

ORDINANCE O-23-34

AN ORDINANCE OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 178 OF THE TOWNSHIP CODE ENTITLED “HOUSING CODE; RENTAL PROPERTY”

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of Howell, County of Monmouth, State of New Jersey as follows:

SECTION 1. Chapter 178 of the Township Code entitled “Housing Code; Rental Property” and more specifically Article II thereunder entitled “Rental Property” is hereby amended and supplemented as follows:

§178-17. [Unchanged]

§178-18. [Unchanged]

§178-19. [Unchanged]

§178-20. [Unchanged]

§178-21. [Unchanged]

§178-22. [Unchanged]

§178-23. [Unchanged]

§178-24. [Unchanged]

§178-25. [Unchanged]

§178-26. [Unchanged]

§178-27. [Unchanged]

§178-28. [Unchanged]

§178-29. [Unchanged]

§178-30. [Unchanged]

§178-31. Revocation of Rental Certificate.

In addition to any other penalty prescribed in this chapter, a rental certificate may be revoked on any of the following grounds:

- A. Conviction of a violation of this chapter, or any other provision of this Code, in any court of competent jurisdiction.*
- B. Determination that the property has excessively consumed municipal services pursuant to Chapter 136.*
- C. Maintaining, occupying, or using the rental unit or units or the property on which the rental unit is located in a dangerous condition likely to result in injury to persons or property or in violation of any applicable federal, state, or local health, safety, building, construction, or property maintenance code.*
- D. Conditions that render the premises unsafe, unhealthy, or unfit for human habitation or occupancy.*
- E. Conduct, activity, or behavior occurring on the premises or engaged in by the occupants constituting a nuisance or disturbing the peace and quiet enjoyment of the surrounding neighborhood.*
- F. Any violation of the terms of the rental certificate of occupancy or renting without having first obtained a rental certificate of occupancy.*

§178-32. Procedure; Right to Appeal.

- A. Upon a determination that reasonable grounds exist for revocation of a rental certificate, the Code Official or their designee shall issue a written complaint with the property owner. The complaint shall be sent by certified mail or regular mail to the property owner's address as appears in the tax records. The complaint shall specifically identify the basis for the revocation.*
- B. The property owner may appeal the revocation by filing written notice thereof with the Director of Community Development and Land Use no later than 10 days following receipt of the notice issued pursuant to the preceding subsection. The notice of appeal must*

clearly identify the action challenged and set forth the reasons in support of reversal.

- C. The appeal may be decided on the written submissions or a hearing may be conducted. The property owner must specifically request a hearing in the written notice of appeal. If requested, the hearing shall be conducted by the Director of Community Development and Land Use or their designee no later than 45 days from the issuance of the complaint, unless the parties agree upon a different date and time, which shall be no later than 60 days following the issuance of the complaint.*
- D. At the hearing provided hereunder, the Director of Community Development and Land Use or their designee shall hear all parties, and their final determination shall be made within 10 days from the completion of the hearing. They shall then issue an order incorporating the determinations and directions contained in the notice, modifying said notice if he so deems necessary.*

§178-33. Term of Revocation; Reinstatement.

Following a revocation determination pursuant to § 178-34, a rental certificate issued may be revoked for a period of up to one year. During the revocation period, the offending property shall be ineligible for a rental certificate, regardless of whether a change in ownership of the offending property has occurred. Upon the conclusion of the revocation period, the certificate may be reinstated upon refiling a registration form with the Housing Official, reinspection and recertification as provided by this chapter.

§178-34. Automatic Revocation.

A rental certificate shall be automatically revoked in the following circumstances:

- A. If taxes or other assessments are delinquent for three consecutive quarters. Upon payment of such delinquent taxes or assessments, the landlord or property owner may file a new rental certificate by satisfying the requirements of § 178-25. If the delinquent taxes and assessments are not satisfied within 30 days of written notice thereof, the certificate shall be revoked for a period of one year.*

B. Upon the third conviction or plea of guilty of a violation of this chapter, or any other provision of this Code, the certificate shall be revoked for a period of one year.

C. A landlord or property owner who receives a second notice of violation for renting premises without first having obtained a certificate pursuant to § 178-24 shall be barred from obtaining such certificate for the offending property for a period of one year.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

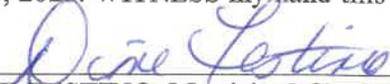
NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Howell on the **26th day of September 2023**, and will be considered for second and final passage at a meeting of the Township Council to be held on the **24th day of October, 2023**, at 7:00 PM. at the Municipal Building located at 4567 Route 9 North, 2nd Floor, Howell, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>		X	X			
<i>Councilman Gasior</i>	X		X			
<i>Councilman Nadel</i>			X			
<i>Deputy Mayor O'Donnell</i>			X			
<i>Mayor Berger</i>			X			

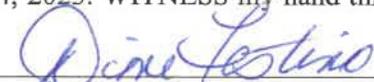
I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held September 26, 2023. WITNESS my hand this 27th day of September 2023.


DIANE FESTINO, Municipal Clerk

Adoption:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>						X
<i>Councilman Gasior</i>	X		X			
<i>Councilman Nadel</i>		X	X			
<i>Deputy Mayor O'Donnell</i>			X			
<i>Mayor Berger</i>						X

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held October 24, 2023. WITNESS my hand this 25th day of October 2023.


DIANE FESTINO, Municipal Clerk

Explanatory Statement:

An ordinance by the Township Council of the Township of Howell amending Chapter 178 to supplement the existing Housing Code; Rental Property ordinance to include provisions, procedures and term for the revocation of a rental certificate of occupancy in certain circumstances. The ordinance also provides a procedure to appeal the revocation of a rental certificate of occupancy.