a written or oral lease with a landlord.

Section Two. Substantiated Complaints. If in any twenty-four (24) month period on separate occasions two substantiated complaints occur from conduct upon or in proximity to any residential premises which are attributable to the acts or incitements of any of the tenants of those premises, the City Administrator or his designee may institute proceedings to require the landlord of those premises to post bond against the consequences of future incidents of the same character.

Section Three. Substantiated Complaint – Notice. In the event that there is a substantiated complaint, as defined in this ordinance, occurs with respect to a tenant, the City Administrator or his designee shall cause a notice to be served advising the tenant and the landlord of the occurrence of the specified conduct and the consequences of a recurrence of such conduct. The notice shall be delivered in person or by registered mail to the tenant at the address of the premises and to the landlord or the landlord's designated agent at the address appearing on the tax records of the City.

Section Four. Substantiated Complaints – Notice and Hearing.

- A. In the event that the City Administrator or his designee determines to commence proceedings after two or more substantiated complaints occur within the time set forth in Section Two, above, the City Administrator or his designee shall cause to be served on the landlord or his designated agent, in person or by registered mail to the address appearing on the tax records of the City, notice advising of the institution of proceedings, together with the particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter. The hearing shall be held at City Hall or other public place within the City. The date for the hearing shall be no sooner than thirty (30) days subsequent to the date on which the notice is served or mailed.
- B. At the hearing convened pursuant to this section, 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 or his designated agent may present. The hearing officer may consider, to the extent that the hearing officer deems relevant, prior complaints about the residents of the property even if those complaints did not result in a conviction. 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.

Section Five. Bond Requirements; Term.

- A. The amount of any bond or security required to be posted shall be in the judgment of the hearing officer, and in light of the nature of the offenses indicated in the substantiated complaints, adequate in the case of subsequent offenses to make reparation for (1) damages likely to be caused to public and private property; (2) damages consequent upon the disruption of the affected residents' rights of fair use and quiet possession of their premises; (3) securing the payment of fines and penalties likely to be levied for such offenses; and (4) compensating the City for the costs of repressing and prosecuting such incidents of disorderly behavior. The bond shall be in an amount not less than \$500.00 nor more than \$5,000.00. Furthermore, the City may enforce the bond requirement in 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 City.
- B. A bond or other security deposited in compliance with sub-section "A" of this section shall remain in force for a period determined in the discretion of the hearing officer which shall be for not less than two (2) nor more than four (4) years. Upon lapse of the specific period, the landlord shall be entitled to the discharge of the bond or return of the security unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have taken place. In that event, the bond shall be renewed for a further period to be specified by the hearing officer as set forth in Section Six.

Section Six. Bond or Other Security – Forfeiture.

- A. If during the period for which the landlord is required to give security a substantiated complaint is recorded against the property in question, the City Administrator may institute proceedings against the landlord for (1) forfeiture or partial forfeiture of the security; (2) an extension of the period the landlord is required to post the security as set forth in Section 5B; (3) an increase in the amount of the security; or (4) any or all of these purposes.
- B. Any forfeiture or partial forfeiture shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in this ordinance. Any decision by the hearing officer to increase the amount of security or extend the period of the required security shall be determined in light of the factors set forth in Section 5A. Such action shall be taken only to the extent that the nature of the substantiated

complaint or complaints out of which the proceedings arise under this section indicates the appropriateness of the change in order to carry out the purposes of this ordinance effectively. The decision of the hearing officer shall be enforced in the same way and manner as set forth in Section 5A.

C. A landlord may recover from a tenant any amount of security actually forfeited pursuant to this section.

Section Seven. Designation of Hearing Officer. The hearing officer shall be designated from time to time by resolution of the City Council. Pursuant to the provisions of N.J.S.A. 40:48-2.12p(b), the hearing officer shall be an attorney at law licensed in the State of New Jersey. The hearing officer shall not be an owner or lessee of any real property within the City of Beverly and shall not hold an interest in the assets of or profits arising from the ownership or leasing of any real property in the City of Beverly.

Section Eight. Violations. In addition to the remedies set forth in Sections 5 and 6, any person who fails to post security within thirty (30) days of the rendering of a decision requiring such posting or who violates any other provision of this ordinance shall, upon conviction, be subject to a fine of not less than \$250.00 nor more than \$2,000.00.

Section Nine. Repealer. Any ordinances with provisions inconsistent with the provisions of this ordinance are repealed to the extent of such inconsistency.

Section Ten. Severability. Should any provision of this ordinance be found void or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section Eleven. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Introduced: September 23, 2014

Advertised: September 28, 2014

Adopted: October 14, 2014

Advertised: October 19, 2014

I certify that the foregoing Ordinance was Introduced at a regular meeting of City Council held on September 23, 2014 and Adopted after a duly advertised public hearing on October 14, 2014.



Donna F. Snyder, RMC, CMR, CPM
Municipal Clerk