

ORDINANCE NUMBER 34-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 10, Landlord Registration

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§ 10-7 RENTAL OF HOUSING UNITS.

§ 10-7.1 Definitions.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

As used in this section, the following terms shall have the meanings indicated:

ADULT TENANT

A person over the age of 18 years not previously occupying a dwelling unit.

BUILDING

Any building or structure, or part thereof, used for human habitation, use, or occupancy and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

CERTIFICATE OF INSURANCE

In accordance with Senate No. 1368, business owners and rental unit owners to maintain certain liability insurance policies. The owner of a multifamily home of four or fewer units, one of which is owner occupied, shall annually register the certificate insurance demonstrating compliance with Section 1 of S1368.

DWELLING

A building or structure or part thereof containing one or more dwelling units which are to be leased or rented to a person other than the owner or provided to any occupant as compensation for services rendered to the landlord or any third party. A dwelling shall not include a state-licensed group home operated by a nonprofit corporation or public entity.

DWELLING UNIT

Any room or group of rooms or any part thereof located within a building containing habitable space and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking, and eating for a single family or the functional equivalent thereof. The provisions of N.J.S.A. 40:49-5.1 and N.J.A.C. 5:28-1.11 are hereby adopted as the standard governing supplied utilities, facilities and other physical things and conditions to make buildings and dwellings, both residential and nonresidential, safe, sanitary and fit for human habitation, occupancy or use.

DWELLING, STANDARDS TO BE APPLIED

For all dwellings in the City of Lambertville the following standards are adopted by reference.

HABITABLE SPACE

The space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space in similar areas are not considered habitable space.

LANDLORD

The owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, or their duly authorized

agents, firm or corporation in control of a building, dwelling, apartment house or habitable space of premises.

OCCUPANT

Any person, including minors, who reside or intends to reside in a dwelling unit.

RENTAL HOUSING OFFICER

The person authorized by this section to issue permits and conduct inspections and shall include the Construction Official, the Police Director or his designee and the Zoning Officer of the City of Lambertville.

TENANT

Any person, including minors, who reside in a dwelling unit on a continuous basis for more than 30 days.

VACANT DWELLING UNIT

A dwelling unit where the previous tenants have vacated, or where more adult tenants than permitted by the annual landlord registration in accordance with Chapter **11** of the City Code, seek to occupy the dwelling unit.

ZONING OFFICER AND/OR FIRE OFFICIAL

The person authorized by this section to issue notice of violations or summons to enforce compliance with this section and to investigate and/or inspect complaints and possible unsafe conditions and includes the Zoning Official, Fire Official, Construction Official, and any police officer of the City of Lambertville.

§ 10-7.2 Annual Landlord Registration Required.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

Within 90 days of the effective date of this section, adopted October 18, 2010, every landlord in the City of Lambertville shall make application for, and file with the office of the Municipal Clerk an annual landlord registration in accordance with Chapter **11** of the City Code, for every building containing one or more dwelling units occupied by one or more tenants. Thereafter the annual landlord registration in accordance with Chapter **11** of the City Code, shall be renewed annually each March 1. All annual landlord registration, in accordance with Chapter **11** of the City Code, received after April 1 of each year shall be considered late and are subject to applicable late fees.

§ 10-7.3 Application for Annual Landlord Registration; Affidavit of No Change.

[Ord. No. 2010-23; Ord. No. 04-2014; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

- a. Application, Information Required. An application form for an annual landlord registration shall be available from the office of the Municipal Clerk and shall not be deemed complete unless the applicant provides the following for each building containing one or more dwelling units rented to one or more tenants owned by the landlord in the City:
 1. Name, address and phone number of the landlord.
 2. Address of building ("building") and dwelling unit number or other identifying information for the dwelling unit.
 3. Number of dwelling units in the building.

