

**ORDINANCE NUMBER 1878 OF 2013**

**AN ORDINANCE AMENDING THE GALLOWAY TOWNSHIP CODE TO INCLUDE  
A CHAPTER ENTITLED LANDLORD RESPONSIBILITY**

**WHEREAS**, it is necessary to ensure that landlords of rental properties are held to standards of responsibility in the selection of tenants and the supervision of rental premises; and

**WHEREAS**, the Township of Galloway needs the authority to take effective action to assure that disturbances, damage and expense resulting from irresponsible rentals and inadequate supervision of such rentals shall not be repeated; and

**WHEREAS**, the Township Council has the authority to adopt an Ordinance to limit and discourage the excesses which can arise from irresponsible rentals and inadequate supervision by landlords.

**NOW BE IT THEREFORE ORDAINED** by the Township Council of the Township of Galloway, County of Atlantic, State of New Jersey, as follows:

**SECTION 1. DEFINITIONS.**

Article I. Registration of Rental Units. As used in this Chapter, the following terms shall have the meanings indicated:

- A. "Agent" or "Managing Agent" means an individual or entity designated by the owner and authorized to perform any duty imposed upon the owner by this Chapter. Such term may include a licensed real estate broker or salesman of the State of New Jersey if such person is designated by the owner as such an agent.
- B. "Hearing Officer" means the Township Manager or designee.
- C. "Landlord" or "Owner" means the person, persons or entity which owns or purports to own a Rental Unit. In the case of a mobile home park, Landlord shall mean the owner of an individual dwelling unit within the mobile home park.
- D. "Registration" means the document issued by the Construction Office confirming that a specific Rental Unit has been properly registered in accordance with this Chapter. Such Registration is in addition to the requirements for the issuance of a Continued Certificate of Occupancy pursuant to Section 153-11.2.
- E. "Quality of Life Violations" means, in addition to conduct which is otherwise prohibited by State Statute or Township Code, to knowingly allow or permit in, upon or in proximity to any Rental Unit conduct which substantially impairs the public safety, health or welfare including, but not limited to: loud and abusive noise; loud gatherings;

boisterous activity; loud, unruly and profane language; consumption or possession of alcoholic beverages by persons under the legal age; overcrowding upon or in proximity to the Rental Unit; use of fireworks; public urination; excessive noise of such a character, intensity or duration as to be detrimental to the life, health and welfare or which unreasonably endangers the comfort, peace and repose of neighboring residents; the placement or disposal of bottles, cups, containers, or other debris on or about the exterior of the Rental Unit or any other property in the vicinity and it shall be a violation if such material is not removed by 9am following an event; and any other disorderly acts which unreasonably disturb the peace and good order of the neighborhood and community.

- F. "Rental Unit" means any home, apartment, dwelling, building or dwelling unit of any kind which is rented or offered for rent as housing space for living or dwelling purposes under either a written or oral lease. However, for purposes of this Chapter, a Rental Unit shall not include owner occupied 2 unit premises.
- G. "Substantiated Complaint" means a complaint for a violation of this Chapter, any provision of Title 2C of the New Jersey Statutes or any Township ordinance governing disorderly conduct, upon or in proximity to any Rental Unit, and attributable to the acts or incitements of any of the tenants of those premises which has been substantiated by prosecution and conviction in any court of competent jurisdiction.

## **SECTION 2. REGISTRATION.**

- A. All Rental Units shall be registered with the Construction Office on forms which shall be provided for that purpose. Such registration is required every year or whenever there is a change in occupant, whichever occurs first. The required fee shall be the fee set forth in Section 153-11.2 for a Continued Certificate of Occupancy for rental property. This registration is in addition to the certificate required pursuant to Section 153-11.2. No Rental Unit shall be rented unless the Rental Unit has been registered in accordance with this Chapter.
- B. Upon receipt of the appropriate registration form, payment of the required fee set forth in Section 153-11.2 and the successful completion of the inspection required by Section 153-11.2, the Construction Office shall issue to the Owner or Agent a certificate stating that the Rental Unit has been appropriately registered pursuant to the provisions of this Chapter and has been registered to allow occupancy subject to the conditions and requirements set forth in this Chapter.
- C. The required inspection by the Construction Office shall, in addition to confirming compliance with the requirements of Section 153-11.2, shall also be for the purpose of determining compliance with the requirements of Chapter 233 Land Management.
- D. In the event that the inspection of a Rental Unit does not result in a satisfactory inspection, such property shall not thereafter be registered and the Owner of the property or Agent shall not lease or rent or allow occupancy of such property nor shall

any Tenant occupy such property until the necessary corrections have been made so as to bring the property and Rental Unit into compliance with the applicable Code requirements

