

FIRST READING: January 20, 2026

ORD. No. 70-4

2<sup>nd</sup> & Final Reading: February 17, 2026

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII, RENTAL PROPERTY, OF AN ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING AND ENACTING THE REVISED GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999," PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER 24, 1999, AND AS AMENDED AND SUPPLEMENTED**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDEN:**

**DELETE:**

That Chapter XIII entitled "Rental Property" in its entirety.

**ADD:**

New Chapter XIII entitled "Rental Property" as follows:

## **Chapter 13. Rental Property**

### **§ 13-1. REGISTRATION.**

#### **§ 13-1.1. Definitions.**

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this section, shall have the following meanings:

#### **AGENT**

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this section. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey if such person designated by the owner as his agent is so licensed.

#### **CERTIFICATE**

The certificate issued by the City Clerk or his/her designee attesting that the rental unit has been properly registered in accordance with this section.

#### **DWELLING UNIT**

Any room or rooms, or suite or apartment thereof, including any room or rooms in a rooming/boarding house, whether furnished or unfurnished, whether designed for residential, commercial, or other any other purpose, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including, but not limited to, the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

#### **OWNER**

Any person or group of persons, firm, corporation or officer thereof, partnership, association or trust who has a deeded ownership interest in the rental facility, and who operates, exercises control over, or is in charge of a rental facility.

#### **OWNER-OCCUPIED**

A portion of a rental facility, dwelling commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the City.

#### **PERSON**

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

#### **REGISTRANT**

The person to whom the certificate is issued pursuant to this section. The term "registrant" includes within its definition the terms "owner" and "agent" as defined in this section and as applicable.

#### **RENT or RENTED**

Occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

**RENTAL FACILITY**

Every building, group of buildings, or a portion thereof consisting of two or fewer rental dwelling units, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished.

**RENTAL UNIT**

A dwelling unit which is available by lease, rental or otherwise to persons other than the owner, whether or not the rental unit is provided to tenant in exchange for monetary consideration to the owner, and whether or not the unit is currently occupied. "Rental unit" shall not include that portion of a rental facility or dwelling unit that is owner-occupied.

**SENIOR CITIZEN**

Any person aged 65 years or older.

**TENANCY**

Occupancy of a dwelling unit by one or more tenants.

**TENANT**

Occupant in a dwelling unit other than the owner.

**§ 13-1.2. Registration.**

All rental units, as defined in in this Chapter, , shall hereafter be registered with the City Clerk or designee of the City of Linden, on forms which shall be provided for that purpose and which shall be obtained from the City Clerk or his/her designee. Such registration shall occur on an annual basis as provided herein.

**§ 13-1.3. Registration and Licensing; Term; Initial Registration Provisions.**

Each rental unit shall be registered initially, yearly and with each change of occupancy. The certificate term shall commence on February 1 of each year, and shall expire on January 31 of the following calendar year. .

**§ 13-1.4. Registration Forms; Filing and Posting.**

**a.**

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered as provided herein. Every owner shall file with the City Clerk or his/her designee of the City of Linden a registration form for each unit contained within a building or structure, which shall include the following information:

**1.**

The name and address of the record owner or owners of the premises and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and addresses of all general partners shall be provided, together with the residential mailing addresses and the telephone numbers for each of such individuals where such individual may be reached both during the day and evening hours.

**2.**

If the address of any record owner is not located in Union or in Union County, the name and address of a person who resides in Union County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

**3.**

The name and address of the agent of the premises, if any.

**4.**

The name and address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.

**5.**

The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Union County, who may be reached or contacted at any time in the event of emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

6.

The name and residential mailing address of every holder of a recorded mortgage on the premises.

7.

If fuel oil is used to heat the building, the name and address of the fuel oil dealer servicing the building and the grade of the fuel oil used.

8.

As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a overhead diagram floor plan with all rooms and areas labeled, which shall become part of the application and which shall be attached to the registration form when filled by the City Clerk or his/her designee.

9.

