

ORDINANCE NO. O-17-2
TOWNSHIP MEETING DATE - January 24, 2017

ORDINANCE AMENDING CHAPTER 257 (RENTAL PROPERTY REGISTRATION) and SECTION 150 (FEES), SECTION 150-22 (RENTAL PROPERTY REGISTRATION (CHAPTER 257) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Freehold, County of Monmouth, State of New Jersey, as follows (additions are underlined, and deletions are in [~~brackets~~):

I

Chapter 257, Rental Property Registration, is hereby amended to read as follows:

257-1 Purpose.

The purpose of this chapter is to implement the authority granted to municipalities pursuant to N.J.S.A. 40:48-2.12b et. seq. and N.J.S.A. 46:8-28 in order to ensure that residential rental units are properly maintained in accordance with the property maintenance and related codes as well as to protect the property and the health, safety and welfare of Township residents. To this end, this chapter shall be liberally construed to assure the provision of decent and safe units of dwelling space.

257-2 Definitions.

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

The following two (2) definitions are added alphabetically to the existing definitions.

DEFICIENCY

One or more nuisances, defects or other condition(s) of the premises not in compliance with the requirements of any Township ordinance or State law applicable to it.

PREMISES

Any rental unit, rental facility, apartment or dwelling subject to this chapter.

257-3 Registration.

Each and every rental unit shall hereafter be registered annually with the [~~Zoning Official/Local Enforcing Agency~~] Township Clerk on forms which shall be provided for that purpose and which shall be obtained from the office of the [~~Zoning Official/Local Enforcing Agency~~] Township Clerk. The initial registration shall occur within 90 days following the final adoption of this chapter. Such registration shall be renewed and amended annually, as well as within 20 days of each change of ownership or occupancy of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this chapter. This registration does not mean approval for the use and occupancy. A certificate of occupancy is required for each unit, as well as continued certificate of occupancy upon a change of occupancy of a unit.

257-4. Contents of registration form.

A. Every owner of a rental unit shall file annually with the [~~Zoning Official/Local Enforcing Agency~~] Township Clerk a registration form for each unit contained within a building or structure which shall include the following information:

(1) - (7)

(8) 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 a floor plan outlining and identifying each room in the unit, including the dimensions and floor location of each room, which shall become part of the application and which shall be attached to the registration form when filed with the [~~Zoning Official/Local Enforcing Agency~~] Township Clerk.

(9) No change.

(10) The name, age and gender, including children, of every tenant of record as to each rental unit. A copy of the most recent continuing certificate of occupancy shall be attached. The information contained in the registration form must set forth information for each rental unit within the rental property and must include all tenants in each rental unit. This information shall be made available to the Board of Education and the Zoning Official/Local Enforcing Agency. This information shall otherwise remain confidential and shall not be available to the public.

B. No change.

257-5. Filing and indexing of registration form.

The [~~Zoning Official/Local Enforcing Agency~~] Township Clerk shall annually file with the [~~Township Clerk~~] Zoning Official/Local Enforcing Agency a copy of the registration form. [~~, except for t~~] The information as to the names of the tenants of record and occupants, which information shall be kept in a confidential file in the office of the Zoning Official/Local Enforcing Agency. The Township Clerk shall index and file the registration forms. In doing so the Township Clerk 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.

257-6. 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 of the premises has changed~~] Each person is required to file an updated registration form each year. Fees are as set forth in Section 150-22.

257-7. Inspections. No change.

257-8. Access for inspections; repairs; complaints.

A. - B. No change.

C. Within 10 days of receipt of a complaint alleging a reported violation of this chapter, an inspecting officer shall, as time and resources allow, conduct an inspection as hereinbefore provided.

257-9. Identification and conduct of inspection officers. No change.

257-10. Refusal of entry for Inspection; use of search warrants. No change.

257-11. Occupancy of unregistered premises prohibited. No change.

257-12. Fees.

At the time of the filing of the first registration form the owner or agent of the owner must pay [a] the registration fee as provided in Chapter 150, Fees. If the owner of the property [~~is a senior citizen (age 65 years or older) who resides in a unit of the property and rents out the remaining units and would otherwise qualify under the State of New Jersey property tax deductions under N.J.S.A. 54:4-8.41, there shall be no fee.~~] (1) resides on the same block and lot as the rental unit, or (2) is a senior citizen (age 65 years or older) who resides in a unit of the property and rents out the remaining units and would otherwise qualify under the State of New Jersey property tax deductions under N.J.S.A. 54:4-8.41, or (3) is designated as a non-profit organization and qualifies as a 501 (c) 3 under IRS regulations, there shall be no fee. However, this waiver does not absolve the annual requirements for registration. After the initial registration, there shall be no fee for an amended registration regarding a change of occupancy; [~~the registration fee for a change of ownership is as provided in Chapter 150, Fees.~~] there shall be a registration fee for a change of unit ownership consistent with a first time registration of the unit with an appropriate fee as set in Section 150. Every person is required to file an updated registration form each year.