4. For each dwelling unit in the building:
 - (a) Identify the unit number or other identifying information.
 - (b) Set forth the gross floor area in square feet of each room occupied for sleeping purposes.
 - (c) Set forth the total gross floor area in square feet of habitable rooms.
 - (d) Maximum number of tenants permitted in the dwelling unit.
 - (f) The date tenancy commenced or will commence.
5. Proof of current payment of property taxes, assessments against property, sewer charges, or other municipal charges, or assessments pursuant to N.J.S.A. 40:52-1.2.
6. Payment of registration fees.
7. A certification from the landlord that the dwelling unit to be rented complies with this section.
8. A certification from the landlord that he/she will not authorize more than the maximum permitted tenants to occupy the dwelling unit.
9. In the event of a change in landlord of the dwelling unit, a new annual landlord registration in accordance with Chapter 11 of the City Code, shall be filed with the City Clerk.
10. Proof of approval to operate as a multi dwelling such as Board of Adjustment approval or proof of operation prior to the adoption of the 1971 Zoning Ordinances.
11. In the event of a change in tenants, a new SDCMFX inspection must be completed. 12. SDCMFX inspection which requires smoke detector and carbon monoxide fire extinguisher certification.
13. Submission of a current lead hazard evaluation by a DCA-certified lead hazard evaluation contractor of the landlord's choosing. Certification shall be in compliance with the current Lead Hazard Law P.L. 2021, c.182, and shall state there is no lead hazard in the premises at the time of the evaluation. A lead-safe certificate shall be issued by the City upon receipt of clean certification from the lead hazard evaluation contractor. The fee for the certificate shall be \$100 and shall be valid for a maximum of two years. All residential rental units shall obtain a lead-safe certificate from the City on or before July 1, 2024, in compliance with State Law.
 - (a) This requirement applies to all single-family, two-family, and multifamily rental properties that were built before 1978. Multifamily units that are inspected through the state are exempt from the local requirement. Residences that have been certified lead-free, not just lead-safe, are also exempt.
 - (b) Continuing inspections shall be completed and results submitted to the City prior to any change in tenant or every three years, whichever is sooner unless there is a current valid lead-safe certificate for the property.
- b. Renewals with no changes; affidavit. Landlords who have experienced no changes to the application filed the previous year, may certify the information (items a.1 through 12) is correct and has not changed by completing an affidavit of the full application. An Affidavit of No Change can only be filed five consecutive years. The sixth year requires the completion of the full application.

§ 10-7.4 Annual Landlord Registration Required.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

No landlord shall permit a tenant to occupy, let or sublet to a tenant, nor shall any person or persons lease or occupy any vacant dwelling unit, without receiving a landlord registration certificate which certifies that the dwelling unit complies with the provisions of the most current revision of the Zoning Ordinance, this section and any other applicable laws and regulations.

§ 10-7.6 Limitations of Occupancy.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

The maximum number of persons which may inhabit a dwelling unit shall be computed as follows and certified in the annual landlord registration in accordance with Chapter **10** of the City Code:

- a. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- b. **Maximum Occupancy.** The maximum number of tenants inhabiting a building rented for residential purposes shall be stated in the approved annual landlord registration in accordance with Chapter **11** of the City Code.

§ 10-7.7 Minimum Standards for Room Occupancy: Light, Ventilation, Bath and Kitchen Requirements, and Decks.

[Ord. No. 2010-23; amended 12-15-2022 by Ord. No. 35-2022]

