



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtnj.com>

Meeting: 03/28/22 07:00 PM

2022 ORDINANCE AMENDMENT

OCS 22-11

AN ORDINANCE TO AMEND CHAPTER 431, "RENTAL PROPERTY REGISTRATION" WITHIN THE TOWNSHIP CODE OF THE TOWNSHIP OF BLOOMFIELD

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 431 "RENTAL PROPERTY REGISTRATION," § 431-13. Fees. of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

§ 431-1. Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases when used in this chapter shall have the following meanings:

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.

APARTMENT COMPLEX - Two or more buildings, each containing two or more apartments, which are located within close proximity of each other and are owned by the same owner.

APARTMENT or DWELLING - Any apartment, cottage, bungalow or any room or rooms in a rooming house or 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 be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use.

CERTIFICATE HOLDER - The person to whom the certificate of code compliance is issued pursuant to this chapter. The term "certificate holder" includes within its definition the term "agent" where applicable.

CERTIFICATE OF CODE COMPLIANCE - The certificate issued by the Township Inspections Department or designee attesting that the rental unit is in compliance with all of the ordinances of the Township of Bloomfield.

OWNER - Any person or persons, firm, corporation, or officer thereof, partnership, association or trust who owns, operates, exercises control over or is in charge of a rental facility.

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

REASONABLE TIME - Between the hours of 8:00 a.m. and 8:00 p.m. or such other time mutually agreed

RENTAL FACILITY - Every building, group of buildings or a portion thereof which is kept, used, maintained, advertised, or held out to be a 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 and apartment complexes. Exempt from all provisions of this chapter shall be any nonprofit senior citizen rental facilities, which shall be defined as any facility with more than 50 rental units and is maintained and operated by a nonprofit organization, as defined by the United States Internal Revenue Code, for the primary benefit of senior citizens.

RENTAL UNIT - A dwelling unit which is available for lease or rental purposes and is meant to include a dwelling unit offered for lease or rental, including but not limited to one-family homes, two-family homes, three-family homes, etc., as well as individual apartments located within apartment complexes.

§ 431-2. Registration required.

All rental units shall hereafter be registered with the Township Inspections Department or designee of the Township of Bloomfield or such other person as designated by the Township Council on forms which shall be provided for that purpose and which shall be obtained from the Township Inspections Department or designee.

§ 431-3. Initial registration provisions.

Each rental unit shall be registered. The registration shall be effective so long as the occupancy of the rental unit and the information necessary to obtain the certificate of code compliance has not changed. The initial registration shall occur within 45 days following the adoption of this chapter. No rental unit shall hereafter be rented unless the rental unit is registered and a certificate of code compliance is issued in accordance with this chapter.

§ 431-4. Registration forms; filing; contents.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered, and a certificate of code compliance shall be issued as provided herein. Every owner shall file with the Township Inspections Department or designee of the Township of Bloomfield or such other person as designated by the Township Council a registration form for each unit contained within a building or structure which shall include the following information, which information shall not be available to the public:

A. The name(s) of the tenant of record and occupants, which information shall be made available only to the Board of Education and the Inspections Department of the Township of Bloomfield. This information shall remain confidential and not be available to the public or any other municipal agency of the Township.

B. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such

individuals indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the names and addresses of the registered agent and corporate officers of said corporation shall be provided, together with the telephone numbers for each of such individuals indicating where such individuals may be reached both during the day and evening hours.

C. If the address of any record owner is not located in Bloomfield or in Essex County, the name and address of a person who resides in Essex County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

D. The name and address of the agent of the premises, if any.

E. The name and address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.

F. The name, address and telephone number of an individual representative or the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

G. The names and addresses of every holder of a recorded mortgage on the premises.

H. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

I. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit the square footage of the rental unit, which shall become part of the application, and which shall be attached to the registration form when filed by the Township Inspections Department or designee.

J. Such other information as may be prescribed by the Township.

§ 431-5. Indexing and filing of registration form.

The Township Inspections Department or designee shall index and file the registration forms. In doing so the Township Inspections Department or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this chapter.

§ 431-6. Amended registration form.

Every person required to file a registration form pursuant to this chapter shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or occupancy of the premises is changed.

§ 431-7. Inspections.

