

ARTICLE VIII. - RESIDENTIAL RENTAL HOUSING CODE

Sec. 22-345. - General application and interpretation.

- (a) Purpose. The South Brunswick Residential Rental Housing Code is adopted to establish reasonable minimum standards governing residential rental dwelling units offered for rental; to authorize and mandate inspections of units for rent; to define responsibilities of owners, owners' agents, and occupants; and to fix penalties for violations of this article.
- (b) Application. This article shall apply to the repair, maintenance, occupancy and use of all residential rental dwelling units offered for rent in South Brunswick Township. It shall not supersede other codes and regulations of the township.
- (c) Interpretation.
 - (1) This article shall be liberally interpreted to secure the beneficial purposes hereof.
 - (2) Any conflict or inconsistency between the requirements of this article and applicable local, state and federal laws and regulations shall be resolved in favor of the more restrictive requirements.
 - (3) Whenever any standard or code is referred to in this article, the most recent edition of such shall be deemed to be incorporated herein by reference, notwithstanding the fact that such edition may have been published subsequent to enactment of this article in which the reference to such standard or code is contained.
 - (4) Notwithstanding the provisions of this article, the local enforcing agency, as the term is defined in N.J.A.C. 5:18-1.5, shall continue to enforce provisions of the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq. and the Uniform Fire Code, N.J.A.C. 5:18, applicable to hotels, motels and multiple dwellings. Rental inspection officers, as defined by this article, that are also licensed as fire inspectors, shall also act as agents of the local enforcing agency inspecting non-life-hazard uses and in those instances shall report to and come under the supervision and direction of the fire marshal for all non-life-hazard use inspections performed.
- (d) Administration. This article shall be administered by the rental inspection officer of the township, defined as any inspector appointed and/or retained by the township, on a full-time or part-time basis, either as a direct employee of the township or retained as an independent contractor, for the specific purpose of conducting inspections and enforcing the provisions of this article. Qualifications for this position shall be established and determined by the township manager.
- (e) Facilities covered. The provisions of this article shall cover all residential rental dwellings and dwelling units offered for rental, and shall extend to their appurtenant constructions, together with all surface and subsurface construction. Such facilities shall be individually and collectively referred to in this article as a "rental dwelling unit."
- (f) Code notification requirements.
 - (1) Every new tenant of a rental dwelling unit shall receive a copy of an introductory letter from the owner, agent and/or landlord, explaining the South Brunswick Residential Rental Housing Code and providing a copy thereof.
 - (2) Said tenant shall sign for receipt of the letter, acknowledging that it has received a copy of the South Brunswick Residential Rental Housing Code.

(Ord. No. 35-06, § I, 5-9-2006)

Sec. 22-346. - Inspections.