The name and age of each tenant who is to occupy the rental unit.

10.

Such other information as may be prescribed by the City of Linden.

b.

The City Clerk or his/her designee shall index and file the registration forms. In doing so, the City Clerk or his/her designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this section. The owner shall post the certificate conspicuously within the property.

#### **§ 13-1.5. Registration Form; Amendments; Filing.**

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information to be included thereon. No fee is required for the filling of an amendment, except where the ownership of the premises is changed.

#### **§ 13-1.6. Periodic Inspections.**

a.

Each rental unit shall be inspected at least once a year.

b.

Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the City of Linden, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the City of Linden shall not be used as a valid substitute.

c.

Such inspection shall be for the purpose of determining Zoning Ordinance compliance and, to the extent applicable, to determine if the property complies with the Property Maintenance Code, BOCA Maintenance Code and Housing Code and/or Uniform Fire Safety Act.[\[1\]](#)

[\[1\]](#)

Editor's Note: See N.J.S.A. 52:27D-192 et seq.

d.

Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does/do not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue; and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days; and if not made within that time period, the owner shall be deemed in violation of this section, and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § [13-1.16](#) of this section. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this section for good cause shown, provided that such extension shall not exceed 30 days.

#### **§ 13-1.7. Access for Inspections; Repairs; Complaints.**

a.

The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses in order that they may promote the purposes of this section to safeguard the health, safety and welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of such inspections, examinations and surveys.

b.

Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this section or any lawful order issued pursuant thereto.

c.

Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this section, an inspecting officer shall conduct an inspection as hereinbefore provided.

### **§ 13-1.8. Prohibitions on Occupancy.**

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit, within the City of Linden which is not registered and licensed in accordance with this section.

### **§ 13-1.9. Certificate.**

Upon the filing of a completed registration form and payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a certificate commencing on the date of issuance and expiring on January 31 of the following calendar year. A registration form shall be required for each rental unit, and a certificate shall issue to the owner for each rental unit, if more than one rental unit is contained in the property.

### **§ 13-1.10. Fees.**

At the time of the filling of the registration form, and prior to the issuance of a certificate, the owner or agent of the owner must pay a fee in accordance with the following:

a.

An annual registration fee as follows: \$100 per unit.

b.

A reinspection fee as follows:

1.

First reinspection: no charge.

2.

Second reinspection: \$50 per unit.

3.

Any additional reinspection: \$75 per unit.

c.

If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no reinspection fee, but the payment of the annual registration fee will still be required.

d.

If the owner of the property is registered as a 501(c)3 corporation and thus considered tax-exempt by the IRS, or has similar tax-exempt status from the State of New Jersey and files annual returns if they are incorporated, there shall be no reinspection fee, but the payment of the annual registration fee will still be required.

e.

If any fee is not paid within 30 days of its due date, a late fee surcharge of \$50 will be assessed, a month, up to 90 days. Failure to pay the initial fee and any late fee shall be deemed a violation of this section.

f.

Failure to pay any fee as required by this section shall be deemed a violation of this section.

#### **§ 13-1.11. Providing Registration Form to Occupants and Tenants.**

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this section. This particular provision shall not apply to any hotel, motel or guesthouse registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act, as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in conspicuous place within the rental unit(s).

#### **§ 13-1.12. Maximum Number of Occupants; Posting.**

**a.**

The maximum number of occupants, as determined by the Construction Code Official, shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of § [13-1.16](#) of this section.

**b.**

Only those occupants whose names are on file with the City of Linden, as required in this section, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of § [13-1.16](#) of this article.

#### **§ 13-1.13. Payment of Taxes and Other Municipal Charges Precondition to Registration.**

No rental unit may be registered and no permit shall issue for a property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

#### **§ 13-1.14. Occupant Standards.**

**a.**

Occupants. Only those occupants whose names are on file with the City Clerk, as provided in this section, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

**b.**

Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the City of Linden.

**c.**

Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the City of Linden and with all applicable state and federal laws.

**d.**

Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § [13-1.16](#) of this section.

