



CITY OF BEVERLY
FRANK R. COSTELLO MUNICIPAL BUILDING
 446 Broad Street
 Beverly, NJ 08010

LANDLORD
Certificate of Registration (Ordinance #2016-09)
Rental Dwellings and Apartments
(COMPLETE ALL AREAS)

*Date of Application _____ *Property Located at _____

Block # _____ Lot# _____ *How many Rental Units Sheet # _____ of _____ (use separate sheet for each unit)

*Owner's Full Name _____

*Responsible Individual Name _____

*Complete Mailing Address _____

*Owner's Telephone Number (Day) _____ (Night) _____ FAX # _____ e-Mail _____

Name, Mailing Address & Telephone Number of Agent (if different from owner or if owner is not in county)

Agent Name _____ Telephone # _____ FAX# _____ e-Mail _____

Agent Mailing Address _____

*Rental Unit Designation (A, B, etc.) _____ (use separate sheet for each unit)

***Occupants of Rental Unit:**

*Name of <u>each and every occupant</u> of this unit	*Ages
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*List rooms and sizes (I.e., kitchen, living room, bath, etc.)

*List number and size of bedrooms (closet space excluded from the measurement)

*Landlord Signature _____

*Print Name: _____

Taxes Paid _____ Initial Clerk Sewer Paid _____ Initial Clerk Permits Outstanding _____ Initial Clerk

***Required information**

**CITY OF BEVERLY
COUNTY OF BURLINGTON**

ORDINANCE 2016-9

**AN ORDINANCE PROVIDING FOR THE REGISTRATION
AND INSPECTION OF RENTAL PROPERTIES.**

WHEREAS, the City Council of the City of Beverly has determined that the proper regulation and registration of buildings and structures in the City including rental properties is of benefit to the community in providing for a safe and healthful place to live for its citizens; and

WHEREAS, various statutes of the State of New Jersey authorize such regulation and registration including *N.J.S.A.* 40:48-2.12a through 40:48-2.12g, *N.J.S.A.* 40:48-2.12n through 40:48-2.12r and *N.J.S.A.* 46:8-28, *et seq.*; and

WHEREAS, the City Council intends to avail itself of this authority to obtain landlord registration information and appropriately regulate rental properties in the City; and

WHEREAS, it is the intention of the City Council to rely upon the information obtained through this registration to assist the City in fulfilling its responsibilities to promote and protect the public health, safety, and welfare, including the sharing of appropriate information with emergency service providers; and

WHEREAS, it is the express intention of the Council to encourage compliance with State law and nothing contained within this Ordinance is intended to be, nor shall it be, construed to be an attempt to interfere with or counter act any statute enacted by the State of New Jersey;

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

SECTION 1 – REGISTRATION REQUIRED.

- A.** No person or entity shall operate a multiple dwelling, rooming house or any rental unit in the City of Beverly unless he, she or the entity has properly registered each unit and holds a Certificate of Approval issued by the City in the name of the owner of the specific dwelling unit being rented or is otherwise not subject to the provisions of this ordinance as set forth herein.
- B.** Whenever any person shall, by the use of signs, circulars, business cards, newspapers or other publications, internet, radio and television, word of mouth or other means advertise or solicit the availability of a tenancy, actively or passively, it shall be considered *prima facie* evidence of the operation of a multiple dwelling, rooming house or rental unit and a Registration and Certificate of Approval shall be required pursuant to this ordinance for such operation.
- C.** Prior to the issuance of any Certificate of Approval pursuant to this ordinance, the Code Enforcement Official or other City official designated by the City Administrator shall confirm that the applicant has complied with all provisions of this ordinance.