- A. Subsequent to the initial registration, each rental unit shall be inspected at least once every three years or upon a change in occupancy of the unit.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Bloomfield, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township of Bloomfield shall not be used as a valid substitute.
- C. Such inspections shall be for the purpose of determining Zoning Ordinance compliance and, to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code, Building Code and/or Uniform Fire Safety Act.
- D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered nor shall a certificate of code compliance be issued, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected and registered. Upon inspection of any rental unit, the inspector, upon finding that the rental unit contains only minor violations of this chapter which are not inimical to the health, safety and welfare of a prospective occupant so as to prohibit occupation by the same, may cause to be issued a temporary certificate of code compliance which shall be conditioned upon the property owner, tenant or landlord complying with the provisions of this chapter within a reasonable period of time not to exceed 30 days from the issuance of such temporary certificate. Upon compliance by the property owner with the provisions of this chapter, the Township Inspections Department shall issue a certificate of code compliance at no additional fee. The permanent certificate of code compliance shall be effective for the same period of time as if issued upon initial inspection. If the corrections are not made within that thirty-day period, the property owner, tenant or landlord shall be deemed in violation of this chapter.

§ 431-8. Access for inspections and repairs; complaints.

- A. All rental facilities, rental units, rooming houses, and boarding houses subject to this chapter are subject to inspections to determine their condition in order to safeguard the health, safety and welfare of the occupants of such rental facilities, rental units, rooming houses and boarding houses and of the general public. At the time of such inspections, all rooms in the rental facilities, rental units, rooming houses, and boarding houses shall be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made between 8:00 a.m. and 8:00 p.m. with the consent of the occupant, who is of legal age to grant such consent, or with an administrative warrant, unless there is reason to believe that a violation exists of a character which is an immediate threat to health or safety, requiring inspection and abatement without delay, or where the time taken to apply for and secure the issuance of a warrant would render ineffective the immediate action necessary to abate the condition. Inspection officers shall make reasonable attempts to obtain the consent of the occupant prior to application for an administrative warrant.
- B. Every occupant shall give the owner of the rental facility, rental unit, rooming house and boarding house access to any part of such rental facility, rental unit, rooming house and boarding house in compliance with any prior arrangements for such action the tenant and owner established, including provision of any lease entered into by the parties (should the parties not have a written lease or prior

agreement regarding such course of action, or any written lease is silent regarding such measure, then the tenant shall provide access at all reasonable times), for the purpose of making such repairs and alteration as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.

C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this chapter, an inspecting officer shall conduct an inspection as herein before provided.

§ 431-9. Inspection Officers; identification and conduct.

Inspection Officers shall be supplied with official identification and shall exhibit such identification when entering any rental facility, rental unit, rooming house and boarding house or any part of any premises subject to this chapter. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

§ 431-10. Refusal of entry for inspection; use of search warrants.

A. The Inspection Officer may, upon affidavit, apply to the Judge of the Municipal Court of the Township for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter may exist on the premises, including one or more of the following:

- (1) The premises requires inspection according to the cycle established by the Township for periodic inspections of premises of the type involved.
- (2) Observation of the external condition of the premises and its public areas has resulted in the belief that violations of this chapter exist.
- (3) Circumstances such as age of building, type of building, particular use of premises or other factors which render systematic inspections of such building necessary in the interest of public health and safety.

B. If the Judge of the Municipal Court of the Township is satisfied as to the matter set forth in such affidavit, he shall authorize the issuance of a search warrant permitting access to an inspection of that part of the premises on which the nuisance or violation may exist. Warrant for access may be issued by the Judge of the Municipal Court upon affidavit of the Inspection Officer establishing grounds therefor pursuant to § 431-8.

C. Where the Inspection Officer or his agent, in possession of an administrative warrant, is refused entry or access or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this chapter and subject to the penalties hereunder.

§ 431-11. Prohibitions on occupancy.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Township of Bloomfield that is not registered in accordance with this chapter or has not had a certificate of code compliance issued as provided herein.

§ 431-12. Certificate of Code Compliance.

Upon the filing of a completed registration form, payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a certificate of code compliance commencing on the date of issuance and indicating same expiring upon a change of the occupancy of the rental unit. A registration form shall be required for each rental unit, and a certificate of code compliance shall be issued to the owner for each rental unit, even if more than one rental unit is contained in the property.

§ 431-13. Fees.

