

**HAMPTON TOWNSHIP ORDINANCE #2023-12**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF HAMPTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO REPLACE CHAPTER 67, ENTITLED "LIABILITY INSURANCE, BUSINESS AND RENTAL UNIT OWNERS" WITH "RENTAL PROPERTIES AND BUSINESSES; REQUIREMENTS"**

**BE IT RESOLVED** by the Township Committee of the Township of Hampton in the County of Sussex, as follows:

**Section 1.** The Code of the Township of Hampton shall be amended by the replacement of Chapter 67 entitled "Liability Insurance, Business and Rental Unit Owners" with new Chapter 67, which shall be entitled "Rental Properties and Businesses; Requirements" and shall read, in its entirety, as follows:

**CHAPTER 67, RENTAL PROPERTIES AND BUSINESSES; REQUIREMENTS**

**Article I. Liability Insurance, Business and Rental Unit Owners.**

**§ 67-1 Liability insurance, negligent acts, omission; business owners, rental unit, units owner.**

- A. Except as provided in Paragraph B hereof, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any once accident or occurrence.
- B. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

**§ 67-2 Annual registration required; administrative fee**

- A. The owner of a business, owner of a rental unit or units, and the owner of a multifamily home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance with the Township Clerk.
- B. At the time of the filing of the certificate of insurance, an annual fee shall be paid to the Township Clerk in the amount of \$75.

**§ 67-3 Violations and penalties.**

- A. Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided for in Chapter 1, General Provisions, Section 1-14.1.

- B. The Township may collect, through a summary proceeding pursuant to N.J.S.A. 2A:58-10, et seq., a fine of not less than \$500, but no more than \$5,000, against an owner who fails to comply with the provisions of this article.

## **Article II. Residential Rental Property Registration**

### **§ 67-4 Registration.**

- A. Rental Unit shall mean a dwelling unit which is available, or kept, or used, or maintained, or 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 (excluding the owner's parents and/or children) and including but not limited to one-family homes, two-family homes, three-family homes, etc., as well as individual apartments located within apartment complexes.
- B. Each and every rental unit shall hereafter be registered with the Township Clerk on forms which shall be provided for that purpose, and which shall be obtained from the office of the Township Clerk. The initial registration shall be renewed within twenty (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 article. This registration does not mean approval for the use and occupancy.

### **§ 67-5 Contents of registration form.**

Every owner of a rental unit shall file with the Township Clerk the registration form provided by the Clerk for each unit contained within a building or structure which shall include the following information:

1. The name and address of each record owner or owners of the premises and each record owner or owners of the rental business if not the same persons. In the case of a partnership the names and address of all general partners 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. If the record owner is a corporation, the name and address of the registered agent and all 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 the evening hours.
2. If the address of any record owner is not located in Hampton Township, the name and address of a person who resides in Sussex County who is authorized to accept notices from a tenant or a Township representative and to issue receipts therefor and to accept service of process on behalf of the record owner.
3. The name and address and telephone numbers of the agent of the premises indicating where such individuals may be reached both during the day and evening hours.
4. The name and address and telephone numbers, 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. For each such individual, a statement as to where such individual may be reached both during the day and evening hours shall be provided.

5. The name, address and telephone number of an individual representative of the owner or agent may be reached or contacted at any time in the event of any 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.
6. The name and address of every holder of a recorded mortgage on the premises.
7. 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.
8. Lead-Safe Certification (as required by Article III of this Chapter).
9. Such other information as may be required by the Township.

#### **§ 67-6 Violations and Penalties.**

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided for in Chapter 1, General Provisions, Section 1-14.1.

#### **Article III. Lead-Based Paint Requirements.**

##### **§ 67-7 Definitions.**

When used in this Article, all terms shall have the same meaning as defined in N.J.A.C. 5:28A-1.2, as the same may be amended from time to time.

##### **§ 67-8 Lead-Based Paint Inspections for Residential Rental Dwellings.**

N.J.S.A. 52:27D-437 et seq. (P.L. 2021, c. 182) requires that a certified lead evaluation contractor perform inspections of certain single-family, two-family, and multi-family residential rental dwellings for lead-based paint hazards. The dwelling owners/landlords are required by State law to have the inspection performed by either an inspector retained by the Township or by directly hiring a certified lead evaluation contractor for this purpose.

