

**ORDINANCE 20-04
INTRODUCTION DATE: 05-11-2020
ADOPTION DATE: 05-26-2020**

AN ORDINANCE AMENDING CHAPTER 10: “HOUSING” OF THE BOROUGH CODE TO PROVIDE THE HOUSING INSPECTOR PRIMARY RESPONSIBILITY FOR RESIDENTIAL RENTAL PROPERTY LICENSES WITH A RIGHT OF APPEAL

C/Esakoff offered the following Ordinance and moved its introduction, which was seconded by **C/Vroman**.

WHEREAS, the Borough of Roosevelt, County of Monmouth, State of New Jersey (the “Borough”) requires that the owners of residential rental properties within the Borough apply for a license each year for such rental use, subject to inspection by the Housing Inspector; and

WHEREAS, the Borough Ordinance authorizing residential rental property licenses places primary responsibility with the Mayor and Council to approve or deny said licenses; and

WHEREAS, the necessity of Borough’s Mayor and Council annually considering each and every residential rental property license at a public meeting creates unnecessary administrative work and delays the issuance and renewal of otherwise routine licenses; and

WHEREAS, the Borough’s Mayor and Council find that the primary responsibility for reviewing residential rental property license should lie with the Housing Inspector, who possesses particular expertise and experience in such matters;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roosevelt, County of Monmouth, State of New Jersey, that Borough Code Chapter 10: “Housing” shall be amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

10-3 RESIDENTIAL RENTAL PROPERTY LICENSE.

10-3.1 License Required for Residential Rental Property.

Every owner of residential rental property to which this section is applicable shall apply to the ~~Mayor and Council~~Housing Inspector for a license to rent the property for residential purposes. Any such license shall be valid for a period of one (1) year from the date of issuance.

10-3.2 Applicability to Converted Properties.

Any property owner who intends to convert the property to use as residential rental property shall obtain a license to rent the property for residential purposes prior to commencing such rental.

10-3.3 Inspection by Housing Inspector.

All properties subject to licensure as residential rental properties shall be subject to inspection at least once every year by the Housing Inspector in order to ensure compliance with maintenance standards established by ordinance.

10-3.4 License Fee.

Each license application shall be accompanied by a filing fee in the amount of one-hundred (\$100.00) dollars.

10-3.5 License Denial, Suspension or Revocation for Violations.

The ~~Mayor and Council~~ Housing Inspector may deny the issuance of a license, or revoke or suspend a license that was previously issued, upon a finding that the owner has failed to abate Code violations cited by the Housing Inspector and to maintain the property in a manner conducive to the health, safety and welfare of the residents of the property and of the community. Any owner whose license is denied, revoked, and/or suspended by the Housing Inspector may appeal said determination to the Mayor and Council within twenty (20) days of the date thereof, which appeal shall be determined at a public hearing before the Mayor and Council within forty (40) days of the date of receipt of such an appeal.

10-3.6 Violations and Penalties.

Any person who shall lease any real property subject to this section, under either an oral or written lease, without having a license to do so shall be subject to a penalty not exceeding one thousand two hundred fifty (\$1,250.00) dollars and/or sixty (60) days imprisonment for each violation. Each week or part thereof during which such unlicensed rental continues following service of the initial violation notice shall be deemed to be a separate violation.

10-3.7 Enforcement.

This section shall be enforced by the Housing Inspector.

10-3.8 Exclusions to Applicability or Regulations.

This section shall not apply to any multifamily housing project that is subject to regulation by any Federal or State agency, to housing that is provided to the occupant on a rent-free basis, or to housing occupied exclusively by a person who is an ancestor, descendant or sibling of the owner and any member(s) of that person's immediate family.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining

portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect according to law upon final passage and publication.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor