**ORDINANCE 2023-07**

**AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ESTABLISHING LIABILITY INSURANCE AND ANNUAL REGISTRATION REQUIREMENTS FOR LANDLORDS**

**WHEREAS,** the State of New Jersey requires that the owner of a business maintain liability insurance for negligent acts and omissions in an amount of not less than $500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence; and

**WHEREAS,** the State of New Jersey requires that such landlords annually register with the municipality the certificate of insurance demonstrating compliance with the liability insurance requirements; and

**WHEREAS,** the State of New Jersey permits municipalities to establish a reasonable administrative fee for the required certificate of registration, as well as fines for noncompliance; and

**WHEREAS**, the Town of Hackettstown seeks to protect the health, safety, and well-being of its residents.

**NOW THEREFORE BE IT ORDAINED,** by the Mayor and Common Council of the Town of Hackettstown, County of Warren, State of New Jersey, as follows:

**Section One**: Chapter 7 of the Towns Code, entitled “Building Regulations”, Article 6, entitled “Rental Property Regulations and Licensing of Landlords” is hereby amended to read as follows:

7-39 Purpose

[Shall remain unchanged]

7-40 Definitions

[Shall remain unchanged]

7-41 License and Insurance Required

1. It shall be unlawful for any person, firm, corporation, partnership, or other entity to offer residential property for rent, lease, or let any residential property to any person or persons without first registering with the Landlord Registration Office and obtaining a license from the Town of Hackettstown as provided in this chapter.
2. The owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than $500,000 for combined property damage and bodily injury to or death of one or more persons in any on accident or occurrence.
3. The owner of a multifamily home or residence which is four or fewer units, one of which is owner occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than $300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

7-42 Rental Property License Registration.

1. An Owner who seeks to rent, lease, or let a residential property within the Town of Hackettstown shall apply and register, on an annual basis, for a license. To obtain the license, an Owner shall submit the Landlord’s Rental Property Registration Statement, Certificate of Liability Insurance, and the required registration and licensing fee with the Landlord Registration Office no later than May 1st of every year.
2. The Landlord’s Rental Property Registration Statement shall include, at minimum, the following information:
3. The address of the rental property;
4. The number of dwelling units in the rental building;
5. The name, address, phone number, and emergency contact information of the rental property owners of record; and
6. A floor plan of the rental property or unit, which shall depict the number, dimensions, and location of each room in the unit. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the sketch provided by the property owner, which shall remain on file with the Landlord Registration Office.
7. The Certificate of Liability Insurance shall provide evidence of compliance with the insurance coverage requirements of this chapter.

7-43 License Fee.

The annual registration and license fee shall be $25.00 per unit, except the annual registration and license fee for apartment complexes with more than ten (10) rental units shall be $12.50 per unit. The annual registration and license fee shall be due no later than May 1st of each year.

In the event the ownership of the property is transferred during the license period, or a new rental unit is established, the new owner shall apply for a license within twenty (20) calendar days of the transfer or establishment of new unit. The fee shall not be prorated but shall be $25.00 for the balance of the license term.

7-44 Revocation of License.

[This Section shall remain unchanged and in effect].

7-45 Exceptions.

The provisions of this Article shall not apply to Not For Profit Housing Corporations or rental property restricted to senior housing or housing for the developmentally disabled.

7-46 Issuance of License; Application of Standards

Following submission of the Landlord’s Rental Property Registration Statement, Certificate of Liability Insurance, and registration and licensing fee, the Landlord Registration Office shall review the documents and make a determination on the issuance of the license. Such license shall be granted so long as the documents as well as the rental unit is found to be in compliance with local, state, and federal laws, regulations, ordinances, and codes. No owner shall offer any rental unit for rent to any person or persons without first obtaining a license for that rental unit from the Town of Hackettstown.

7-47 Occupancy.

1. No person shall occupy any rental unit, nor shall the owner permit occupancy of any rental unit unless the unit is registered in accordance with this Ordinance.
2. In every dwelling unit, every room occupied or intended to be occupied for sleeping purposes by on person shall have a minimum useable floor area of 70 square feet and every room occupied or intended to be occupied for sleeping purposes by more than one person shall have a useable floor area of at least 50 square feet for each person. Under no circumstances shall more than two persons occupy one room for sleeping purposes. Kitchens, nonhabitable spaces, and interior public areas such as hallways, and all portions of living and dining rooms shall not be used for sleeping purposes. The owner shall post the maximum number of occupants in a conspicuous area within the rental unit. It shall be unlawful for any person, including the owner, agent or tenant, to allow a greater number of persons than the posted maximum number of occupants to reside in the rental unit or allow a greater number of persons to use or occupy a room for sleeping purposes that does not meet the requirements of the Section.
3. Only the maximum number of tenants as set forth in the landlord registration statement may reside in the registered premises. It shall be unlawful and a violation of this Ordinance for individuals to occupy the premises in excess of the maximum permitted. This provision may be enforced against the landlord and tenant and/or other person residing in the premises.
4. No rental property or unit shall be conducted or maintained in a manner to constitute a nuisance.
5. Owners are required to enter into a written lease with the persons renting each unit. In every written lease for each rental unit, the Landlord shall include the following: i. A statement setting forth the maximum number of residents permitted in the unit and the location of designated and permitted sleeping areas.
6. Owners shall be held fully liable to the Town for relocation costs incurred due to the displacement of any tenants pursuant to N.J.S.A. 20: 4-4-1.

7-48 Violations and Penalties.

Violations of this Article shall be issued by the Code Enforcement Officer in writing subject to the following fines:

1. First Violation: $500.00
2. Second Violation: $2,500
3. Third Violation: $5,000

In addition to the fine set forth above, the Court may impose imprisonment for a term not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days, or both. It shall be deemed a separate and distinct violation, subject to the penalty provisions of this Ordinance, for each and every day that such violation continues and for each and every rental property and/or rental unit for which the violation continues.

7-49 Landlord Registration with Town Clerk

In addition to the requirements set forth in this chapter, and pursuant to N.J.S.A. 46:8-28, every Owner shall file with the Town Clerk a Certificate of Registration on the form prescribed by the Commission of Community Affairs.

**Section Two**: If any section, subdivision, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, paragraph, clause, or provision and the remainder of this ordinance shall be deemed valid and effective. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**Section Three**: This ordinance shall take effect upon final passage and publication thereof according to law.

**NOTICE**

Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Common Council of the Town of Hackettstown, New Jersey, held on June 8, 2023, and that at a regular meeting of the same to be held on July 13, 2023 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, at the hour of 7:00P.M., the said Common Council will conduct a public hearing and will consider the final passage of said ordinance.

 Paola J. Reilly

 Town Clerk/Administrator

**ORD 2023-07**

**AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ESTABLISHING LIABILITY INSURANCE AND ANNUAL REGISTRATION REQUIREMENTS FOR LANDLORDS** was the subject of a public hearing and was duly considered at a meeting of the Common Council of the Town of Hackettstown held on July 13, 2023 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey and said Ordinance was thereupon adopted upon final passage.

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 Paola J. Reilly

 Town Clerk/Administrator

The above Ordinance is approved this

13th day of July, 2023

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Gerald DiMaio, Jr., Mayor