

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 242 ENTITLED "LANDLORD REGISTRATION" AND ESTABLISHING CHAPTER 244 OF THE TOWNSHIP CODE ENTITLED "HOUSING STANDARDS"

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean and State of New Jersey as follows:

SECTION 1. Chapter 242 of the Township Code entitled "Landlord Registration" is hereby amended and supplemented as follows:

ARTICLE I. Landlord Registration.

§242-1. Procedure established.

There is hereby established a fee and procedure for landlord registration within the Township of Manchester. No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit which is not registered and approved in accordance with this chapter.

§242-2. Definitions.

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 chapter. 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. The term can include an apartment manager or management company.

APARTMENT

A room or combination of rooms in one building designed for use as a living unit or any room or rooms in a rooming/boarding house or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment is designed for a residence, for an office, or for the operation of any industry or business, or for any other type of independent use.

APARTMENT COMPLEX

Any building(s), containing four or more apartments/rental units.

LANDLORD

The person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the Hotel and Multiple Dwelling Law, P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.), and owner-occupied two-unit premises. In the case of a mobile home park, "landlord" means the owner of an individual dwelling unit within the mobile home park. Regardless of whether the Landlord receives monetary compensation for the said rental property.

PERSON

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

RENTAL UNIT

A dwelling unit which is available for lease or rental purposes and any place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals and is meant to include apartments, apartment complexes, single-family homes, multiple units within a single residential building, rooming houses or group homes.

§242-3. Filing of landlord registration statement; renewal.

All rental units shall be registered as follows:

- A. All landlords shall file a landlord registration statement, on a form promulgated by the Township, with the Department of Inspections, Land Use & Planning for each rental unit.
- B. The registration fee shall be \$100 for each rental unit, which shall be paid annually.
- C. A license fee shall be paid in advance to the Township, due no later than January 31 of each year. The license shall be valid until December 31 of each year.
- D. The license shall be renewed annually by submitting a renewal application along with the required fee and any updated information pertaining to the rental unit, including but not limited to a change in tenancy.
- E. Should any change in tenancy occur, the landlord must update tenant information on file with the initial Landlord submission to the Township Department of Inspections, Land Use & Planning within 20 days of the initial inspection for occupancy.. Any change and/or missing information after this time period shall constitute a new rental inspection and associated fee.
- F. When a property is owned by an LLC, the registered agent of the said LLC shall be required to submit a copy of the driver's license with the application.

ARTICLE II. Rental Certificate of Occupancy.

§242-4. Purpose.

Certification and inspections of rental units are conducted to protect the public health, safety and welfare of the Township and its residents, while improving rental housing conditions within the Township.

§242-5. Rental Certificate of Occupancy Required; Fees; Term.

- A. Upon registration and within the cyclical schedule, No person who owns, manages, conducts or operates a rental unit in the Township, shall rent, lease, let, sublet or permit the same to be occupied or re-rented by another without first securing from the Township Construction Official or his/her designee a Certificate of Occupancy for said dwelling unit. Regardless of whether the Landlord receives monetary compensation for the said rental property.

- B. The fees associated with and for obtaining a Certificate of Occupancy shall be in accordance with Section 179-10.
- C. Certificates shall be valid for a 2-year period from the date of last inspection unless there is a changeover in tenancy prior to the expiration of the applicable 2-year period.

§242-6. Requirements and Guidelines for Inspections.

- A. All inspections for a Rental Housing Certificate of Occupancy shall be conducted by the Manchester Township Building Inspector or his/her designee.
- B. A Rental Housing Inspection Checklist shall be prepared by and maintained at the Township Building Department. All violations shall be cited from the appropriately adopted code or regulation.
- C. The scope of the inspection of the dwelling unit for a Certificate of Occupancy shall include the interior and exterior of the property and all common areas.
- D. The allowable occupant loads for any rental structure or unit shall be defined by the applicable Township adopted Residential Property Maintenance Code.
- E. No Certificate of Occupancy shall be issued for a rental unit unless the condition of the unit complies with one or more of the following: (a) Township adopted Residential Property Maintenance Code; (b) New Jersey State Housing Code (N.J.A.C. 5:28); (c) New Jersey Uniform Construction Code; and (d) New Jersey Hotels and Multiple Dwellings Act (N.J.S.A. 55:13A-12); and Uniform Fire Code (N.J.A.C. 5:70)
- F. All rental units subject to inspection shall be vacant at the time of inspection – no exceptions.

§242-7. Enforcement.

