

# **ORDINANCE O-24-24**

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:

**NOTE:** Sections of Chapter 178 that are to be amended by the within Ordinance for which all *additions* are shown in **underlined bold italics**.

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

§178-17. [Unchanged]

§178-18. **Landlord** Registration.

**A. All rental units must be registered, inspected and licensed in accordance with this chapter.**

**B.** All rental units shall hereafter be registered with the Housing Official of the Township of Howell on forms which shall be provided for that purpose and which shall be obtained from the Housing Official's office, or designee. **A registration form is required for each rental unit.**

**C. For properties containing one rental unit Landlord registration shall be made simultaneously with the application of a rental certificate which shall be required annually on the anniversary date of the initial registration or at the time of change of ownership or tenancy.**

**D. Where a rental facility contains multiple rental units, landlord registration shall be made annually on or within 30 days of January 1.**

**E. Each rental unit shall be reinspected with each change in occupancy. A registration form is required for each rental unit.**

**F. Continued occupancy beyond the expiration date of a rental certificate and landlord registration is a violation of this chapter and subject to violations and fines in accordance with Chapter 178-30.**

**G. Failure to register a rental unit *or occupying without a rental certification and landlord registration* shall result in a fine of not less than \$1,000 for the first offense and \$2,000 for the second offense. The fine shall be imposed for each unit not registered and shall count as separate offenses.**

**§178-19. Registration forms; filing; contents.**

Notwithstanding the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein. Every owner shall file with the Housing Official a registration form for each unit contained within a building or structure which shall include the following information:

**A. [Unchanged]**

**B. [Unchanged]**

**C. [Unchanged]**

**D. [Unchanged]**

**E. [Unchanged]**

**F. [Unchanged]**

**G. [Unchanged]**

**H. [Unchanged]**

**I. Proof of the minimum liability insurance required by N.J.S.A. 40A:10A-1 et seq.**

**§178-20. [Unchanged]**

**§178-21. [Unchanged]**

**§178-22. Inspections.**

- A. [Unchanged]
- B. Each rental unit shall be inspected annually as well as any time there is a change of ownership or tenancy in accordance with § 178-18 and § 178-25.
- C. [Unchanged]
- D. [Unchanged]
- E. [Unchanged]
- F. [Unchanged]

§178-23. [Unchanged]

§178-24. [Unchanged]

§178-25. Rental Certification.

- A. Upon the filing of a completed residential Landlord registration and rental certificate application form, payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a certificate. Said certificate shall expire within one year of initial approval or in the event of a change in tenancy or ownership. Rental Certificates and landlord registrations are required to be renewed and inspected annually on the anniversary date of the initial certificate approval or at the time of change of ownership or tenancy. Properties containing multiple units must be registered annually within 30 days of January 1.
- B. [Unchanged]

§178-26. Fees.

- A. At the time of filing of the Residential Landlord Registration and Rental Certificate application form, and prior to the issuance of a rental certificate, the owner or agent of the owner must pay a fee in accordance with the applicable provisions of § 139-29.
- B. Change in tenancy during the certification period requires the issuance of a new rental registration and payment of the applicable fee set forth in Chapter 139, Fees.

C. A reinspection fee as set forth in Chapter 139, Fees, per rental unit/per inspection shall be assessed for any third **and subsequent** reinspections **thereafter** conducted as a result of the previously cited violations which require correction by the owner during the certification period.

**D. [Unchanged]**

**§178-27. [Unchanged]**

**§178-28. [Unchanged]**

**§178-29. [Unchanged]**

**§178-30. Violations and Penalties.**

Any person who violates any provision of this chapter shall, upon conviction in the Howell Township Municipal Court, or such other court having jurisdiction, be liable to a fine not less than \$1,000 and not exceeding \$2,000. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this chapter. Failure to register each rental unit, failure to obtain a rental certificate or the occurrence of any over-occupancy as defined by this chapter shall result in the fine provided for in § 178-18G.

**§178-31. [Unchanged]**

**§178-32. [Unchanged]**

**§178-33. [Unchanged]**

**§178-34. [Unchanged]**

**§178-35. Relocation Assistance and Tuition Reimbursement.**

**A. Definitions and Word Usage.**

**(1) Owner-landlord shall not include mortgagees in possession of a structure through foreclosure.**

**(2) Second or subsequent violation for an illegal occupancy shall be limited to those violations that are new and a result of distinct and separate zoning or code enforcement activities and shall not include any continuing violations for which citations are issued by a Zoning or Code Enforcement Agent during the time period required for summary dispossession proceedings to conclude if the owner/landlord has initiated**

eviction proceedings in a court of proper jurisdiction.

B. Relocation assistance and additional fines.

(1) Any tenant who receives a notice of eviction pursuant to N.J.S.A. 2A:18-61.2 that results from zoning or code enforcement activities for illegal occupancy as set forth in N.J.S.A. 2A:18-61.1(g)(3) shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance set forth herein. Irrespective of any other provision of the Township Code, the Township shall not be responsible for paying any such relocation costs.

(2) The Township shall impose the additional fine authorized by N.J.S.A. 2A:18-61.1g(c), above and beyond any other fine/penalty allowed by law and/or this Code, for each and every separate zoning and/or housing code violation for an illegal occupancy, in an amount not to exceed six times the monthly rental paid by the displaced person which shall be paid directly to the Township by the owner-landlord of the structure.

C. Annual tuition reimbursement.

In addition to the provisions of § 178-35(B), the Township, after affording the owner-landlord an opportunity for a hearing on the matter before the Howell Township Municipal Court, shall impose upon the owner-landlord for a second or subsequent violation for an illegal occupancy (as defined in § 17835(A)(2)) a fine equal to the annual tuition cost of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the Township, pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.). The Howell Township Municipal Court and the Superior Court of New Jersey shall have jurisdiction of proceeding for the enforcement of the penalty provided herein. Said tuition cost shall be determined in the manner prescribed for nonresident pupils, pursuant to N.J.S.A. 18A:38-19 and the payment of the fine shall be remitted to the Howell Township Board of Education.

**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

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Howell, in the County of Monmouth, State of New Jersey, held on June 11, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Main Administration Building, 4567 Route 9 North, in the Township of Howell on ,at 6 PM and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

#### Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Fischer			X			
Councilman Gasior		X	X			
Councilwoman O'Donnell	X		X			
Deputy Mayor Nadel						X
Mayor Berger			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 June 11, 2024. WITNESS my hand this 12<sup>th</sup> day of June 2024.

*Diane Festino*

DIANE FESTINO, RMC  
Municipal Clerk  
Township of Howell

**Adoption:**

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

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on June 25, 2024.

*Diane Festino*

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DIANE FESTINO, RMC  
Municipal Clerk  
Township of Howell

**DASTI & STAIGER**  
ATTORNEYS AT LAW

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