- a. **Light and Ventilation.** Every room containing habitable space must have at least one window capable of being opened or other opening directly upon a street, yard, court or other open space. The total area of such opening shall be not less than 12% of the floor area of such room and in no case less than 12 square feet.
- b. **Bathroom and Kitchen.** Each dwelling unit shall contain a full bathroom (including a water closet, lavatory and either a bathtub or shower) and a kitchen meaning an area for the preparation of food (including a stove and sink).
- c. **Maximum Deck, Balcony or Porch Space.** The maximum allowable number of people on any deck, balcony or porch shall be one person per nine square feet in accordance with the maximum standing room space allowed as per the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq.
- d. Structures that preexisted the adoption of the 1971 Zoning Ordinance may continue to be used as a dwelling unit notwithstanding they do not meet the requirements of this section, provided their continued use is permitted by and the Uniform Fire Safety Code, N.J.S.A. 52:27D-192 et seq., and New Jersey Uniform Fire Safety Code, N.J.A.C. 5:70-1.1 et seq. (jointly referred to as "Uniform Fire Safety Code"). The landlord shall submit a written request with the application for the rental certificate of occupancy for such continued use along with a written explanation as to how compliance with the Uniform Fire Safety Code creates practical difficulties.

§ 10-7.8 Violation of Occupancy Requirements; Inspections; Enforcement.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

- a. It shall be unlawful and in violation of this section for a landlord, owner or a tenant of a dwelling unit to allow a greater number of people than the permitted maximum number of tenants listed in the annual landlord registration in accordance with Chapter **11** of the City Code, to rent or occupy any dwelling unit.
- b. It shall also be unlawful and in violation of this section for a tenant, landlord or an owner to allow a number of people greater than the maximum number of people permitted to occupy the deck, balcony or

porch of said dwelling unit to occupy the deck, balcony or porch of said dwelling unit.

- c. The following officials are authorized to issue summons for violations of this section to any owner, landlord or tenant found to be in violation of this section: Zoning Official, Fire Official, Construction Official, and any police officer of the City of Lambertville.
- d. Inspections. The Fire Official and the Construction Official may make inspections to determine the condition of dwellings containing a dwelling unit to be rented to a tenant prior to the issuance of an approved annual landlord registration in accordance with Chapter 11 of the City Code. For the purpose of making inspections, they are authorized to enter and examine any dwelling, dwelling unit, rooming unit or premises at such reasonable hours as the circumstances of the case permit with the permission of an occupant, tenant, owner or landlord. In the event entry is denied, then, upon advice of the Municipal Attorney, recourse to a court of competent jurisdiction shall be pursued.

§ 10-7.9 Unlawful Activities.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

It shall be unlawful and in violation of this section for a landlord or owner of a dwelling unit or tenant of a dwelling unit or apartment:

- a. For the landlord to fail to file an annual landlord registration in accordance with Chapter 11 of the City Code, as required by Subsection 10-7.2 for each building owned by him in the City of Lambertville containing a dwelling unit.
- b. To violate any other provisions of the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 et seq., and/or the Uniform Fire Safety Code.
- c. To enter into a lease agreement without at least one tenant being an adult and requiring all adult tenants to sign the lease.
- d. To violate any subsection of this section.
- e. Filing a false certification.

§ 10-7.10 Reporting of Violations.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

It shall be the legal duty of each holder of an annual landlord registration in accordance with Chapter 11 of the City Code, to immediately report any breaches of the peace or violations of this section which he may know or believes to have occurred on the leasehold premises, which report shall be made to the Fire Official, Construction Official or the Police Department of the City of Lambertville by the most expedient means.

§ 10-7.11 Violation for False Information.

[Ord. No. 2010-23; amended 12-15-2022 by Ord. No. 35-2022]

Any person who is found to have submitted false information, documentation or identification in connection with an application for a landlord's registration statement shall pay a minimum fine of \$250, plus court costs for the first offense, second offense a minimum of \$1,225 and third offense or more \$2,000 for each document containing false information, documentation or identification. Any person who submits a false certification or documentation shall be subject to criminal prosecution, in addition to the penalties contained herein. In addition to the foregoing, a certificate of occupancy that is issued on the basis of information or documentation that is knowingly false or fraudulent when made, shall be subject to revocation pursuant to and in accordance with the provisions herein.