257-13. Registration form to be provided to occupants and tenants. No change.

257-14. Posting of maximum allowable number of occupants. No change.

257-15. Occupancy standards. No change.

257-16. Service of notice.

In the event that there is any Deficiency in the condition of a rental unit subject to this chapter, the Zoning Official/Local Enforcing Agency may provide notice to the owner, the lessor or the agent by personal service or by Certified Mail, Return Receipt Requested. In the event the owner or lessor has failed to register the rental unit under this chapter, or has designated an agent which cannot be found at the address given in any registration, adequate service shall be by posting it upon the Premises in a conspicuous place.

257-17. Abatement of Deficiency; correction by Township; lien upon the Premise; appointment of custodian.

In the event, after notice to correct a Deficiency, the Zoning Official/Local Enforcing Agency gets no response after a reasonable time, or the Deficiency is not corrected after a reasonable time, taking into consideration the nature of the Deficiency, the Township may, by resolution, authorize the expenditure of funds at the cost of the owner or lessor for putting the Premises in proper condition to correct the Deficiency. In such case, the Township may further, by resolution, certify the amount so expended to the Tax Collector and the same shall be a lien upon the Premises. The Township may also, by resolution, appoint a custodian of the Premises as provided in accordance with N.J.S.A. 40:48-2.12g.

257-~~16~~18. Violations and penalties.

NOTE TO CODIFIER:

(1) Any reference in this Chapter to Section 257-16 shall be changed to Section 257-18.

(2) The only other change to this section is the section number designation to Section 257-18.

II

Chapter 150, Fees, Section 150-22 Rental property registration (Chapter 257), is hereby amended to read as follows:

150-22 Rental property registration.

~~A. Fee for registration of rental facilities, rental units, rooming houses and boarding houses: \$100.00.~~

~~B. Fee for change of ownership: \$20.~~

Rental Property Registration fees:

(1) Registration of 1 thru 5 units - \$100.00 each.

(2) Registration of 6 thru 25 units - \$500.00 plus \$75.00 for each unit over 5 units.

(3) Registration of 26 thru 100 units - \$2,000.00 plus \$50.00 for each unit over 25.

(4) Registration of 101 thru 200 units - \$5,750.00 plus \$25.00 for each unit over 100.

(5) Registration of 201+ units - \$8,250.00 plus \$20.00 for each unit over 200.

III

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

IV

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

V

This Ordinance shall take effect upon adoption and publication according to law.

Explanatory Statement:

This ordinance amends Chapter 257, Rental Property Registration, and Chapter 150, Fees, to require annual registration and to implement the powers granted to the Township by N.J.S.A. 40:48-2.12b et. seq. in order to better provide for maintenance of rental housing stock and protection of tenants.

ORDINANCE NO. O-17-3

TOWNSHIP MEETING DATE – January 24, 2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FREEHOLD AUTHORIZING THE TOWNSHIP TO EXECUTE A PILOT AGREEMENT WITH PIRHL ACQUISITIONS, LLC IN CONNECTION WITH THE PROJECT AT BLOCK 69.01, LOT 23

BE IT ORDAINED by the Mayor and Township Committee of the Township of Freehold, County of Monmouth and State of New Jersey as follows:

I

WHEREAS, PIRHL Acquisitions, LLC and its assigns (hereinafter referred to as the “Sponsor”) proposes to construct and operate a 66 unit affordable senior apartment community (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the “HMFA Requirements”) within the Township of Freehold (hereinafter referred to as the “Township”) on a site described as Block 69.01, Lot 23, as shown on the Official Assessment Map of the Township of Freehold, Monmouth County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Township has adopted a Resolution determining that there is a need for this housing project in the Township; and

WHEREAS, the Sponsor has presented to the Township Committee of the Township of Freehold a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Freehold (the “Committee”) that:

- (1) The Committee does hereby make the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (2) The Committee does hereby adopt the within Ordinance with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit “B”; and
- (3) The Committee hereby authorizes the Mayor and Township Clerk of the Township of Freehold to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit “B”; and
- (4) The Committee understands and agrees that the revenue projections set forth in Exhibit “A” are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.

II

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

III

This Ordinance shall take effect upon final adoption and publication according to law.

Explanatory Statement:

This purpose of this Ordinance is to authorize the Township to execute a PILOT Agreement with PIRHL Acquisitions, LLC in connection with the project at Block 69.01, Lot 23.