#### **§ 13-1.15. Revocation of License; Procedure.**

**a.**

Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:

**1.**

Conviction of a violation of this section in the Municipal Court or any other court of competent jurisdiction.

2.

Determination of a violation of this section at a hearing held pursuant to Subsection b herein.

3.

Continuously renting the unit or units to tenants who are convicted of a violation of the City's Noise Ordinance.

4.

Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this section.

5.

Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

b.

Procedure; written complaint; notice; hearing.

1.

A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Health Officer, Chief of Police, Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such a complaint. Such complaint shall be in writing and filed with the City Clerk or his/her designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filling the complaint may do so on the basis of information and belief and need not rely on personal information.

2.

Upon the filing of such written complaint, the City Clerk or his/her designee shall immediately inform the City Council, and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The City Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

3.

The hearing required by this section shall be held before the City Council unless, in its discretion, the City Council determines that the matter should be heard by a hearing officer, who shall be appointed by the City Council. If the matter is referred to a hearing officer, such officer shall transmit his findings of fact and conclusions of law to the City Council within 30 days of the conclusion of the hearing. The City Council shall then review the matter and may accept, reject or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by the City Council, then the City Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the license or determining that the license shall not be renewed or reissued for one or more subsequent license years.

4.

A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

5.

The City Attorney or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

c.

Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action and has made a good-faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including, but not limited to, the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

### **§ 13-1.16. Violations and Penalties.**

a.

Any person who violates any provision of this section shall be subject to the provisions of Subsection 1-5.1 of the General Ordinances of the City of Linden.

b.

The violation of any provision of this section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

PASSED: February 17, 2026

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Council President

APPROVED: February 18, 2026

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Mayor

ATTEST:

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City Clerk

## **Chapter 13. Rental Property**

### **§ 13-1. REGISTRATION.**

[Added 11-20-2018 by Ord. No. 62-81]

#### **§ 13-1.1. Definitions.**

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this section, shall have the following meanings:

##### **AGENT**

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this section. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey if such person designated by the owner as his agent is so licensed.

##### **CERTIFICATE**

The certificate issued by the City Clerk or his/her designee attesting that the rental unit has been properly registered in accordance with this section.

##### **DWELLING UNIT**

Any room or rooms, or suite or apartment thereof, including any room or rooms in a rooming/boarding house, whether furnished or unfurnished, whether designed for residential, commercial, or other any other purpose, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including, but not limited to, the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

##### **OWNER**

Any person or group of persons, firm, corporation or officer thereof, partnership, association or trust who has a deeded ownership interest in the rental facility, and who operates, exercises control over, or is in charge of a rental facility.

##### **OWNER-OCCUPIED**

A portion of a rental facility, dwelling commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the City.

##### **PERSON**

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

##### **REGISTRANT**

The person to whom the certificate is issued pursuant to this section. The term “registrant” includes within its definition the terms “owner” and “agent” as defined in this section and as applicable.

##### **RENT or RENTED**

Occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

*RENTAL FACILITY*

Every building, group of buildings, or a portion thereof consisting of two or fewer rental dwelling units, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished.

*RENTAL UNIT*

A dwelling unit which is available by lease, rental or otherwise to persons other than the owner, whether or not the rental unit is provided to tenant in exchange for monetary consideration to the owner, and whether or not the unit is currently occupied. "Rental unit" shall not include that portion of a rental facility or dwelling unit that is owner-occupied.

*SENIOR CITIZEN*

Any person aged 65 years or older.

*TENANCY*

Occupancy of a dwelling unit by one or more tenants.

*TENANT*

Occupant in a dwelling unit other than the owner.

**§ 13-1.2. Registration.**

All rental units, as defined in in this Chapter, , shall hereafter be registered with the City Clerk or designee of the City of Linden, on forms which shall be provided for that purpose and which shall be obtained from the City Clerk or his/her designee. Such registration shall occur on an annual basis as provided herein.

