

ORDINANCE

15-07

1st Reading MAY 07 2015
Public Hearing _____
2nd Reading & Passage _____
Withdrawn _____ Lost _____

No. _____
Date to Mayor _____
Date Returned _____
Date Resubmitted to Council _____

Approved as to Form and Legality

Factual content certified by

DAVID L. MINCHELLO, CITY ATTORNEY

RICHARD M. KACHMAR, CLERK

Councilwoman Marge Caldwell-Wilson presents the following Ordinance:

ORDINANCE AMENDING CHAPTER 132, ARTICLE X OF THE CODE OF THE CITY OF TRENTON REGARDING RENTAL OF DWELLING UNITS TO REQUIRE CERTAIN LANDLORDS TO POST ADEQUATE SECURITY AGAINST THE CONSEQUENCES OF THE DISORDERLY BEHAVIOR OF THEIR TENANTS

WHEREAS, the City desires to adopt an ordinance requiring certain landlords to post adequate bond against the consequences of disorderly behavior of their tenants, as permitted by N.J.S.A. 40:48-2.12, et seq.

NOW, THEREFORE, IT IS ORDAINED, by the City Council of the City of Trenton as follows:

1. Chapter 132 of the Code of the City of Trenton, entitled "Renting of Dwelling Units", is hereby amended by adding the following new Section 132.91.2, Landlord Responsibility:

§132.91.2. Landlord Responsibility

A. Purpose. The purpose of this Section is to enable the City of Trenton to take effective action to assure that excesses arising from irresponsible rentals, when they occur, shall not be repeated, and that landlords be held to sufficient standards of responsibility in order to preserve the quality of life for the residents of the City.

B. Definitions. As used in this Section, the following terms shall have the meaning indicated:

HEARING OFFICER – shall mean a licensed attorney of the State of New Jersey assigned by the Law Department, who shall not be an owner or lessee of any real property within the City of Trenton, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

LANDLORD - means the person or persons who own or purport to own buildings in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, state statute.

SUBSTANTIATED COMPLAINT – means a complaint for an act of disorderly, indecent, tumultuous or riotous conduct, upon or in proximity to any rental premises, and attributable to the acts of incitements of any of the tenants of those premises which has been substantiated by prosecution and conviction in any court of competent jurisdiction.

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- C. Complaint. If three (3) or more complaints in any twenty four (24)-month period on separate occasions of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Director of Inspections, or any officer or employee of the municipality designated by the Director of Inspections for the purpose, may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.
- D. Notice Requirements
- (1) The Director of Inspections, or officer or employee designated pursuant to Section 132-91.2C, shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the City, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the municipality, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.
 - (2) In the event a tenant is convicted of any of the conduct described in a substantiated complaint, the Director of Inspections, or officer or employee designated pursuant to Section 132-91.2C, shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the City.
- E. Hearing; Penalty
- (1) At the hearing convened pursuant to this Section, the Hearing Officer shall give full hearing to any complaint of the City of Trenton and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. At the conclusion of the hearing, the Hearing Officer shall determine whether the landlord shall be required to, post a bond with the Department of Inspections in accordance with the terms of this Section.

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- (2) Any bond required to be posted shall be in accordance with the judgment of the Hearing Officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
 - (a) damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises,
 - (b) securing the payment of fines and penalties likely to be levied for such offenses, and
 - (c) compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; but no such bond shall be in an amount less than \$500 or more than \$5,000.
- (3) The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
- (4) A bond or other security deposited in compliance with this section shall remain in force for a period recommended by the Hearing Officer, which period shall be no less than two years and no more than four years. Upon the lapse of the specified period the landlord shall be entitled to the discharge thereof unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under Section 132-91.2F, in which case the security shall be renewed in an amount and for a period that shall be specified by the Hearing Officer.

F. Proceedings Against Landlord; Recovery from Tenant

- (1) If, during the period for which a landlord is required to give security pursuant to the Section 132-91.2E, a substantiated complaint is recorded against the property in question, the Director of Inspections or the Director of Inspections' designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension of the period for which such security is required, or for an increase in the amount of security required, or for any or all of those purposes.

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- (2) Any forfeiture or partial forfeiture of security shall be determined by the Hearing Officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in Section 132-91.2E. Any decision by the Hearing Officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in 132-91.2E, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to carry out the purposes of this act effectually. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided for in 132-91.2E.
- (3) A landlord may attempt to recover from a tenant any amounts of security actually forfeited as described in this Section.

2. All Ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This Ordinance shall be part of the City of Trenton Code as though codified as forth therein. The City shall have this ordinance codified and incorporated in copies of the City of Trenton Code.
4. The City Clerk and the City Attorney are hereby authorized and directed to change chapter number, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and existing order to avoid confusion and possible accidental repeal of existing provisions.

	INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION								
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB					
BETHEA				✓					HOLLY WARD	✓								CHESTER	✓												
CALDWELL WILSON	✓								MUSCHAL	✓																					
HARRISON	✓								REYNOLDS JACKSON	✓																					
NV - NO VOTE				AB - ABSENT																											

MAY 07 2015

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on _____

Adopted on second reading after the public hearing on _____

 Mayor APPROVED Reconsidered by Council – Override Vote AYE
REJECTED NAY

 President of Council City Clerk