- A. At any time that an official or employee of the Township of Manchester, including but not limited to, the Construction Official, Code Enforcement Officer, Construction Inspector, Housing Official or Police Officer of the Township of Manchester has reason to believe that any person or rental unit is in violation of the provisions of this chapter, the landlord and/or tenants may be issued a summons for violation of the provisions of this chapter.
- B. Furthermore, No rental facility shall be conducted or maintained in such a manner to constitute a nuisance which will result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general.

§242-8. Penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall be subject to the penalties as provided in Chapter 1, Article II, General penalty, § 1-4. Each day each dwelling unit is occupied without a Certificate of Occupancy shall be considered a separate violation.

§242-9. Disclaimer of Liability.

The Township shall not be liable to any person by reason of the inspections required by this Article or the issuance of a Rental Housing Certificate of Occupancy. The issuance of a Rental Housing Certificate of Occupancy by the Township of Manchester is not a warranty or guarantee that there are no defects in the non-owner occupied residential dwelling or unit. The inspection of the land use, exterior and interior of the dwelling unit is limited to visual inspection only. The Township does not guarantee or approve, and shall not be responsible for, defects not noted in any inspection report or for any latent, structural or mechanical defects thereto.

SECTION 2. Chapter 244 of the Township Code entitled "Housing Standards" is hereby established and shall read as follows:

ARTICLE I. Existing Structures Code.

§244-1. Adoption of standards by reference; copies on file.

The Property Maintenance Code of the Township of Manchester, as established by Chapter 313 of the Township Code shall serve as the existing structures code of the Township of Manchester.

ARTICLE II. Rental properties; Maintenance; Inspections Prior to Occupancy.

§244-2. Notice of intended occupancy or reoccupancy.

- A. The owner of any residential building, structure, or unit thereof which is subject to the Property Maintenance Code and which is rented and/or is intended for rental shall, prior to each initial occupancy of the same or upon the vacating of the same and prior to reoccupancy of such building, structure or unit thereof, apply to the Department of Inspections, Land Use & Planning, in writing, for a rental certificate of occupancy and shall obtain a rental certificate of occupancy prior to occupying or reoccupying the property. The application shall require the owner of the property to provide the square-footage dimensions of each bedroom, living room area, kitchen area, and bathroom area, and the name and number of all tenants.
- B. If an owner applies for an occupancy certificate prior to the selection of a tenant for said rental unit, an inspection may be performed, and, when appropriate, a certificate of occupancy shall be issued, to remain valid for 60 calendar days for the unoccupied unit(s). The owner shall, within 10 calendar days of selecting a tenant, register the occupant(s) with the Township. If the seventy-calendar-day period has expired from the issuance of the certificate of occupancy and the tenant information has not been submitted to the Township, then said certificate shall be invalid, and the rental unit cannot be rented until a new inspection has been paid for and passed by the Township.
- C. Applications for said rental occupancy shall be in accordance with § 179-12 B (1) – Rental for certain time periods prohibited.

§244-3. Inspections; certificate of compliance and occupancy limitations.

After the receipt of said application by the Administrative Housing Official, the building or structure or unit thereof shall be inspected by a Code Official and/or representative of the Building Department. Upon making such inspection and determining that the Property Maintenance Code has been complied with, the Building Department shall issue a certificate indicating the date and the

fact that such buildings or structures or units thereof are in compliance with the Code. The certificate issued pursuant to this section shall be posted by the owner in a conspicuous place inside the licensed premises and within five linear feet of the main entrance door. The certificate shall establish the occupancy limits of the property. It shall be a violation of this Code for any person, except for an authorized officer or employee of the Township of Manchester, to remove a posted certificate during the period it is in effect and shall subject the property to be immediately vacated in the judgment of the Code Official and/or the owner or occupant to be fined as set forth herein. Each certificate shall contain the following warning:

“WARNING
OCCUPANCY LIMITATION”

The maximum permitted occupancy of this dwelling unit is _____. The occupancy limit will be strictly enforced. No warnings will be given. Each tenant of the dwelling unit at the time of the violation of the occupancy limit shall be issued a summons for overcrowding. Only those occupants whose names are on file with the Township as required in this Chapter, may reside within the registered premises. It shall be a further violation of this Code for any person to occupy or use any premises if a required certificate has not been issued.

§244-4. Responsibility for correction of violations. Inspections; certificate of compliance and occupancy limitations.

The owner of the inspected property shall be responsible for the correction of violations of the code as indicated in a written notification by the Code Official or his/her representative to the owner.

§244-5. Notice of abatement of violations.

Upon correction of the violations, the owner of the inspected property shall notify, in writing, the Code Official in order that a reinspection for the purpose of requiring correction of the earlier violations may be made. This procedure shall be followed and repeated until all violations have been corrected.