**§ 13-1.3. Registration and Licensing; Term; Initial Registration Provisions.**

Each rental unit shall be registered initially, yearly and with each change of occupancy. The certificate term shall commence on February 1 of each year, and shall expire on January 31 of the following calendar year. .

**§ 13-1.4. Registration Forms; Filing and Posting.**

a.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered as provided herein. Every owner shall file with the City Clerk or his/her designee of the City of Linden a registration form for each unit contained within a building or structure, which shall include the following information:

1.

The name and address of the record owner or owners of the premises and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and addresses of all general partners shall be provided, together with the residential mailing addresses and the telephone numbers for each of such individuals where such individual may be reached both during the day and evening hours.

2.

If the address of any record owner is not located in Union or in Union County, the name and address of a person who resides in Union County and who is authorized to accept notices from a

tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

3.

The name and address of the agent of the premises, if any.

4.

The name and address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.

5.

The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Union County, who may be reached or contacted at any time in the event of emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

6.

The name and residential mailing address of every holder of a recorded mortgage on the premises.

7.

If fuel oil is used to heat the building, the name and address of the fuel oil dealer servicing the building and the grade of the fuel oil used.

8.

As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a overhead diagram floor plan with all rooms and areas labeled, which shall become part of the application and which shall be attached to the registration form when filled by the City Clerk or his/her designee.

9.

The name and age of each tenant who is to occupy the rental unit.

10.

Such other information as may be prescribed by the City of Linden.

b.

The City Clerk or his/her designee shall index and file the registration forms. In doing so, the City Clerk or his/her designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this section. The owner shall post the certificate conspicuously within the property.

#### **§ 13-1.5. Registration Form; Amendments; Filing.**

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information to be included thereon. No fee is required for the filling of an amendment, except where the ownership of the premises is changed.

### **§ 13-1.6. Periodic Inspections.**

**a.**

Each rental unit shall be inspected at least once a year.

**b.**

Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the City of Linden, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the City of Linden shall not be used as a valid substitute.

**c.**

Such inspection shall be for the purpose of determining Zoning Ordinance compliance and, to the extent applicable, to determine if the property complies with the Property Maintenance Code, BOCA Maintenance Code and Housing Code and/or Uniform Fire Safety Act.[\[1\]](#)

[\[1\]](#)

Editor's Note: See N.J.S.A. 52:27D-192 et seq.

**d.**

Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does/do not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue; and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days; and if not made within that time period, the owner shall be deemed in violation of this section, and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § [13-1.16](#) of this section. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this section for good cause shown, provided that such extension shall not exceed 30 days.

### **§ 13-1.7. Access for Inspections; Repairs; Complaints.**

**a.**

The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses in order that they may promote the purposes of this section to safeguard the health, safety and welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of such inspections, examinations and surveys.

**b.**

Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this section or any lawful order issued pursuant thereto.

c.

Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this section, an inspecting officer shall conduct an inspection as hereinbefore provided.

#### **§ 13-1.8. Prohibitions on Occupancy.**

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit, within the City of Linden which is not registered and licensed in accordance with this section.

#### **§ 13-1.9. Certificate.**

Upon the filing of a completed registration form and payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a certificate commencing on the date of issuance and expiring on January 31 of the following calendar year. A registration form shall be required for each rental unit, and a certificate shall issue to the owner for each rental unit, if more than one rental unit is contained in the property.

#### **§ 13-1.10. Fees.**

At the time of the filling of the registration form, and prior to the issuance of a certificate, the owner or agent of the owner must pay a fee in accordance with the following:

a.

An annual registration fee as follows: \$100 per unit.

b.

A reinspection fee as follows:

1.

First reinspection: no charge.

2.

Second reinspection: \$50 per unit.

3.

Any additional reinspection: \$75 per unit.

c.

If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no reinspection fee, but the payment of the annual registration fee will still be required.

d.

If the owner of the property is registered as a 501(c)3 corporation and thus considered tax-exempt by the IRS, or has similar tax-exempt status from the State of New Jersey and files annual returns if they are incorporated, there shall be no reinspection fee, but the payment of the annual registration fee will still be required.

e.