At the time of the filing of the registration form and prior to the issuance of a certificate of code compliance, the owner or agent of the owner must pay a fee in accordance with the following:

- A. An inspection fee of fifty dollars (\$50.00) for each rental unit.
- B. Renewal must be made every three years (per unit) or upon change in tenant within those three years: fifty dollars (\$50.00) inspection fee per unit.
- C. Failure of owner to renew every three years or notify the Fire Department upon change of tenant will result in an increased fee of one hundred dollars (\$100.00) per rental unit.
- D. There will be a reinspection fee of fifty dollars (\$50.00) if the unit is not in compliance upon first inspection.
- E. There will be no fee for owner occupied units: owner must be on deed and must supply a copy of their driver's license or some other document as proof of residency.

§ 431-14. Supplying and posting copy of certificate of code compliance to occupants and tenants.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the certificate of code compliance required by this chapter. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

§ 431-15. Maximum number of occupants; unlawful residents.

- A. Written notice of the maximum number of occupants permitted in each rental unit shall be provided to the tenant or registered tenant of each rental unit by the owner or agent and said tenant or registered tenant shall provide written acknowledgment of receipt of said notice. It shall be unlawful for any person, including the owner, agent, tenant, or registered tenant, to allow a greater number of persons than the maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days as provided for in said notice. Any person violating this provision shall be subject to the penalty provisions of § 431-20 of this chapter.
- B. Only those occupants whose names are on file with the Township as required in this chapter may reside in the premises for which the certificate of code compliance be issued. It shall be unlawful for any other person to reside in said premises, and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of § 431-20 of this chapter.

§ 431-16. Prepayment of taxes and other municipal charges.

No rental unit may be registered and no certificate of code compliance shall issue for any property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

§ 431-17. Adherence to other standards.

All dwelling units shall be maintained in accordance with the Uniform Construction Code and the Building Officials and Code Administrators International, Inc. (BOCA) National Property Maintenance Code as amended from time to time.

§ 431-18. Occupant(s) standards.

A. Occupants. Only those occupants whose names are on file with the Township Inspections Department as provided in this chapter may reside in the premises for which the certificate of code compliance is issued. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

B. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general such that it shall constitute a nuisance as defined in the ordinances of the Township of Bloomfield.

C. Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Township and with all applicable state and federal laws.

D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 431-20 of this chapter.

§ 431-19. Revocation of certificate of code compliance; procedure.

A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the certificate of code compliance issued hereunder upon the happening of one or more of the following:

- (1) Conviction of a violation of this chapter in the Municipal Court or any other court of competent jurisdiction.
- (2) Determination of a violation of this chapter at a hearing held pursuant to § 431-19B herein.
- (3) Continuously renting the unit or units to a tenant or tenants who are convicted in excess of one violation of the Noise Ordinance of the Township.
- (4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this chapter.

- (5) Maintaining the rental unit or units on the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

B. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a certificate of code compliance may be filed by any one or more of the following: Fire Chief, Fire Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Township Inspections Department or designee. The complaint shall be specific and shall be sufficient to apprise the party to whom the complaint is being issued of the charges so as to permit that party to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information.

(2) Upon the filing of such written complaint, the Township Inspections Department or designee shall immediately inform the Township Council, and a date for a hearing shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The Township Inspections Department or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the certificate of code compliance holder and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

(3) The hearing required by this section shall be held before the Township Council unless, in its discretion, the Township Council determines that the matter should be heard by a hearing officer who shall be appointed by the Township Council. If the matter is referred to a hearing officer, such officer shall transmit his findings of fact and conclusions of law to the Township Council within 30 days of the conclusion of the hearing. Township Council shall then review the matter and may accept, reject, or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by Township Council, then the Township Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking, or suspending the certificate of code compliance or determining that the certificate of code compliance shall not be renewed or reissued.

(4) A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(5) The Township Attorney or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a certificate of code compliance by demonstrating that the owner has taken appropriate action and has made a good-faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

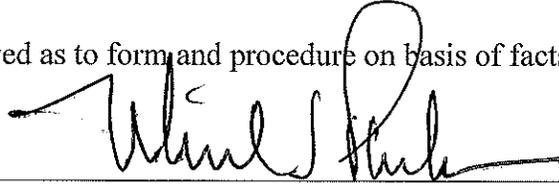
§ 431-20. Violations and penalties.

Any person, firm, or corporation who or which shall violate any of the provisions of this article shall, upon conviction, be punished shall, upon conviction, be subject to the penalty as provided in § 1-15,

General penalty, of this Code. Each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

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Approved as to form and procedure on basis of facts set forth.



Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on March 28, 2022.



Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Wartyna Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						