§244-6. Fees.

D. The owner of the inspected property shall be charged a fee for the initial inspection for each separate leased or rented unit inspected for the aforesaid purpose. The fees associated with and for obtaining a Certificate of Occupancy shall be in accordance with Section 179-10.

The aforesaid fee shall be paid to the Administrative Housing Official prior to the aforesaid inspection or reinspection(s).

§244-7. Enforcement.

At any time that an official or employee of the Township of Manchester, including but not limited to the Construction Official, Code Enforcement Officer, Construction Inspector or Police Officer of the Township of Manchester has reason to believe that any rental unit is in violation of the provisions of this chapter, the landlord and/or tenants may be issued a summons for violation of the provisions of this chapter.

§244-8. Governing provisions.

In any case where a provision of the code is found to be in conflict with a provision of any zoning, construction, fire, safety or health ordinance or code of the municipality, the provision which establishes the higher standard for the promotion and protection of the safety and health of the

people shall prevail. In any case where a provision of the code is found to be in conflict with a provision of any other ordinance or code of the municipality which establishes protection of the safety and health of the people, the provisions of the code shall prevail.

§244-9. Compliance with other property maintenance standards.

- A. No person shall occupy as owner or occupant, or rent to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of Chapter 313, Property Maintenance, as established and amended hereby and as may be amended from time to time hereafter, as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.
- B. No agent of an owner, real estate broker, firm, company, partnership, corporation or person shall rent, re-rent, lease, re-lease, sell, resell or suffer to allow any person or persons to live in or occupy as a tenant or otherwise any multiple dwelling unit, manufactured/mobile home and/or single-family residence or dwelling where there shall be a change of occupancy, unless a certificate of occupancy certifying that said manufactured/mobile dwelling unit or apartment and/or single-family residence or dwelling is fit for human habitation and that said multiple dwelling unit or apartment and/or single-family residence or dwelling is in compliance with all other ordinances of the Township shall first be obtained from the Building Department. Such a certificate of occupancy shall be granted or denied within 10 days from the date of the application for same.

§244-10. Compliance with landlord registration ordinance.

All landlords shall comply with Chapter 242 of the Township Code entitled "Landlord Registration" within the Township of Manchester and shall file a landlord registration statement on a form promulgated by the Township with the Department of Inspections, Land Use & Planning for each rental property. Landlord registrations are to be filed for each rental unit. The registration fee shall be \$100 for each rental property, which shall be paid annually.

§244-11. Compliance with lead safe certificate law.

Per New Jersey's Lead Safe Certificate Law (P.L. 2021, C. 182), any rental unit constructed prior to 1978 requires an inspection to check for deteriorated paint, debris, dust or residue. Each rental unit must receive a lead safe certificate upon each rental turnover (change of tenancy) or every 3 years, whichever comes first. A lead safe certificate is valid for 2 years and if the change in tenancy occurs prior to the expiration of the certificate an inspection is not required. The initial inspection for all rental units must take place before July 31, 2024. If a lead paint inspection fails, the owner/landlord must remediate the issues noted in the inspection report within 30 days.

§244-12. Compliance with liability insurance requirements.

- A. Pursuant to New Jersey P.L. 2022, c.92, the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
- B. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount

of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

- C. The owner of a rental unit or units shall annually register the certificate of insurance demonstrating compliance with P.L. 2022, c.92 and this Chapter with the Department of Inspections, Land Use & Planning.
- D. An annual administrative fee of \$100.00 shall apply to the filing of the certificate of registration required pursuant to P.L. 2022, c.92 and this Chapter.

§244-13. Rentals of amenities prohibited.

The lease or rental, for any purpose and for any period of time, of any amenity, feature, or accessory that is appurtenant to or associated with any rental unit, dwelling or residential structure is prohibited. "Amenity, feature, or accessory" shall include, but is not limited to, swimming pools, pool cabanas, accessory structures, hot tubs, decks, patios, yards, and the like.

§244-14. Violations and Penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall be subject to the penalties as provided in Chapter 1, Article II, General penalty.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. 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 of the Township of Manchester on first reading at a meeting held on the 11th day of March 2024 at 6:00 pm. The Ordinance will be considered for second and final reading at a meeting of the Township Council which is scheduled for the 25th day of March, 2024, at 6:00 pm or as soon thereafter as the matter may be reached, at the Municipal Building located at 1 Colonial Drive, Manchester, New Jersey 08759, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.



Teri Giercyk, RMC/CMC
Municipal Clerk