- E. The registration forms shall be indexed and maintained in the Construction Office. The Landlord and, if applicable, the Agent of any Rental Unit shall insure that a copy of the registration form has been provided to the Tenant. As necessary, copies of the registration forms shall be made available to the Police Department.
- F. Landlords with five (5) or more Rental Units and Managing Agents which manage five (5) or more Rental Units shall provide to the Construction Office and the Police Department a list of the tenants occupying each Rental Unit and such list shall be updated on a monthly basis.
- G. All new leases or renewals or extensions of leases shall contain in such lease language indicating that said lease is subject to the requirements of this Chapter. A copy of this Chapter shall be provided to each new tenant.

**SECTION 3. TAXES AND OTHER MUNICIPAL CHARGES.** No Rental Unit may be registered or renewed for any property containing a Rental Unit unless all municipal taxes, sewer charges and any other municipal assessments are fully paid and current.

**SECTION 4. FAILURE TO REGISTER.** No Landlord or Agent on behalf of a Landlord shall rent or permit the rental of a Rental Unit unless such property has been registered pursuant to this Chapter. Also, no Rental Unit shall be occupied by any person or persons until and unless registered pursuant to this Chapter.

**SECTION 5. VIOLATIONS.** It shall be a violation of this Chapter to fail to appropriately register any Rental Unit. It shall also be a violation to continue the rental of a Rental Unit after the suspension or revocation of its registration. It shall also be a violation of this Chapter for any tenant to engage in any Quality of Life Violation or for the Landlord or Agent to knowingly permit repeated Quality of Life Violations at or about a Rental Unit, unless a good faith effort and appropriate action is taken to address the Quality of Life violations.

**SECTION 6. REPEATED QUALITY OF LIFE VIOLATIONS.** On each occasion that a tenant in a Rental Unit or such tenant's guest, visitor or invitee commits a Quality of Life Violation, a notice of such violation shall be sent by certified and regular mail to the owner and, if applicable, Agent. It is the obligation of the Landlord and the Landlord's Agent to take all reasonable and appropriate action to abate further Quality of Life Violations at the Rental Unit and to make a good faith effort to abate the conditions or circumstances giving rise to such Quality of Life Violations. In the event that the Landlord or the Landlord's Agent fails to take such reasonable and appropriate action to abate further Quality of Life Violations or to make a good faith effort to abate the conditions or circumstances giving rise to such Quality of Life Violations, the Landlord and the Landlord's Agent shall be subject to the fines and penalties set forth in Section 7 upon the occurrence of a third Quality of Life Violation with respect to an individual rental unit within any 18 month period and shall be subject to such

finances and penalties upon the occurrence of a second Quality of Life Violation but only if it significantly impacts the neighboring properties or the community. In addition to the fines and penalties set forth in Section 7, the Landlord and the Rental Unit may be subject to the suspension or revocation of the Registration for such Rental Unit as set forth in Section 8.

#### **SECTION 7. FINES AND PENALTIES.**

- A. Any person violating any provision of this Chapter shall, upon conviction, be subject to the following fines and penalties. Such fines and penalties shall be in addition to any possible suspension or revocation of the Registration.
  - i. Failure to register or maintain registration: a fine not less than \$100.00 and not more than \$1,000.00 for each violation. Each Rental Unit is a separate violation and each day is a separate violation.
  - ii. Quality of Life violations: a fine of not less than \$100.00 and not more than \$1,500.00 for each violation. Each separate act or conduct constituting a Quality of Life violation is a separate violation and, if the act or conduct is continuing, each day is a separate violation.
- B. In addition to the fines set forth above, the Court may impose a sentence of imprisonment in the Atlantic County Jail for any term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days.
- C. Any person who is convicted of violating this Chapter within one (1) year of the date of the previous violation and was fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender. Such violation need not be with respect to the same Rental Unit. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation.

#### **SECTION 8. REVOCATION OR SUSPENSION OF REGISTRATION.**

In addition to any other penalty provided for in this Chapter, a Rental Unit may be subject to the revocation or suspension of its Registration based upon the following:

- i. The occurrence of a third Quality of Life Violation with respect to an individual Rental Unit within any eighteen (18) month period. In addition, the rental unit may be subject to revocation or suspension upon the occurrence of a second Quality of Life Violation but only if it significantly impacts the neighboring properties or the community. In order to support the suspension or revocation under this Section it need not be shown that the convictions are of the same individual or individuals, but only that such convictions involved conduct occurring on separate occasions over such period.

