

HOPEWELL TOWNSHIP

ORDINANCE NO. 15-10

**AN ORDINANCE REGULATING RESIDENTIAL RENTAL HOUSING
IN THE TOWNSHIP OF HOPEWELL IN CUMBERLAND COUNTY**

Section 1 - Square footage & occupancy.

The square footage of habitable area for residents residing therein shall be:

- A. A minimum of 200 square feet of habitable floor area within each dwelling unit, for each occupant residing therein.
- B. A minimum of one bedroom for each two occupants residing therein.
- C. No person shall rent to another for residential occupancy any residential dwelling, or dwelling unit for the purpose of living therein which does not conform to Section 1 of this ordinance.

Section 2 – Condition.

- A. No person shall rent to another for residential occupancy any dwelling, or dwelling unit, for the purpose of living therein, unless the dwelling unit is safe, sanitary, fit for human habitation.
- B. All residential rental housing shall meet the requirements of the International Property Maintenance Code.

Section 3 – Housing Officer.

A. The provision of housing officer is hereby created and employment of a qualified person for the purpose is hereby authorized. The housing officer shall be appointed by the Mayor with the advice and consent of the Township Committee. The term of office shall be one year. Any person appointed as housing officer shall continue to hold the office until his, or her successor has been appointed and qualified. The housing officer shall receive, as a salary of such sums as maybe fixed and adopted by the Township Committee, and the salary ordinance, from time to time. In addition, the housing officer shall be reimbursed for all reasonable expenses necessarily incurred in the performance of the duties of the office.

B. The housing officer shall perform all duties and responsibilities as set forth in this ordinance, and such other duties and responsibilities as may be assigned, by the Township Committee, from time to time.

Section 4 – Right of Access.

The housing officer is hereby authorized and directed to make inspections to determine the condition of a dwelling unit in order to safeguard the health and safety of the occupants of the dwellings, and of the general public. For the purpose of making such inspections, the officer is hereby authorized to enter, examine, and survey, at all reasonable times, all residential rental dwelling units. The owner of every residential dwelling unit or the person in charge thereof shall give the officer free access to such dwelling unit at all reasonable times for the purpose of such inspections.

Section 5 – Certificate of Inspection upon sale, or lease.

A. No owner or agent thereof shall hereafter sell, rent, or let to any person, or persons, other than an immediate family member, whether or not for consideration, any dwelling, or dwelling unit, unless a Certificate of Inspection shall first have been obtained from the housing officer of Hopewell Township. Said Certificate shall specify the maximum number of tenants and certify that the dwelling is fit for human habitation, and otherwise complies with this ordinance. No tenant or occupant shall sublease, sublet, or permit the use of a dwelling unit without following the above procedure.

B. For purposes of this ordinance, any real estate broker and/or agent rendering services to an owner in the selling, renting, or leasing of property as set forth in Subsection A, immediately above, shall be deemed to be an agent of the owner. In the event that the agent is charged with a violation of this section, as an affirmative defense to said charge, the agent may present a notice to the owner from the agent notifying the owner of the obligation on the part of the owner to obtain a certificate of inspection under this ordinance, provided that said notice to the owner, from the agent, is either sent by certified mail, or is accompanied by a receipt to which seller has affixed seller's signature acknowledging receipt of said notice.

C. Any residential rental unit owner shall report such change to the housing officer, and obtain a new Certificate of Occupancy before allowing a change in occupancy. In the event that a unit has been inspected within the past twelve months, an annual inspection shall not be required under this section until one year has passed from the date of the most recent inspection. In such cases, a new occupancy certificate shall be issued for the new occupant(s) without an additional inspection.

An owner may request additional inspections on an as needed basis. A reinspection will carry a reinspection fee as adopted annually by Township Committee.

Section 6 – Registration of Residential Rental Premises.

The owner of any building, within the Township of Hopewell in Cumberland County containing any dwelling unit shall, annually, on or before March 31 of each year,

or within ninety (90) days of the creation of the residential rental dwelling unit, whichever is later, upon a form provided by the Housing Officer, in the Hopewell Township Municipal Building, register each, and every such unit in said premises, designating thereon:

A. Name, mailing address, contact telephone number and/or e-mail address of the owner.

B. Name and address of the local individual or entity charged with responsibility for the maintenance of said property.

C. Names and addresses of all tenants, and members of tenant's household.

In the event that the building is sold, the new owner shall be required to register the unit as set forth above.

