**O: 2017-08**

**AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY**

**OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 464 “RENTAL PROPERTY,”IN ORDER TO REVISE SECTIONS 464-2 “DEFINITIONS,” 464-4 “RENTAL PROPERTY REGISTRATION,” 464-5 “LICENSE REQUIRMENTS; SUSPENSION OR REVOCATION OF LICENSE,” AND 464-7 “PREREQUISITES TO OCCUPANCY; MAXIMUM NUMBER OF OCCUPANTS”**

**WHEREAS,** § 464-2 of the Code of the Town of Phillipsburg contains definitions for Chapter 464 “Rental Property”; and

**WHEREAS,** § 464-4 of the Code of the Town of Phillipsburg regulates “Rental Property Regulation”; and

**WHEREAS,** § 464-5 of the Code of the Town of Phillipsburg regulates “License Requirements; Suspension or Revocation of License”; and

**WHEREAS,** § 464-7 of the Code of the Town of Phillipsburg regulates “Prerequisites to Occupancy; Maximum Number of Occupants”; and

**WHEREAS,** the Town finds the current code to be unworkable and in need of revision; and

**WHEREAS,** the Town desires to address the requirements for a Certificate of Habitability and the suspension or revocation of licenses; and

**NOW THEREFORE BE IT ORDAINED** by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey amends § 464-2, § 464-4, § 464-5, and § 464-7 of the code as follows:

**Section 1**

Section 464-2 of the Code of the Town of Phillipsburg shall be amended as follows:

[**§ 464-2. Definitions.**](http://ecode360.com/print/PH0098?guid=11313217&children=true#11313220)

For use in this article only, the following words and phrases shall have the meanings respectively ascribed to them by this section:

[**CHANGE**](http://ecode360.com/print/11313221#11313221) **in TENANCY**

The addition of any person not included in the annual registration statement, or deletion of any person on the annual registration statement.

[**LANDLORD and OWNER**](http://ecode360.com/print/11313221#11313221)

Any person who owns any legally cognizable interest in any rental property, including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company.

[**OWNER-OCCUPIED**](http://ecode360.com/print/11313222#11313222)

The primary residential living unit of the owner is located within the rental property.

[**PEST MANAGEMENT PROFESSIONAL**](http://ecode360.com/print/31281796#31281796)

A person who: i) is licensed, registered, or certified by the State of New Jersey to perform pest control services; ii) has attended courses or undergone training on the proper method for the extermination of bedbugs; and iii) follows the National Pest Management Association Best Practices for the extermination of bedbugs.

[**PROPERTY MAINTENANCE**](http://ecode360.com/print/11313223#11313223)

The cleanliness and proper working order and upkeep of all areas and facilities of the rental unit, rental property or complex used by the tenants and the public.

[**RENTAL PROPERTY**](http://ecode360.com/print/11313224#11313224)

Any house, structure, building or complex which contains one or more individual residential rental units other than owner-occupied houses, structures or buildings.

[**RENTAL UNIT**](http://ecode360.com/print/11313225#11313225)

Includes that portion of a house, building or structure rented or offered for rent, for living and dwelling purposes to individuals or family units.

[**RESIDE**](http://ecode360.com/print/11313226#11313226)

To live or dwell permanently or continuously for more than 14 days. Said days need not be consecutive, but must occur within a reasonably short period of time to evidence an intent to utilize the rental unit as the person's primary place of residence.

[**TENANTS**](http://ecode360.com/print/11313227#11313227)

Those persons who have leased the rental unit from the owner, regardless of the type of tenancy under which they occupy the rental unit.

**Section 2**

Section 464-4, subsection (d) of the Code of the Town of Phillipsburg shall be amended as follows:

1. In the event the tenancy of a rental unit changes during the year, the owner or managing agent shall, within 30 days of the change in tenancy, provide an updated rental property registration statement. This shall be in addition to the requirement to obtain a certificate of habitability for the change of tenancy. Landlords who have not had a code violation in the last four (4) years will not require a new certificate of habitability for tenants who change during the year. This does not absolve the Landlord from updating the annual registration statement the following year nor does it absolve the Landlord from having the property inspected at least every two (2) years. Failure to provide the required information shall be deemed a violation of this article, and owners, managing agents and tenants may be held accountable for inaccurate rental property registration statements.

**Section 3**

Section 464-5 of the Code of the Town of Phillipsburg shall be amended as follows:

[§ 464-5 **License requirements; suspension or revocation of license.**](http://ecode360.com/11313219#11313246)

1. Following submission of a complete rental property registration statement, an owner will be granted a license for the subject rental unit so long as said 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, or shall rent, lease or let any rental unit to any person or persons, without first obtaining a license for that rental unit and the required certificate of habitability from the Town of Phillipsburg.
2. In the event ownership of a rental property is transferred during the license year, the new owner shall apply for a license within 20 days of the transfer.
3. In the event conviction(s) for violations of this chapter or any other local, state or federal law, regulation, ordinance or code related in any way to a rental unit covered by this article, the governing body may temporarily suspend or revoke the license for said rental unit after notice is given and an opportunity for hearing before the governing body has been provided. A license may only be revoked upon five days' notice of the grounds for revocation, served upon the owner and following a reasonable opportunity for the owner to be heard thereon before the governing body. Nothing herein shall preclude the immediate relocation of tenants at the owner's expense where an imminent threat to human health and/or safety exists.
4. In the event a landlord has been fined twice under Chapter 464 in the past two years, in addition to the penalties, fines and charges under § 464-11, the license for the property to be rented will be revoked for six (6) months. Three violations within two years will result in the revocation of the license to rent for twelve (12) months and will not be reinstated without a hearing before the governing body.

**Section 4**

Section 464-7, subsection (a) shall be amended as follows:

1. No person shall occupy any rental unit without first securing a certificate of habitability, nor shall the owner and/or managing agent permit occupancy of any rental unit unless the rental unit has been registered and licensed in compliance with the provisions of this article. A new certificate of habitability shall be obtained for changes in tenancy pursuant to the regulations set forth in § 464-4(d).

**Section 5**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**Section 6**

If any article, section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section 7**

This ordinance shall take effect immediately upon final publication as provided by law.

**ATTEST: TOWN OF PHILLIPSBURG**

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VICTORIA L. KLEINER, STEPHEN R. ELLIS

Municipal Clerk Mayor

DATED:

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their June 05, 2017 meeting.

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VICTORIA L. KLEINER,

Municipal Clerk