If any fee is not paid within 30 days of its due date, a late fee surcharge of \$50 will be assessed, a month, up to 90 days. Failure to pay the initial fee and any late fee shall be deemed a violation of this section.

f.

Failure to pay any fee as required by this section shall be deemed a violation of this section.

#### **§ 13-1.11. Providing Registration Form to Occupants and Tenants.**

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this section. This particular provision shall not apply to any hotel, motel or guesthouse registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act, as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in conspicuous place within the rental unit(s).

#### **§ 13-1.12. Maximum Number of Occupants; Posting.**

a.

The maximum number of occupants, as determined by the Construction Code Official, shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of § [13-1.16](#) of this section.

b.

Only those occupants whose names are on file with the City of Linden, as required in this section, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of § [13-1.16](#) of this article.

#### **§ 13-1.13. Payment of Taxes and Other Municipal Charges Precondition to Registration.**

No rental unit may be registered and no permit shall issue for a property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

#### **§ 13-1.14. Occupant Standards.**

a.

Occupants. Only those occupants whose names are on file with the City Clerk, as provided in this section, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

b.

Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the City of Linden.

c.

Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the City of Linden and with all applicable state and federal laws.

d.

Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 13-1.16 of this section.

**§ 13-1.15. Revocation of License; Procedure.**

a.

Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:

1.

Conviction of a violation of this section in the Municipal Court or any other court of competent jurisdiction.

2.

Determination of a violation of this section at a hearing held pursuant to Subsection b herein.

3.

Continuously renting the unit or units to tenants who are convicted of a violation of the City's Noise Ordinance.

4.

Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this section.

5.

Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

b.

Procedure; written complaint; notice; hearing.

1.

A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Health Officer, Chief of Police, Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such a complaint. Such complaint shall be in writing and filed with the City Clerk or his/her designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filling the complaint may do so on the basis of information and belief and need not rely on personal information.

2.

Upon the filing of such written complaint, the City Clerk or his/her designee shall immediately inform the City Council, and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The City Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

3.

The hearing required by this section shall be held before the City Council unless, in its discretion, the City Council determines that the matter should be heard by a hearing officer, who shall be appointed by the City Council. If the matter is referred to a hearing officer, such officer shall transmit his findings of fact and conclusions of law to the City Council within 30 days of the conclusion of the hearing. The City Council shall then review the matter and may accept, reject or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by the City Council, then the City Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the license or determining that the license shall not be renewed or reissued for one or more subsequent license years.

4.

A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

5.

The City Attorney or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

c.

Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action and has made a good-faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including, but not limited to, the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

### **§ 13-1.16. Violations and Penalties.**

a.

Any person who violates any provision of this section shall be subject to the provisions of Subsection 1-5.1 of the General Ordinances of the City of Linden.

b.

The violation of any provision of this section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

## **Chapter 13. Rental Property**

### **§ 13-1. REGISTRATION.**

[Added 11-20-2018 by Ord. No. 62-81]

#### **§ 13-1.1. Definitions.**

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this section, shall have the following meanings:

##### **AGENT**

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this section. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey if such person designated by the owner as his agent is so licensed.

##### **CERTIFICATE**

The certificate issued by the City Clerk or his/her designee attesting that the rental unit has been properly registered in accordance with this section.

##### **DWELLING UNIT**

Any room or rooms, or suite or apartment thereof, including any room or rooms in a rooming/boarding house, whether furnished or unfurnished, whether designed for residential, commercial, or other any other purpose, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including, but not limited to, the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

##### **OWNER**

Any person or group of persons, firm, corporation or officer thereof, partnership, association or trust who has a deeded ownership interest in the rental facility, and who operates, exercises control over, or is in charge of a rental facility.

##### **OWNER-OCCUPIED**

A portion of a rental facility, dwelling commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the City.

##### **PERSON**

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

##### **REGISTRANT**

The person to whom the certificate is issued pursuant to this section. The term “registrant” includes within its definition the terms “owner” and “agent” as defined in this section and as applicable.