D. There is no registration fee.

Section 7 – Annual Inspections.

A. The owner of every residential rental dwelling unit subject to annual inspection shall pay an annual inspection fee as set in the annual resolution of township fees.

B. Dwellings Exempt from inspection: The annual inspections provision of this ordinance shall not apply to migrant labor housing regulated by N.J.S. 34:9A-1 *et seq.* nor shall it apply to residential rental units subject to inspections under the Hotel and Multiple Dwelling Unit law, N.J.S. 55 13A-1 *et seq.*

C. Every application for the issuance of a Certificate of Occupancy, as stipulated in Section 3 of this Ordinance shall be accompanied by a residential dwelling unit inspection fee in the amount as set in the annual Resolution of Township Fees.

D. When a reinspection is required, the owner shall pay a reinspection fee As set in the annual Resolution of Township Fees.

Section 8 – Housing Permit.

No person shall rent, lease, or let to any occupant, or occupants, other than an immediate family member, whether or not for consideration, a residential dwelling unit, unless a housing permit has been obtained from the housing officer. The housing permit shall be valid for a period of one year. The housing permit shall be posted on the interior surface of the primary entrance door to the residential rental dwelling unit. The record title owner shall be responsible to renew the housing permit annually.

Section 9 - Notice of Violation.

A. Whenever the officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article, the officer shall give notice of the alleged violation to the record title owner, and to any agent of the record title owner, and to the occupants of the residential rental dwelling unit.

B. After service of a notice of violation, the officer may proceed to establish a reasonable time for the correction of the violation, and for an opportunity of affected persons to be heard. In the event a reinspection reveals that the alleged violation has not been corrected, and the residential rental dwelling unit continues to not conform, in all respects, to the provisions of this ordinance, the officer, in addition to all other remedies, may revoke the housing permit issued under this ordinance for that unit.

C. Each day such violation is committed, or permitted to continue, will constitute a separate offense, and shall be punishable, as such, hereunder.

Section 10 – Emergencies.

Whenever the officer finds that an emergency exists which requires immediate action to protect the public health, or safety, the officer may, without notice or hearing, issue an order reciting the existence of such emergency, and requiring that such action be taken as the officer deems necessary to reasonably meet the emergency. Notwithstanding any other provision, such order shall be effective immediately. Any persons to whom such order is directed shall comply therewith immediately, but upon written request to the officer shall be afforded a prompt hearing in accordance with due process of law.

Section 11- Tenant Compliance.

No tenant or occupant of any residential rental dwelling unit shall occupy any such unit which does not comply with the provisions of this ordinance.

This provision will not apply, however, in cases of occupancy by an immediate family member, as so certified in a sworn, written statement provided by the owner to the Township Housing Officer.

Section 12 – Penalty.

The failure to comply with any of the provisions of this ordinance shall be punishable by a fine of up to \$1,000.00 for each violation.

Section 13 – Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, said

invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application of the Ordinance.

Section 14 – Ordinance No. 98-03 is hereby repealed and replaced with this ordinance.

Section 15 – Effective Date: This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

TOWNSHIP OF HOPEWELL

Bruce R. Hankins, Mayor

Roll Call: Introduction

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Bruce R. Hankins			√			
Paul Ritter III		√	√			
Greg Facemyer						√
Robin Freitag	√		√			
Joseph Shoemaker				√		

Roll Call: Adoption

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Bruce R. Hankins			√			
Paul Ritter III	√		√			
Greg Facemyer						√
Robin Freitag		√	√			
Joseph Shoemaker				√		

CERTIFICATION:

I hereby certify that this is a true copy of Ordinance 15-10 adopted by the governing body of the Township of Hopewell, Cumberland County, at a regular meeting held on September 24, 2015 at 6:30 PM at the Hopewell Township Municipal Building, 590 Shiloh Pike, Bridgeton, New Jersey 08302

Susan A. Quinones, Township Clerk

First reading: September 10, 2015

Publication of Public Hearing: September 16, 2015

Final adoption: September 24, 2015

Publication of Final Adoption: September 30, 2015