##### **§ 67-9 Requirement for Lead-Based Paint Inspection**

- A. All residential rental dwelling units required to be inspected under State law must initially be inspected for lead-based paint upon tenant turnover, but the first inspection must take place no later than July 22, 2024 in the event there has been no tenant turnover before that date.
- B. After the initial inspection, all units required to be inspected shall be inspected for lead-based paint hazards every three years, or upon tenant turnover, whichever is earlier. An inspection upon tenant turnover is not required if the owner has a valid lead-safe certificate. Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection.
- C. In the event the owner of a residential dwelling unit subject to this Article fails to submit a required lead-safe certification, the Township shall perform an inspection in conformance with the procedures set forth in N.J.A.C. 5:28A-2.3 utilizing a qualified staff

member or a certified lead evaluation contractor hired by the Township. The following shall apply:

1. The Township shall charge the dwelling unit owner a fee sufficient to cover the cost of the periodic lead-based inspection, including the cost of hiring a lead evaluation contractor, where applicable. The fee for an inspection or re-inspection shall be certified by and established in a Resolution adopted by the Township Committee with respect to each unit that is inspected. In the event any fee so established remains unpaid, the certified fee shall be provided to the Township Tax Collector and established as a lien on the property wherein the dwelling unit is situate.
2. If a lead-based paint hazard is identified in an inspection, the owner of the dwelling unit shall be responsible for remediation to be conducted consistent with the requirements of N.J.A.C. 5:28A-2.5. Upon the remediation of the lead-based paint hazard, the qualified staff member or a certified lead evaluation contractor hired by the Township shall conduct an additional inspection of the unit to certify that the hazard no longer exists.
3. If no lead-based paint hazards are identified, then the qualified staff member or a certified lead evaluation contractor hired by the Township shall certify the unit as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

**§ 67-10 Exemptions from the Requirement for Lead Based Paint Inspections.**

All single-family, two-family, and multiple rental dwellings must be inspected except for the following dwellings which are exempt:

- A. Dwellings that were constructed during or after 1978.
- B. Single-family and two-family seasonal rental dwellings which are rented for less than six-months duration each year by tenants that do not have consecutive lease renewals.
- C. Dwellings that are certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.16(b).
- D. Multiple rental dwellings that have been registered with the Department of Community Affairs for at least ten years and have no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law" (N.J.S.A. 55:13A-1).
- E. Dwellings with a valid lead-safe certificate issued pursuant to P.L.2021, c.182. Lead-safe certificates are valid for two years from the date of issuance.

**§ 67-11 Reporting Requirements for Owners/Landlords and Contractors.**

- A. Owners/Landlords of all dwellings subject to the inspection requirements under this article shall register their unit(s) with the Township and provide the Township with up-to-date information on inspection schedules, inspection results, and tenant turnover.

- B. An Owner/Landlord shall provide the Township with a copy of any lead-free certification issued pursuant to N.J.A.C. 5:17 for their unit(s).
- C. The Owner/Landlord of a dwelling unit subject to this article shall provide to each tenant and to the Township evidence of a valid lead-safe certification at the time of tenant turnover and shall affix a copy of each such certification to each tenant lease.

#### **§ 67-12 Fees**

The fees for lead-based paint inspections in residential rental dwellings shall be:

- A. New Jersey Certified Lead Paint Inspector/Risk Assessor Inspection or Re-Inspection – As set forth in Section 67-9(C)(1).
- B. NJ DCA Required Inspection Fee – \$20.00/inspection
- C. Lead Wipe Sample Analysis (where required). The number of wipe samples will be determined by what is required by the State of New Jersey – \$35/Wipe Sample Analysis
- D. The fee for filing a lead-safe certification or lead-free certification shall be \$50.
- E. The fees collected pursuant to this section shall be dedicated to meeting the costs of implementing and enforcing this article and shall not be used for any other purpose.
- F. In a common interest community, any fee charged pursuant to this section shall be the responsibility of the unit owner and not the homeowner's association, unless the association is the owner of the unit.

#### **§ 67-13 Violations and Penalties**

- A. A property owner/landlord within the Township shall comply with the requirements of N.J.S.A. 52:27D-437 et seq. (P.L.2021, c.182) and this article. If a Township Official determines that a property owner/landlord has failed to comply with the inspection requirements of this article, the property owner/landlord shall be given a 30-day notice to cure any violation by ordering the necessary inspection or by initiating remediation. If the property owner/landlord has not cured the violation within 30 days, the property owner/landlord shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts initiated.
- B. Any other violation of the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$500 for each offense.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court 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 portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

## **NOTICE**

**NOTICE IS HEREBY GIVEN** that the attached Ordinance #2023-12 was introduced at a regular meeting of the Township Committee of the Township of Hampton, Sussex County, New Jersey, held on the 30<sup>th</sup> day of May 2023 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Township Committee to be held on the 27<sup>th</sup> day of June 2023 at the Municipal Building, One Rumsey Way, in the Township of Hampton, at 7:00 p.m., and remotely via Zoom if available, or remote only at the discretion of the Administrator or Mayor, at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance. To attend the meeting remotely use the following link: <https://us02web.zoom.us/j/4919500389>, or to attend the meeting by phone, dial 929-205-6099 (Meeting ID: 491 950 0389).

Kathleen Armstrong, RMC  
Township Clerk

## **NOTICE ORDINANCE 2023-12**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance #2023-12 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, June 27, 2023, at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC  
Township Clerk