##### **RENT or RENTED**

Occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

*RENTAL FACILITY*

Every building, group of buildings, or a portion thereof consisting of two or fewer rental dwelling units, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished.

*RENTAL UNIT*

A dwelling unit which is available by lease, rental or otherwise to persons other than the owner, whether or not the rental unit is provided to tenant in exchange for monetary consideration to the owner, and whether or not the unit is currently occupied. "Rental unit" shall not include that portion of a rental facility or dwelling unit that is owner-occupied.

*SENIOR CITIZEN*

Any person aged 65 years or older.

*TENANCY*

Occupancy of a dwelling unit by one or more tenants.

*TENANT*

Occupant in a dwelling unit other than the owner.

**§ 13-1.2. Registration.**

All rental units, as defined in in this Chapter, , shall hereafter be registered with the City Clerk or designee of the City of Linden, on forms which shall be provided for that purpose and which shall be obtained from the City Clerk or his/her designee. Such registration shall occur on an annual basis as provided herein.

**§ 13-1.3. Registration and Licensing; Term; Initial Registration Provisions.**

Each rental unit shall be registered initially, yearly and with each change of occupancy. The certificate term shall commence on February 1 of each year, and shall expire on January 31 of the following calendar year. .

**§ 13-1.4. Registration Forms; Filing and Posting.**

a.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered as provided herein. Every owner shall file with the City Clerk or his/her designee of the City of Linden a registration form for each unit contained within a building or structure, which shall include the following information:

1.

The name and address of the record owner or owners of the premises and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and addresses of all general partners shall be provided, together with the residential mailing addresses and the telephone numbers for each of such individuals where such individual may be reached both during the day and evening hours.

2.

If the address of any record owner is not located in Union or in Union County, the name and address of a person who resides in Union County and who is authorized to accept notices from a

tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

3.

The name and address of the agent of the premises, if any.

4.

The name and address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.

5.

The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Union County, who may be reached or contacted at any time in the event of emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

6.

The name and residential mailing address of every holder of a recorded mortgage on the premises.

7.

If fuel oil is used to heat the building, the name and address of the fuel oil dealer servicing the building and the grade of the fuel oil used.

8.

As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a overhead diagram floor plan with all rooms and areas labeled, which shall become part of the application and which shall be attached to the registration form when filled by the City Clerk or his/her designee.

9.

The name and age of each tenant who is to occupy the rental unit.

10.

Such other information as may be prescribed by the City of Linden.

b.

The City Clerk or his/her designee shall index and file the registration forms. In doing so, the City Clerk or his/her designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this section. The owner shall post the certificate conspicuously within the property.

#### **§ 13-1.5. Registration Form; Amendments; Filing.**

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information to be included thereon. No fee is required for the filling of an amendment, except where the ownership of the premises is changed.

### **§ 13-1.6. Periodic Inspections.**

**a.**

Each rental unit shall be inspected at least once a year.

**b.**

Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the City of Linden, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the City of Linden shall not be used as a valid substitute.

**c.**

Such inspection shall be for the purpose of determining Zoning Ordinance compliance and, to the extent applicable, to determine if the property complies with the Property Maintenance Code, BOCA Maintenance Code and Housing Code and/or Uniform Fire Safety Act.[\[1\]](#)

[\[1\]](#)

Editor's Note: See N.J.S.A. 52:27D-192 et seq.

**d.**

Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does/do not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue; and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days; and if not made within that time period, the owner shall be deemed in violation of this section, and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § [13-1.16](#) of this section. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this section for good cause shown, provided that such extension shall not exceed 30 days.

### **§ 13-1.7. Access for Inspections; Repairs; Complaints.**

**a.**

The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses in order that they may promote the purposes of this section to safeguard the health, safety and welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of such inspections, examinations and surveys.

**b.**

Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this section or any lawful order issued pursuant thereto.

c.

Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this section, an inspecting officer shall conduct an inspection as hereinbefore provided.