SECTION 2 - DEFINITIONS: Unless the context clearly indicates a different meaning, the following words or phrases when used in this Ordinance shall have the following meanings:

- A. The term "agent" shall mean the individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this Ordinance. The term does not necessarily mean a licensed real estate broker or salesperson as those terms are defined by *N.J.S.A. 45:15-3*; however, the term may include a licensed real estate broker or salesperson if the person designated by the owner as his agent is so licensed. Any such agent so designated shall be authorized to represent and act for the owner with respect to any rights, duties and obligations imposed by this Ordinance and shall provide written evidence of such authority to the City. All agents must be located within Burlington County.
- B. "Apartment Complex" shall mean 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.
- C. "Apartment" or "dwelling" shall mean any apartment, cottage, bungalow, single family dwelling, any room or rooms in a rooming/boarding house or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office, or the operation of any industry or business, or for any other type of independent use.
- D. "Landlord" shall mean any person, as defined herein, renting or offering to rent, any apartment, space, house or dwelling unit in the City of Beverly.
- E. "Certificate of Approval" shall mean the certificate issued by the Housing Office or designated Code Official attesting that the rental unit has been properly registered in accordance with this Ordinance and inspected for a Certificate of Approval.
- F. "Owner" shall mean any person or group of persons, firm, corporation, or officer thereof, partnership association, or trust, or other legal entity which owns, operates, exercises control over or is in charge of a rental facility.
- G. "Person" shall mean an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof, and includes a landlord or owner.
- H. "Rental facility" or "rental purposes" shall mean 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 (1) or more individuals, and is meant to include apartments and apartment complexes.
- I. "Rental unit" shall mean a dwelling unit which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes.
- J. "Change in Tenancy" shall mean a change in the tenant(s) renting a rental unit.
- K. "Rent for other consideration" shall mean allowing the occupancy of a dwelling unit by a person(s) other than the owner(s) who may provide for the upkeep, maintenance, paying of any other bills related to said property or any other services in lieu of monetary remuneration.

SECTION 3 - REGISTRATION: All rental units shall hereafter be registered with the Housing Office or designee on forms which shall be provided for that purpose obtained from the Housing Office. The registration shall occur on an annual basis as provided herein.

SECTION 4 - REGISTRATION AND APPROVALS: TERM; INITIAL REGISTRATION PROVISIONS: Each rental unit shall be registered, inspected, and approved annually and upon each change in tenancy. The approval shall expire one year from the date of issuance. Any lease that has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected, and approved in accordance with this Ordinance. No rental unit shall hereafter be rented, including rent for other consideration, unless the rental unit is registered and approved in accordance with this Ordinance.

SECTION 5 – APPLICATIONS; REGISTRATION FORMS.: Every owner shall file with the Housing Office an application for a registration form for each unit contained within a building or structure on forms to be provided by the City. The application shall include the information set forth herein set forth in paragraphs A through P, below. The application/Registration Form shall contain:

- A. The name and address of the record owner or owners 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 and addresses of all general partners shall be provided;
- B. If the record owner is a corporation, the name and address of the registered agent and the corporate officers of the corporation.
- C. If the address of any record owner is not located in Burlington County, the name, address of a person who resides in Burlington County 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 and respond to any issues that may arise with the premises;
- D. The name and address of the managing agent of the premises, if any;
- E. The name and address, including dwelling unit, apartment or room number of the superintendent, janitor, custodian and other individual employed by the owner or agent to provide regular maintenance service, if any;
- F. The name, address and telephone number of an individual representative of the record owner 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 any 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 and who shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency;
- G. The name and address of every holder of a recorded mortgage on the premises;
- H. 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;
- I. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit and approximate dimensions of same; and
- J. Whether the building is equipped with sprinklers or other fire suppression equipment including details as to type.
- K. Whether the building is equipped with emergency exits such as fire escapes.

- L. The number of persons permitted to occupy the unit by the owner and operator. This number shall not be greater than the maximum occupancy permitted by applicable health and fire regulations.
- M. The number of minors permitted to occupy the unit by the owner and operator.
- N. Whether pets are permitted in the unit and any limitation on the nature, number, or type of pets imposed by the owner or operator.
- O. The street address and unit designation of the unit being registered.
- P. The names of all "registered" tenants and their approximate age.