§ 10-7.12 Fees.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

- a. There shall be an annual fee of \$250.00 to file an annual landlord registration in accordance with Chapter 11 of the City Code, for each building containing one or more dwelling units.
- b. A late fee of \$50 shall be applied to all registrations or renewals filed after April 1 of each year. Applications received after June 30 will be subject to a penalty fee of \$100.00. Applications received after September 30 will be subject to a penalty fee of \$150.00.
- c. Landlords who decide to renovate or not rent a property will need to file an affidavit with the City Clerk's Office within 30 days of the vacancy.
- d. Landlords who fail to register the property within a one-year cycle, will be required to file the previous year's registration before they can file the current year's registration.
- e. Landlords who decide to rent the property as a Short-Term Rental instead of a housing unit, will be subject to the provisions found in Ordinance Number 32-2023, and/or Chapter 5-11 of the Lambertville City Code, 2014.

§ 10-7.13 Tenant Subject to Removal.

[Ord. No. 2010-23; amended 12-19-2019 by Ord. No. 28-2019; 12-15-2022 by Ord. No. 35-2022]

Any tenant renting premises in the City of Lambertville who occupies the premises prior to obtaining an approved annual landlord registration, in accordance with Chapter 11 of the City Code, shall be subject to immediate removal from the premises. Any costs associated with the removal and subsequent relocation of tenants that are incurred by the City of Lambertville shall be the responsibility of the landlord and/or tenant.

§ 10-7.14 (Reserved)

[Amended 12-15-2022 by Ord. No. 35-2022]

§ 10-7.15 Violations and Penalties.

[Ord. No. 2010-23; amended 12-15-2022 by Ord. No. 35-2022]

- a. In addition to the penalties as set forth in Subsection 10-7.11, any owner, agent, landlord, tenant and any person or corporation who shall violate any provision of this section or fail to comply therewith or with any of the requirements thereof, shall be liable for one or more of the following: imprisonment in the county jail for any term not exceeding 90 days; by a period of community service not exceeding 90 days; a fine not less than \$250.00 nor more than \$2,000. Each and every day such violation continues shall be deemed a separate and distinct violation. Each violation of this chapter shall be a separate and distinct violation. The imposition of a fine in amount greater than \$1,250 upon an owner for violation of this section shall provide for thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded the opportunity for a hearing in the Municipal Court for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 (up to a maximum of \$2,000 may be imposed if the Court has not determined otherwise, or, upon reinspection of the property it is determined that the abatement has not been substantially completed. (N.J.S.A. 40:49-5)
- b. Refusal of Entry. Anyone who knowingly refuses entry or access to any lawfully authorized Zoning Officer and/or Fire Official of the City of Lambertville for the purpose of inspection pursuant to this section or who unreasonably interferes with such inspection shall be subject to a fine of not more than \$250 for each offense.

§ 10-7.16 Severability.

If any paragraph, subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court or administrative agency 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 paragraphs or sections hereof.

**§ 10-8 REAL ESTATE DISCLOSURE OF THE SPECIAL FLOOD HAZARD AREA.
[Ord. No. 22-2015]**

Disclosure of a property's potential flood hazard to prospective buyers must be made by the owner, his/her representative or real estate agent. Notification to the prospective buyer or tenant includes a clear statement in writing informing him/her if the building or structure is all or in part mapped within the Special Flood Hazard Area (1% annual chance flood) on the effective FEMA Flood Insurance Rate Map and if the prospective buyer would have a potential obligation to purchase flood insurance (structure and/or contents) to satisfy a Federally backed mortgage. The words "Flood insurance is required for a Federally backed mortgage" must be used on the disclosure if the building or structure is all or in part of the Special Flood Hazard Area. The disclosure must be a separate document from the seller's disclosure and is distinct from whether the seller experienced a flood while in ownership of the building or structure; for potential renters, the disclosure shall note if the landlord has experienced flooding during his/her ownership. The notice should state that additional information is available from the City of Lambertville's Construction Office.

INTRODUCED FOR FIRST READING: November 16, 2023

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