- ii. Maintaining the Rental Unit or the property in which the Rental Unit is a part in a dangerous condition having a significant risk of injury to person or other property.
- iii. A significant false, misleading or fraudulent statement made in the registration form, in connection with the inspection of the Rental Unit or otherwise under this Chapter.
- iv. A pattern of conduct which results in creating, maintaining, permitting or suffering the existence of any of the following conditions at or about the Rental Unit:
  - a. A nuisance as that term is defined in N.J.S.A. 2C:33-12; provided, however, the conviction of such person or persons under that statute should not be required in order for the Township to take action under this Chapter.
  - b. The failure or refusal to comply with any reasonable directive of the Township concerning the abatement of conduct prohibited by this Chapter.
  - c. It shall be the defense to any proceeding for the suspension or revocation of a rental Registration to demonstrate that the Owner or Agent has taken all reasonable and appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the suspension or revocation proceeding. Such efforts may include, but not be limited to, the institution of legal action against the Tenant.

## **SECTION 9. PROCEDURE FOR SUSPENSION OR REVOCATION.**

- A. A written complaint seeking the suspension or revocation of a rental Registration may be filed by the Chief of Police or designee or the Department Head of the Construction Office or designee. The complaint shall be filed with the Township Clerk and shall be sufficiently detailed so as to inform the Landlord of the charges pending and state the particulars of any substantiated violations underlying the charges. The complaint may be filed on the basis of information and belief and the complainant need not rely on personal knowledge or information.
- B. Upon the filing of such a written complaint, the Township Clerk shall immediately mail a copy of the complaint to the Landlord and Managing Agent, if any, at the addresses indicated on the registration form and to the name appearing on the tax records if different from that of the Landlord. The complaint shall be accompanied by a notice that a hearing will be scheduled not sooner than 10 no more than 30 days after service of the complaint. The Hearing Officer shall fix the date for the hearing. The complaint

and notice shall be sent by certified mail, return receipt requested and by regular first class mail. Delivery shall be deemed completed if the regular mail is not returned.

**SECTION 10. HEARING.**

- A. At the hearing convened pursuant to this Chapter, the Hearing Officer shall give full hearing to both the complaint of the Township and to any evidence in contradiction or mitigation that the Landlord, if present or represented and offering such evidence, may present. The Hearing Officer may consider, to the extent deemed relevant by the Hearing Officer, prior complaints regarding the Rental Unit. At the conclusion of the hearing, the Hearing Officer shall determine whether the rental Registration shall be suspended or revoked.
- B. Any Registration suspension or revocation shall be in accordance with the judgment of the Hearing Officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based and adequate to be protective of public and private property and disruption of affected residents' rights of fair use and quiet possession of their premises.
- C. Within fifteen (15) days of the conclusion of a hearing, the Hearing Officer shall issue written findings of fact and conclusions which shall then be provided to the Landlord and the Township Council. The Township Council shall review the findings of fact and conclusions and may accept, reject or modify recommendations of the Hearing Officer. The Landlord shall be permitted, but not required, to submit to the Township Council written comments or objections to the findings of fact and conclusions. Any such submission must be made within five (5) days of the Landlord's receipt of the Hearing Officer's report.
- D. A verbatim record shall be made of the hearing. All witnesses shall be sworn prior to testifying. However, the strict rules of evidence shall not apply and the evidentiary rules and burden of proof shall be that which generally applies to administrative hearings.

**SECTION 11. CONDITIONAL RENEWAL OF RENTAL REGISTRATION.** If any rental Registration is subject to a proceeding for suspension or revocation, it may nevertheless be renewed pending the determination of such proceeding.

**SECTION 12.** All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 13.** The Ordinance shall take effect upon final passage, approval and publication as provided by law.

**SECTION 14.** To the extent that any part or parts of this ordinance are repealed or otherwise modified or voided by the State Statute or case law, the remaining sections of this ordinance shall remain in full force and effect.

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed first reading at a regular meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on the 22<sup>nd</sup> day of October, 2013 and said ordinance will be further considered for final passage and adoption and the public hearing held thereon at a regular meeting of the Township Council to be held in the Municipal Building, 300 E. Jimmie Leeds Road, Galloway, NJ 08205, on the 12<sup>th</sup> day of November, 2013 at 6:30 pm.

**BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF GALLOWAY**

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Thalia C. (TC) Kay, RMC  
Township Clerk

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Bassford					
Coppola					
Gorman					
McElwee					
Purdy					
Tyrrell					
Ullman					