SECTION 6 – EXEMPTION FROM REGISTRATION. Owners of a two-family residential property in which one unit is owner-occupied shall, pursuant to the provisions of *N.J.S.A. 46:8-28.5*, not be required to register *if* (a) the property has been certified to be free of lead-based paint; (b) the property was constructed during or after 1978; (c) the property is a seasonal rental unit which is rented for less than six months duration each year; or (d) the property has been certified as having a lead-free interior by a certified inspector. Additionally, any unit that is occupied by family members who are not paying rent or there is no rent for other consideration is exempt from the provisions of this ordinance only if the owner files a Non-rental Affidavit with the City.

SECTION 7 - REGISTRATION FORM; INDEXING AND FILING; PUBLIC INSPECTION FEE: The Housing Office shall index and file the registration forms and make them reasonably available for public inspection. In doing so, the Housing Office shall follow the mandates of *N.J.S.A. 46:8-28.1* as amended and supplemented. Information obtained through this registration and approval process may be shared with emergency service providers as they may request or require.

SECTION 8 - REGISTRATION FORM; AMENDMENTS; FILING: Every person required to file for registration and an approval pursuant to this Ordinance, shall file an amended registration form within twenty (20) days after any change in the information required. No fee shall be required for the filing of an amendment, except where the ownership or tenancy of the premises is changed.

SECTION 9 - PERIODIC INSPECTIONS: All rental units are required to comply with the provisions of this ordinance regarding periodic property inspections. No landlord registration certificate of approval will be issued without such compliance.

- (a) Each rental unit shall be inspected at least once in every 12-month period and upon each change in tenancy, for purpose of the issuance of a Certificate of Approval.
- (b) The inspection shall be performed by a person, persons or agency duly authorized and appointed by the City. Inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the City shall not be used as a valid substitute.
- (c) The inspection shall be for the purpose of determining if the property complies with the Property Maintenance Code, Uniform Construction Code, Building Code, Housing Code, and/or the Uniform Fire Safety Act.

Upon completion of all necessary inspections, and/or compliance with any necessary corrective actions, and on the payment of the appropriate fees, the Inspector shall, within ten (10) days of the inspection, compliance with and completion of all necessary corrective actions, and on the payment of the appropriate fees, cause to be issued a Certificate of Approval pursuant to Beverly Municipal Code.

- (d) **UNSATISFACTORY INSPECTION:** In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, the property shall not thereafter be registered, and the owner of the property, or his agent, shall not lease or rent the property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable Code(s) and the property is thereafter subsequently re-inspected, approved and registered. In the event the inspection reveals the existence of any violations as defined in this Ordinance and/or any of the applicable codes, any and all corrective action shall be made and completed, notwithstanding any other provisions set forth in the Beverly Municipal Code, within thirty (30) days of the inspection and if not made and/or completed within that time period, the owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of this Ordinance. The Inspector may, in the exercise of his/her discretion, in appropriate cases, grant an extension of time not to exceed sixty (60) days in which to complete the necessary maintenance, repairs, and corrective actions.
- (e) **HEALTH and SAFETY VIOLATIONS:** In the event that the inspection(s) of a rental unit indicates the presence of any health or safety violations constituting a threat to human safety, immediate corrective action is to be taken in accordance with the property maintenance code of the City of Beverly.

SECTION 10 - ACCESS FOR INSPECTIONS, REPAIRS, COMPLAINTS:

- (A) Every Landlord shall make his rental property available for inspection by the appropriate City officials as required by this ordinance and elsewhere in the City Code or State statutes. Landlords shall provide notice to their tenants in their leases or otherwise, that access to the leasehold premises for required City inspections shall be given during normal business hours to City inspectors exhibiting appropriate identifying credentials. Every tenant shall give the owner of the rental facility and rental unit access to any part of the rental facility and rental unit at all reasonable time for the purposes of inspection and/or repair as are necessary to offset compliance with the provisions of this Ordinance or any lawful order issued pursuant thereto. If repairs are not completed and inspected within thirty (30) days a full inspection will have to be conducted after payment of a Fifty Dollar (\$50.00) inspection fee.
- (B) **COMPLAINTS:** In addition to the annual inspections provided for herein, within ten (10) days of receipt of a complaint alleging a reported violation of this Ordinance, an

inspecting officer shall conduct an inspection in accordance with the procedure set forth herein.

