

BOROUGH OF NORWOOD

ORDINANCE NO. 2024:01

Chapter 181. Rental Property

Article IV. Short-Term Rentals

§ 181-19. Findings and purpose.

The Borough of Norwood does hereby find as follows:

A. The New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), authorized municipalities to regulate "furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof," as well as the "rental of real property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere."

B. In recent years, there has been a marked increase in the advertisement of short-term rental of dwelling units for periods from one to 175 days ("short-term rentals") within the Borough and neighboring municipalities.

C. The Borough has determined that short-term rentals frequently result in a deterioration of the neighborhood character, public nuisance, noise complaints, overcrowding and illegal parking within the residential neighborhoods in the Borough, and the effective conversion of residential dwelling units into de-facto hotels, motels, or similar facilities, in violation of the Borough Code, zoning ordinances, and other state laws, rules and regulations.

D. The Borough therefore wishes to prohibit short-term rentals in order to:

(1) Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents.

(2) Eliminate property uses that may negatively affect property value.

(3) Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department; and

(4) Prohibit the unlawful creation of commercial enterprises in both single-family and multifamily dwelling units in violation of Borough zoning ordinances and public nuisance ordinances.

§ 181-19. Definitions.

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this article, as same may be viewed through various media, including but not limited to, signs, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet

websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this article.

CONSIDERATION

Soliciting, charging, demanding, receiving, or accepting any legally recognized form of consideration, including a promise or benefit, a quid pro quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged, or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, single-family home, cooperative, converted space, or portions thereof, that is offered to be used, made available for use, or is actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration.

HOSTING PLATFORM

A website or marketplace in whatever form, whether online or not, which facilitates short-term rentals through advertising, searching, matchmaking or any other means, using any medium of facilitation and from which the operator of the hosting platform derives revenues, including but not limited to booking fees or advertising revenues, from providing or maintaining the website or marketplace.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together, that exhibit the kind of stability, permanency, and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

OWNER

Any person(s) who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) one or more dwelling units, or who have charge, care, control, or who participate in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY

The use of a dwelling unit by an occupant(s).

SHORT-TERM RENTAL

A residential occupancy for a period of less than 175 days.

§ 181-20. Short-term rentals prohibited.

A. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for a person or owner to receive or obtain actual or anticipated consideration for using, authorizing, permitting, or failing to discontinue the use of any dwelling unit as a short-term rental, as defined herein.

B. Nothing in this article will prevent formation of an otherwise lawful residential occupancy of a dwelling unit for a rental period of 175 days or more.

C. Nothing in this article shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, N.J.S.A. 55:13-1 et seq.

§ 181-20.1. Rental of amenities prohibited.

The lease or rental, for any purpose, of any amenity, feature, accessory, or structure incidental to the primary property or associated with the principal building is prohibited. Including but not limited to Swimming Pools, Sports Courts, Backyards, etc.

§ 181-21. Permitted uses.

The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 175 days or more by any person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

§ 181-22. Advertising prohibited, hosting platform prohibitions.

A. It shall be unlawful for any person to advertise by any means all actions, or failures to act, that would be in violation of the provisions of this article.

B. It shall be unlawful for any hosting platform to undertake, maintain, authorize, aid, facilitate or advertise any short-term rentals in violation of this article.

§ 181-23. Violations, penalties, and enforcement.

A. The provisions of this article shall be enforced by the Construction Official, Zoning Official, Health Department, other Subcode or Code Official, as their jurisdiction may arise, including legal counsel for

the Borough or other persons designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this article and/or to appear in court or file civil complaints.

B. A violation of this article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety, and welfare.

C. Any person found to have violated any provision of this article, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this article.

D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorneys' fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Bergen County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

§ 181-24. Severability.

If any section, sentence, or any part of this article is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this article but shall be confined in its effect to the section, sentence or other part of this article directly involved in the controversy which such subject shall be rendered.

§ 181-25. Inconsistent ordinances repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this article are hereby repealed, but only to the extent of such inconsistencies.

Introduced and passed first reading: 01/24/2024

Passed second reading: 2/14/2024

ATTEST:



Jordan Padovano, Clerk

APPROVED BY:



James P. Barsa, Mayor