- (a) Inspections and standards. The rental inspection officer is authorized and empowered to inspect all rental dwelling units offered for rent to determine the condition thereof, and to order the repair or alteration of any deficiencies found by him or brought to his attention, in order to safeguard the health, safety and welfare of the occupants and the general public. Violations of this code shall be specified in writing and provide a timeframe for repair of same. The standards established by the New Jersey Housing Code (N.J.A.C. 5:28) shall apply. In addition to the standards set forth in the New Jersey Housing Code, the following shall apply:
- (1) Parking: Parking at all rental dwelling units shall be governed by the standards set forth in N.J.A.C. 5:21-4.14.
 - (2) Occupancy: Occupancy at all rental dwelling units shall be governed by the standards set forth in N.J.A.C. 5:10-22.3.
- (b) Right of entry.
- (1) The rental inspection officer is authorized and directed to inspect all rental dwelling units offered for rent to determine their condition in order to safeguard the health and safety of the occupants and the general public. The rental inspection officer is authorized to enter, examine and survey the premises on reasonable notice at all reasonable times for the purpose of making inspections. The owner, occupant or person in charge thereof shall give these officers free access to such dwellings on reasonable notice at all reasonable times for the purpose of such inspection, examination and survey.
 - (2) Every occupant of a rental dwelling unit shall give the owner or his agent access to any part of the dwelling, on reasonable notice at all reasonable times, for the purpose of making repairs or alterations necessary to comply with this article or with any lawful order issued pursuant to the provisions of this article or the Statutes of the State of New Jersey.
- (c) Required inspections.
- (1) Inspection: The owner, landlord and/or agent of every rental dwelling unit offered for rental shall be required to have an inspection of the facility done by the rental inspection officer prior to the rental thereof. The rental inspection officer shall inspect every rental dwelling unit prior to any occupancy or reoccupancy of the dwelling.
 - (2) Notice: Whenever any rental dwelling unit is scheduled for a change in occupancy, the then current owner shall provide written notice to the rental inspection officer that an inspection is needed at least 20 days prior to the scheduled change.
 - (3) Time for inspections: All inspections and reinspections shall take place within ten working days of the requested inspection. Inspection fees shall be paid prior to the inspection. No inspections or reinspections shall take place unless all fees are paid. Scheduled inspections or reinspections may be canceled by the township unless the completed application and required fees have been received by the township at least 24 hours prior to the scheduled inspection or on the last working day prior to the scheduled inspection. Every inspection where the landlord, tenant, owner or agent has failed to provide access for inspection shall be deemed a failed inspection.
 - (4) Fees for inspections: An \$80.00 fee shall be paid for each inspection, and a \$45.00 fee shall be paid for each reinspection, required and/or requested pursuant to this article. All fees are nonrefundable upon the applicant's failure to cancel the requested inspection at least 48 hours prior to a scheduled inspection. Residential units subject to the affordable housing regulations of the Township of South Brunswick are exempt from these fees.
- (d) Requested inspections. Any landlord, tenant, owner or agent may request general inspections of rental dwelling units, not generated by reports of specific violations, at any time. All inspections and/or reinspections shall be completed within 10 working days of the request for inspection. The landlord, tenant, owner or agent requesting the inspection shall be responsible for submitting an application and paying the required fee.

(e) Certificate of compliance.

- (1) The rental inspection officer, upon satisfactory inspection of a dwelling unit and upon receipt of a completed radon test with concentrations of less than four pCi/l within the past five years, shall issue a certificate of compliance.
- (2) Every rental dwelling unit shall be required to have a certificate of compliance issued prior to the reoccupancy of such unit. The landlord, owner or his agent shall apply for a new certificate, paying the required fee, on each occasion that the unit is to be rented to a new tenant.
- (3) a. The rental inspection officer may, at his sole discretion, allow occupancy prior to the issuance of the certificate of compliance for the following reasons:
 1. Minor violations of a non-life safety or fire nature which shall be repaired within 30 days of occupancy.
 2. Absence of documentation required by this article of non-life or fire issues which shall be provided within 30 days of occupancy.b. Any owner, landlord or agent not providing any documentation required by the rental inspection officer within the time designated by the rental inspection officer, which shall not exceed 30 days, shall be subject to penalties.
- (4) The rental inspection officer may waive the certificate of compliance required by this article under the following conditions:
 - a. Transfer of ownership between spouses.
 - b. Transfer of ownership between former spouses ordered as a result of a judicial decree of divorce, not including sales to third parties.
 - c. Transfer of ownership between family members as a result of inheritance or through an executor's deed.
 - d. Transfer of ownership through an order of the superior court.
 - e. A certificate of occupancy is required by South Brunswick Township prior to reoccupancy due to repair, renovation or alteration.

(Ord. No. 35-06, § I, 5-9-2006; Ord. No. 2007-27, § I, 5-8-2007; Ord. No. 2008-59, § I, 11-10-2008; Ord. No. 2011-30, § I, 8-23-2011; Ord. No. 2012-24, § I, 8-4-2012)

Sec. 22-347. - Penalties for violation.

Any persons found guilty in the municipal court for a violation of the provisions of this article shall be subject to the penalties in section 1-13. For a first offense, a fine of not less than \$1,000.00 shall be imposed. For a second offense, a fine of not less than \$1,250.00 shall be imposed. For a third and all subsequent offenses, the maximum fine of \$2,000.00 shall be imposed. These mandatory fines shall not prohibit the municipal court from imposing any other penalty authorized in the Township Code or by law.

(Ord. No. 35-06, § I, 5-9-2006)

Secs. 22-348—22-370. - Reserved.