

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD CONCERNING THE
RENTAL OF RESIDENTIAL PROPERTY AND AMENDING CHAPTER III
OF THE GENERAL CODES OF THE TOWNSHIP OF DEPTFORD**

Whereas, the Township Council of the Township of Deptford has found and determined that:

Whereas, the Township and its residents have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by landlords who may be inept or indifferent.

Whereas, to preserve the peace and tranquility of those the Township and its neighborhoods it is necessary and desirable that the Township have adequate means to curb and discourage those occasional excesses arising from irresponsible rentals.

Whereas, NJ P.L. 2009 c. 170 provides the Township with the means to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords shall be held to sufficient standards of responsibility.

Now therefore, Chapter III of the General Ordinances of the Township of Deptford is amended to read as follows:

3.19 The rental of residential property

Definitions

"Hearing officer" means a person designated pursuant to subsection b. of section 3.19.2 to hear and determine proceedings under P.L.1993, c.127 (C.40:48-2.12n et seq.).

"Landlord" means the person or persons who own or purport to own a building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease which building contains no less than one dwelling units or not more than four dwelling units.

"Substantiated complaint" means a complaint which may form the basis for proceedings in accordance with subsection a. of section 4 of P.L.1993, c.127 (C.40:48-2.12q).

3.19.1 Standards of Responsibility - holding landlords to standards of responsibility.

Landlords shall be responsible for maintain an orderly premises and are held to standards of responsibility in the selection of tenants and supervision of the rental premises, requiring that under certain circumstances, as hereinafter in described, such landlords may be required to post adequate bond against the consequences of disorderly behavior of their tenants, and in the case of subsequent violations forfeit such bond, in whole or part, in compensation for the consequences of such behavior.

3.19.2 Right to hearing

To assure impartiality in the administration the landlord may request a hearing before the municipal court.

3.19.3 Provisions for rentals

- a. If in any twelve-month period the Township receives not be less than two, of complaints, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Township Manager or designee, a police officer, or code enforcement official of the Township of Deptford may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.
- b. (1) In the event a tenant is convicted of any of the conduct described in subsection a. of this section, the Township Manager or designee, a police officer, or code enforcement official pursuant to subsection a. of this section, shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the municipality.

(2) The Township Manager or designee, a police officer, or code enforcement official pursuant to subsection a. of this section shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the Township, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

- c. At the hearing convened pursuant to subsection b. of this section, 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. At the conclusion of the hearing the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of the ordinance.
- d. Any bond required to be posted 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, to be adequate in the case of subsequent offenses to make reparation for (1) damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises, (2) securing the payment of fines and penalties likely to be levied for such offenses, and (3) compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; but no such bond shall be in an amount less than \$500 or more than \$5,000. The Township may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the Township.
- e. A bond or other security deposited in compliance with subsection d. of this section shall remain in force for a period not less than two or more than four years. Upon the lapse of the specified period the landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under

section 3.19.4, in which case the security shall be renewed, in an amount and for a period that shall be specified by the hearing officer.

3.19.4 Complaints, proceedings against landlord, recovery from tenant.

- a. If during the period for which a landlord is required to give security pursuant to section 3.19.3 a substantiated complaint is recorded against the property in question, the Township Manager or designees may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in subsection e. of section 3.18.3, of the period for which such security is required, or for an increase in the amount of security required, or for any or all of those purposes.
- b. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in subsection d. of section 3.19.3. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in subsection d. of section 3.19.3, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to carry out the purposes of this ordinance effectually. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in subsection d. of section 3.19.3.
- c. A landlord may recover from a tenant any amounts of security actually forfeited as described in subsection b. of this section.

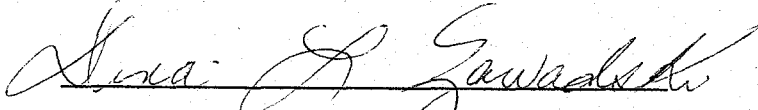


TOWNSHIP OF DEPTFORD

Paul Medany

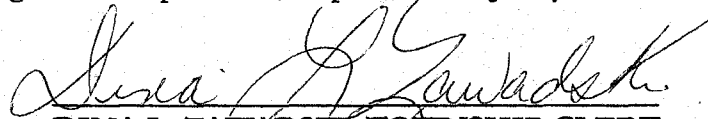
PAUL MEDANY, MAYOR

ATTEST:


DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 14th day of June, 2010 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 28th day of June, 2010 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.11.10				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.11.10				
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Schocklin			✓			
Scott			✓			