SECTION 11 - PROHIBITIONS ON OCCUPANCY: No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the City, which is not registered and approved under this Ordinance.

SECTION 12 - CERTIFICATE OF APPROVAL: Upon the filing of a completed registration form, payment of the prescribed fee and compliance with inspection requirements, the owner shall be entitled to the issuance of a Certificate of Approval commencing on the date of issuance and expiring on the same date of the next calendar year. A registration form shall be required for each rental unit, and a Certificate of Approval shall be issued to the owner for each rental unit, even if more than one (1) rental unit is contained in a property.

SECTION 13 - FEES: At the time of the filing of the registration form, and prior to the issuance of a Certificate of Approval, the owner or agent of the owner shall pay an annual registration fee of One Hundred Dollars (\$100.00), which includes the first inspection. Second and subsequent inspection will be charged a fee of Fifty Dollars (\$50.00), which must be paid prior to an inspection being scheduled. If the inspector arrives for an inspection and no one is there to permit access, another Fifty Dollar (\$50.00) will be required prior to scheduling the next inspection. In the event that a registration is not renewed within thirty (30) days of the expiration of the prior year's approval, an additional late fee of Fifty Dollars (\$50.00) will be charged.

SECTION 14 – COPY OF APPROVAL TO BE PROVIDED TO TENANTS. Every Landlord shall provide each tenant occupying one of his rental units with a copy of the Certificate of Approval required by this Ordinance. This 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*. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

SECTION 15 - MAXIMUM NUMBER OF OCCUPANTS; POSTING: The maximum number of occupants permitted under the lease or pursuant to applicable health and fire safety regulations, whichever is the lesser number, shall be posted in each rental unit. It shall be a violation of this ordinance for the Landlord to permit more persons than this number to occupy the rental premises.

SECTION 16 - TAXES AND OTHER MUNICIPAL CHARGES; PAYMENT PRECONDITION FOR REGISTRATION AND APPROVAL: No rental unit may be registered and no Certificate of Approval shall issue for any property containing a rental unit unless all municipal taxes and any other municipal assessments are paid on a current basis.

SECTION 17 - OTHER RENTAL UNIT STANDARDS: All dwelling units shall be maintained in accordance with current building and construction codes as from time to time adopted by the Common Council of the City of Beverly.

SECTION 18. PENALTIES. Any person found in violation of any of the provisions of this ordinance shall, upon conviction, be sentenced up to \$2000.00. In addition to this fine, the Court in its discretion may sentence such person to term of community service for a period not

exceeding ninety (90) days and / or imprisonment for a period not exceeding ninety (90) days per violation.

SECTION 19 - SEVERABILITY: If any section, subsection, paragraph, sentence, or other part of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the judgment shall not affect, impair, or invalidate the remainder of this Ordinance, which shall remain in full force and effect.

SECTION 20 - REPEALER: Any provisions of the Municipal Code of the City of Beverly that are found to be inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 21 - EFFECTIVE DATE: The Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

CERTIFICATION

The above entitled Ordinance 2016-9 was passed on First Reading/Introduction at a regular meeting of the Common Council of the City of Beverly held on September 13, 2016 at 7PM at Beverly City Hall. It will be further considered for Final Passage/Adoption after a Public Hearing to be held at Council's regularly scheduled meeting on September 27, 2016 at 7PM at Beverly City Hall at which time and place all those wishing to be heard on same will be so heard. Copies of said Ordinance will be available at the Clerk's office, 446 Broad Street, Beverly, NJ 08010, to member of the general public prior to and at the Public Hearing.



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

The aforementioned Ordinance was finally Adopted after Second Reading and Public Hearing at Council's September 27, 2016 meeting held at 7PM at Beverly City Hall.



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

Introduced: September 13, 2016
Published: September 16, 2016 (BCT)

Adopted: September 27, 2016
Published: October 4, 2016 (BCT)