### **§ 13-1.8. Prohibitions on Occupancy.**

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit, within the City of Linden which is not registered and licensed in accordance with this section.

### **§ 13-1.9. Certificate.**

Upon the filing of a completed registration form and payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a certificate commencing on the date of issuance and expiring on January 31 of the following calendar year. A registration form shall be required for each rental unit, and a certificate shall issue to the owner for each rental unit, if more than one rental unit is contained in the property.

### **§ 13-1.10. Fees.**

At the time of the filling of the registration form, and prior to the issuance of a certificate, the owner or agent of the owner must pay a fee in accordance with the following:

a.

An annual registration fee as follows: \$100 per unit.

b.

A reinspection fee as follows:

1.

First reinspection: no charge.

2.

Second reinspection: \$50 per unit.

3.

Any additional reinspection: \$75 per unit.

c.

If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no reinspection fee, but the payment of the annual registration fee will still be required.

d.

If the owner of the property is registered as a 501(c)3 corporation and thus considered tax-exempt by the IRS, or has similar tax-exempt status from the State of New Jersey and files annual returns if they are incorporated, there shall be no reinspection fee, but the payment of the annual registration fee will still be required.

e.

If any fee is not paid within 30 days of its due date, a late fee surcharge of \$50 will be assessed, a month, up to 90 days. Failure to pay the initial fee and any late fee shall be deemed a violation of this section.

f.

Failure to pay any fee as required by this section shall be deemed a violation of this section.

#### **§ 13-1.11. Providing Registration Form to Occupants and Tenants.**

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this section. This particular provision shall not apply to any hotel, motel or guesthouse registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act, as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in conspicuous place within the rental unit(s).

#### **§ 13-1.12. Maximum Number of Occupants; Posting.**

a.

The maximum number of occupants, as determined by the Construction Code Official, shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of § [13-1.16](#) of this section.

b.

Only those occupants whose names are on file with the City of Linden, as required in this section, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of § [13-1.16](#) of this article.

#### **§ 13-1.13. Payment of Taxes and Other Municipal Charges Precondition to Registration.**

No rental unit may be registered and no permit shall issue for a property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

#### **§ 13-1.14. Occupant Standards.**

a.

Occupants. Only those occupants whose names are on file with the City Clerk, as provided in this section, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

b.

Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the City of Linden.

c.

Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the City of Linden and with all applicable state and federal laws.

d.

Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 13-1.16 of this section.

**§ 13-1.15. Revocation of License; Procedure.**

a.

Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:

1.

Conviction of a violation of this section in the Municipal Court or any other court of competent jurisdiction.

2.

Determination of a violation of this section at a hearing held pursuant to Subsection b herein.

3.

Continuously renting the unit or units to tenants who are convicted of a violation of the City's Noise Ordinance.

4.

Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this section.

5.

Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

b.

Procedure; written complaint; notice; hearing.

1.

A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Health Officer, Chief of Police, Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such a complaint. Such complaint shall be in writing and filed with the City Clerk or his/her designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filling the complaint may do so on the basis of information and belief and need not rely on personal information.

2.

Upon the filing of such written complaint, the City Clerk or his/her designee shall immediately inform the City Council, and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The City Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

3.

The hearing required by this section shall be held before the City Council unless, in its discretion, the City Council determines that the matter should be heard by a hearing officer, who shall be appointed by the City Council. If the matter is referred to a hearing officer, such officer shall transmit his findings of fact and conclusions of law to the City Council within 30 days of the conclusion of the hearing. The City Council shall then review the matter and may accept, reject or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by the City Council, then the City Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the license or determining that the license shall not be renewed or reissued for one or more subsequent license years.

4.

A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

5.

The City Attorney or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

c.

Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action and has made a good-faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including, but not limited to, the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

### **§ 13-1.16. Violations and Penalties.**

a.

Any person who violates any provision of this section shall be subject to the provisions of Subsection 1-5.1 of the General Ordinances of the City of Linden.

b.

The violation of any provision of this section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.