

Borough of Matawan

Public Notice of Pending Ordinance 24-05

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on April 2, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on April 16, 2024 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 24-05

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN

CHAPTER 14 – HOUSING AND RENTAL HOUSING SECTION 14-4 DEFINITIONS

CHAPTER 14 – HOUSING AND RENTAL HOUSING SECTION 14-5.3 – LICENSE FEE

CHAPTER 14 – HOUSING AND RENTAL HOUSING SECTION 14-6 – RENTAL PROPERTY REGISTRATION

CHAPTER 14 – HOUSING AND RENTAL HOUSING SECTION 14-11 – FEES ESTABLISHED

NOW, THEREFORE, BE IT ORDAINED, Chapter 14, Section 14-5.3 be amended as follows:

14-4 DEFINITIONS

OWNER OCCUPIED

Shall mean the primary residential living unit of the owner and/or immediate family, identified as mother, father, son, daughter.

14-5 REGISTRATION LICENSE REQUIRED BY LANDLORD TO RENT RESIDENTIAL PROPERTY

14-5.3 REGISTRATION License Fee

The annual nonrefundable REGISTRATION license fee for each unit shall be as follows:

- a. Year 1: Two hundred fifty (\$250.00) dollars. This fee shall entitle landlord to one (1) Continuous Certificate of Occupancy (CCO) with no additional fee. However, in the event there is a change in tenancy during the year, the landlord shall be required to update the Rental Property Registration Application and complete a new application for a Continuous Certificate of Occupancy at the current CCO fee. In the event, at the time of the initial Rental Property Registration, the landlord has a current and/or existing CCO, the landlord is not required to obtain a new CCO. There shall be no credit or adjustment of the initial Rental Property Registration fee due to the landlord holding a current CCO.
- b. Year 2: One hundred twenty-five (\$125.00) dollars provided that, in the past year, the licensee has not received any violation of this chapter or any other Borough ordinances, Statutes or regulation concerning rental property. In the event of any such violation, the annual fee shall remain two hundred fifty (\$250.00) dollars. The annual fee shall not decrease unless the landlord and all units in the rental property have been violation-free for a period of a year. This fee shall entitle landlord to one (1) Continuous Certificate of Occupancy (CCO) with no additional fee. However, in the event there is a change in tenancy during the year, the landlord shall be required to update the Rental Property Registration Application and complete a new application for a Continuous Certificate of Occupancy at the current CCO fee. In the event, at the time of the initial Rental Property Registration, the landlord has a current and/or existing CCO, the landlord is not required to obtain a new CCO. There shall be no credit or adjustment of the initial Rental Property Registration fee due to the landlord holding a current CCO.
- c. Year 3 and every year thereafter: Seventy-five (\$75.00) dollars provided that, in the past year, the licensee has not received any violation of this chapter or any other Borough ordinances, Statute or regulation concerning rental property. In the event of any such violation, the annual fee shall revert back to two hundred fifty (\$250.00) dollars. The annual fee shall not decrease unless the landlord and all units in the rental property have been violation-free for a period of a year. The fee shall entitle landlord to one (1) Continuous Certificate of Occupancy (CCO) with no additional fee per registration year. However, in the event there is a change in tenancy during this year, the landlord shall be required to complete a new application for a Continuous Certificate of Occupancy at the then CCO fee. In the event, at the time of the initial Rental Property Registration, the landlord has a current and/or existing CCO, the landlord is not required to obtain a new CCO. There shall be no credit or adjustment on the initial Rental Property Registration fee due to the landlord holding a current CCO.

In the event that ownership of the property is transferred, the new owner shall apply for a NEW REGISTRATION license by completing a new Rental Property Registration Application and the applicable fee within ten (10) days of transfer.

The annual fee is to be paid on an ~~annual basis~~ by May 1st within ~~twenty (20)~~ thirty (30) days on which it was first filed (anniversary date).

BE IT FURTHER ORDAINED, the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that the following Chapter 14 – Housing And Rental Housing, Section 14-6 – Rental Property Registration shall be amended and supplemented as follows:

14-6 RENTAL PROPERTY REGISTRATION.

