

**TOWNSHIP OF STILLWATER
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 2023-03

**AN ORDINANCE REQUIRING REGISTRATION AND LICENSING FOR
RENTAL DWELLING UNITS, INCLUDING PROOF OF STATE-MANDATED
LIABILITY INSURANCE COVERAGE, CERTIFICATE OF HABITABILITY,
AND LEAD-SAFE CERTIFICATE WHERE REQUIRED BY LAW.**

WHEREAS, the State of New Jersey now requires the Township to register businesses and homeowners that offer dwelling units for rent to assure they maintain the State-mandated liability insurance coverage for all rental units, current Certificates of Habitability and current Lead-Safe Certificates for all rental units where required by law.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Stillwater that the Township Code shall be amended changes as follows:

SECTION 1

A new Chapter “313” shall be added to the Township Code as follows:

Chapter 313 Rental Dwelling Unit Registration/License to Operate

§ 313-1 Purpose.

The purpose of this Chapter is to protect the health, safety and welfare of persons renting dwelling units located within the Township of Stillwater by requiring mandatory registration with the Township Clerk’s Office. Registration. Approval of a License requires satisfactory completion of the Rental Unit Registration Form provided by the Township Clerk’s Office, along with proof a current Certificate of Habitability, current state-mandated liability insurance coverage, and current Lead-Safe Certificates (where required by law) for each dwelling unit. “Dwelling unit” as used in this Chapter means a structure, or a room or group of rooms within a structure, used or intended for use, in whole or in part, for residential purposes.

§ 313-2. Annual Registration and License Requirements

- A. All businesses or persons who own, possess, or control any business or private residence that offers one or more dwelling units for rent located within the Township of Stillwater shall annually register each and every such dwelling unit or units with the Township Clerk on the required Rental Unit Registration Form provided by the Township Clerk’s Office. The registration and license approval process must be completed with the Township Clerk’s Office by no later than June 30, 2023 and, for each calendar year after 2023, by no later than January 31st of that year. The annual fee for registering rental dwelling units shall be \$25 per unit per year. Any new dwelling unit to be offered for rent must be registered and approved before they are offered for rent and the fee shall remain \$25 per unit per calendar year irrespective of the time of year registered.

- B. At the time of registration, proof must be provided of a current Certificate of Habitability covering all rental dwelling units consistent with § 134-6 of this Code. That section of this Code requires that, at the time of initial occupancy or a change of occupancy of any dwelling unit, the owner of the same shall make application to the Township Building Department for a Certificate of Habitability for that dwelling unit. The Township Construction Official shall conduct an inspection for the sole purpose of determining whether or not the dwelling unit complies with N.J.S.A. 52:27D-133.3 and 52:27D-198.1. The dwelling unit must be equipped with at least one carbon monoxide sensor device, or the Construction Official shall determine that there is no potential carbon monoxide hazard in the dwelling unit. The Construction Official shall also require, in accordance with the aforesaid statutes, a smoke-sensitive alarm device on each level of the structure and outside each separate sleeping area. A battery-operated, smoke-sensitive alarm device shall be accepted as meeting the requirements. In addition, each such dwelling unit shall have an acceptable portable fire extinguisher. The inspection and reinspection fees for a Certificate of Habitability shall be \$50 (\$40 for reinspection) per unit.
- C. At the time of registration, proof must be provided of current liability insurance covering each rental dwelling unit for negligent acts or omissions in an amount of no less than \$500,000 for combined property damage or bodily injury or death of one or more persons in any one accident or occurrence. (For multifamily homes with four or less dwelling units, one of which is owner-occupied, the \$500,000 coverage minimum is lowered to \$300,000 in accordance with State law.) The coverage minimums set forth herein are intended to be consistent with current State law requirements and if the State minimums increase in future years, the Township shall require compliance with those new minimum coverage requirements.
- D. At the time of registration, a current Lead-Safe Certificate must be provided for each rental dwelling unit. Thereafter, a new Lead-Safe Certification must be provided the earlier of every three (3) years or upon tenant turnover. The Lead-Safe Certificate can be obtained by way of visual inspection performed by the Township Building Department at a cost of \$25 (\$25 for reinspection) or the property owner can directly hire a New Jersey DCA Certified Lead Evaluation contractor to provide the required inspection services. If deteriorated paint is found during the course of a visual assessment, the owner of the dwelling unit must remediate the perceived lead hazard or may elect to order a dust wipe inspection to confirm or refute the presence of lead-based paint. The owner of the dwelling unit shall be responsible for remediation of any perceived or actual lead-based paint hazard observed or confirmed during the inspection process. Remediation must be conducted consistent with State Law requirements and a Lead-Safe Certificate must be provided to the Township Clerk before the dwelling unit can be offered for rent.
- E. All rental dwelling units located in any residential setting which are regulated, registered, or otherwise subject to the jurisdiction of the New Jersey Department of Community Affairs Bureau of Housing Inspections are exempt from the liability insurance and lead-based paint requirements of Subsections C and D above. In addition, a dwelling unit in a single-family, two-family, or multiple rental dwelling shall remain subject to the Certificate of Habitability and liability insurance requirements of Sections B, and C above, but shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit in Section D above where the dwelling unit:

- (1) Has been certified to be free of lead-based paint;
- (2) Was constructed during or after 1978;
- (3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law;
- (4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months' duration each year by tenants that do not have consecutive lease renewals; or
- (5) Has a valid Lead-Safe Certification. Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.

F. There shall be a late fee of \$50 per dwelling unit that is not timely registered before June 30, 2023 and, for each year thereafter, before January 31st of that year. New units first offered for rent after the above deadlines must be registered and must submit the required proof of liability insurance, Certificate of Habitability and Lead-Free Certification (if applicable) before the unit can be rented. The Township Clerk's Office has discretion to offer a 30 day grace period to allow full compliance with the registration requirements where the business or person registering has no history of late registrations or failure to register dwelling units covered by this Chapter.

G. All registrants who successfully meet the requirements of Sections A—F above shall be issued a License to Operate by the Township Clerk's Office for the calendar year at issue. Said License to Operate may be withheld or revoked based on violations of this Chapter, violations of other applicable Township Ordinances or State law, or delinquent payment of property taxes or assessment due on the property where the dwelling units for rent are located for at least three consecutive quarters (*See* § 248-2. Revocation of License).

H. The Township Clerk's Office shall, for each calendar year commencing in 2023, maintain a list of all businesses and persons who register dwelling units for rent and receive a Township License to rent dwelling units within the Township of Stillwater.

§ 313-3. Violations and Penalties.

A. Any person, firm, partnership, corporation or entity violating any provisions of this Chapter shall, upon conviction, be subject to the penalties set forth in Chapter 1, Article III of the Code of the Township of Stillwater.

B. The Town may collect, through a summary proceeding under N.J.S.A. 2A:58-10 et seq., a fine of not less than \$500 but no more than \$5,000, for failure to file proof of liability insurance as required herein and by P.L. 2022, C. 1368.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

This Ordinance shall take effect immediately upon its passage.

TOWNSHIP COMMITTEE OF STILLWATER TOWNSHIP

ATTEST:

Lynda Knott, Township Clerk

Lisa Chammings, Mayor

DATED: Introduced: February 7, 2023
 Adopted: February 21, 2023