- a. The owner of every rental property within the Borough of Matawan shall file a Landlord Identity Registration Statement ~~Rental Property Registration Application~~ with the Borough Clerk. The form may be requested from the Borough Clerk. The Borough Clerk shall provide a copy of the completed form to the ~~Housing Official~~ and/or Fire Official. When providing a copy of the completed form to any other person or entity requesting same, the Borough Clerk shall redact the names and addresses, age and gender of the tenants.
- b. The Landlord Registration ~~Rental Property Registration Application~~ shall be filed with the Fire Prevention Bureau on an **annual basis** on or before the anniversary date of each year. Failure to do so will result in a penalty.
- c. The Landlord Registration ~~Rental Property Registration Application~~ shall include:
 1. The names and addresses of record owners of the rental property, including all general partners in the case of partnership and all members in the case of a limited liability company and all shareholders in the case of a corporation;
 2. The name and address of a person who resides in Monmouth County and who is authorized to accept notices from a tenant or a municipality, to issue receipts for these notices, and to accept the service of process on behalf of the record.
 3. The name, address and telephone number of the owner of record or representative of same, or managing agent who may be reached or contacted at any time in the event of an emergency affecting the dwelling or any dwelling unit, including such emergencies as the failure of any essential service or system, and who has authority to make emergency decisions concerning the building or unit, including the making of repairs;
 4. **The name, age and gender of each and every tenant in each unit, including children.** The information contained in the Landlord Registration ~~Rental Property Registration Application~~ must set forth information for **each unit** within the rental property.
 5. ~~The names and addresses of all holders of recorded mortgages on the property;~~
 6. ~~If fuel oil is used to heat the unit, the name and address of the fuel oil dealer servicing the unit and the grade of oil used;~~

7. As to each unit, the owner shall provide a floor plan of each rental unit which shall depict the number, dimensions and locations of each room in the unit identifying each room including both its designed and actual use. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the sketch provided by the owner and approved by the ~~Housing Official~~ and/or Fire Official, which shall be on file with the Fire Prevention Bureau ~~Housing Official~~; and
 8. Such other information as may be required by the Borough.
- d. In the event the tenancy changes during the year, the landlord, owner or managing agent, shall, within ten (10) days of the change in tenancy, file for a new CCO for the change of tenancy. A change in tenancy shall mean the addition of any person not included in the annual Application or the deletion of any person on the annual Application.

BE IT FURTHER ORDAINED, the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that the following Chapter 14 – Housing And Rental Housing, Section 14-11 – Fees Established, shall be amended and supplemented as follows:

14-11 FEES ESTABLISHED

Petitioned Inspection	\$50.00
Change of CCO inspection fee	50.00 <u>110.00</u>
<u>CCO</u>	<u>75.00</u>
<u>Smoke Certification</u>	<u>35.00</u>
Re-inspection fee	25.00
Re-inspection of re-inspection of violations	75.00
Requested pre-inspection	40.00
Request of Hearing Board	500.00
No Show at requested inspection, reinspection, fee (15 minute wait)	80.00
No Show Re-inspection fee (15 minute wait)	100.00
TCO	75.00 <u>250.00</u>
Replacement of lost Inspection Certificate by Applicant	10.00
Failure to register–1st offense	1,250.00
Failure to register–2nd offense	1,250.00
Failure to apply for CCO	1,250.00
Negligent or inadvertent failure to register a unit, apartment, home for rental	1,250.00
Refusal or deliberate failure to register a unit, apartment, home for rental	1,250.00
Failure to supply copy of lease (1 copy)	100.00
Overcrowding	1,250.00
Failure to supply floor plan	250.00

Failure to correct and complete violations in required time \$250.00 and \$10.00 for each additional day

14-12 MAINTENANCE OF REGISTRATION STATEMENTS

The Fire Official shall maintain all Landlord Registration Statements at Borough Hall and shall provide access to the Borough Clerk, Police Department, Fire Department, Department of Public Works, Office of Emergency Management, Board of Health, Board of Education and other Borough, County or State agencies for purposes of the general welfare of the Borough of Matawan.

The owner or his designee upon the filing of the ANNUAL Statement of Tenants shall pay a fee to the Borough of Matawan on an **annual basis** on or before January 31st of each year in the amount set forth hereunder:

<u>Number of Units</u>	<u>FEE</u>
<u>For 1 to 3 rental units</u>	<u>\$50.00 each unit</u>
<u>For 4 to 7 rental units</u>	<u>\$45.00 each unit</u>
<u>For 8 to 10 rental units</u>	<u>\$40.00 each unit</u>
<u>For 11 to 15 rental units</u>	<u>\$35.00 each unit</u>
<u>For 16 to 25 rental units</u>	<u>\$30.00 each unit</u>
<u>For 26 to 50 rental units</u>	<u>\$25.00 each unit</u>
<u>For 51 to 100 rental units</u>	<u>\$10.00 each unit</u>
<u>For 100 + rental units</u>	<u>\$5.00 each unit</u>

BE IT FURTHER ORDAINED, any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

BE IT FURTHER ORDAINED, if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to New Jersey State law.