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MEMORANDUM

To: Mayor and Council of Princeton
via e-mail & hand-delivery

From: Edwin W. Schmierer, Esq.
Princeton Attorney

Date: April 17, 2013

Re: **Proposed Princeton Rental Housing Code and Rental Registration Ordinance**

Fire Official William Drake has prepared a unified Princeton Rental Housing Code and Rent Registration Ordinance. This Ordinance is intended to combine the current, separate regulations in the former Borough and Township.

Attached to this memorandum is a summary of the changes or modifications to each section of the Code.

We would appreciate your considering the introduction of this Ordinance at your meeting on April 22, 2013.

EWS:jv
attachs.
cc: Robert W. Bruschi, Administrator (w/attachs.)
Kathy Monzo, Assistant Administrator (w/attachs.)
Linda S. McDermott, Clerk (w/attachs.)
Robert V. Kiser, P.E., Princeton Engineer (w/attachs.)
William S. Drake, Bureau of Fire Safety & Housing Inspection (w/attachs.)
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AN ORDINANCE BY PRINCETON CONCERNING RENTAL HOUSING CODE AND RENT REGISTRATION AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35, consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Fire Official on behalf of the Princeton Bureau of Fire Safety & Housing Inspection has reviewed and consolidated portions of Chapter16 of the "Code of the Borough of Princeton, New Jersey, 1974" and portions of Chapter 10 of the "Code of the Township of Princeton, New Jersey, 1968" as they pertain to Rental Housing Code and rent registration requirements for Princeton; and

WHEREAS, the Princeton Council wishes to adopt this Code revision which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

1. Sections 16-1 through 16-32 of the "Code of the Borough of Princeton, New Jersey, 1974" and Sections 10-1 through 10-15 of the "Code of the Township of Princeton, New Jersey, 1968" are hereby repealed.

2. Revisions to Chapter 16, Articles I, II and III of the "Code of the Borough of Princeton, New Jersey, 1974" as set forth on Exhibit A attached hereto and made a part hereof are hereby adopted to set forth the Rental Housing Code and rent registration requirements for Princeton and to replace the aforementioned sections of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

3. The provisions of the attached Chapter 16 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Linda S. McDermott, Clerk

Liz Lempert, Mayor

Ordinance Introduced: April 22, 2013

Ordinance Adopted:

Summary of Changes/modifications to the Rental Housing Code (as of 3/13/13):

Adopted the "Borough" housing code & inspection program, with the following changes:

1) Removed all references to "Borough" and "Township" throughout the document;
2) Removed all references to "Multiple Family Dwellings" and "Lodging Houses" throughout the document;
3) Added exemption from inspection/certificate requirements for multiple family dwellings and lodging units registered and inspected by the NJ DCA/Bureau of Housing Inspection;
4) Added exemption from inspection/certificate requirements for rooming houses and rooming units, where same are registered and inspected by the NJ DCA/Bureau of Rooming and Boarding House Standards;
5) Removed inspection fee for multiple family dwellings;
6) Clarified that a building containing one unit in addition to the unit in which the owner resides is, after having obtained an initial certificate of inspection, exempt from cyclical inspections unless the owner moves out or the building is sold,.
7) Added a section to clarify that no certificate of inspection may be issued unless the rental unit is properly registered pursuant to the rental registration ordinance.
8) Clarified that a tenant could accept designation of owners "agent" in certain circumstances.
9) Updated/corrected terms and phrases and other miscellaneous corrections of a minor nature.

Summary of Changes/modifications to the Rent Registration Program(as of 3/13/13):

Adopted the "Township" rental registration requirements with the following changes:

1) Removed all references to "Borough" and "Township" throughout the document;
2) Clarified that rental dwellings are to be registered prior to use as a rental dwelling;
3) Clarified that the rental housing coordinator is the designated person for receiving rent registration;
4) Clarified that rental registration does not apply to some of the dwellings/dwelling units which are exempt from cyclical housing inspections.
5) Changed the frequency of rent registration to once every two years, to coincide with the bi-annual inspection program.
6) Clarified registration requirements for multiple family dwellings and rooming/boarding homes.
7) Removed the requirement for semi-annual newspaper advertisements regarding the rent registration program requirements.
8) Removed "Borough" requirement concerning effectiveness of rent increases.
9) Removed all references to the previously defunct "Borough" rental housing board, including appeals to said board of actions of rental housing coordinator.
10) Removed "borough" requirements pertaining to notification to the municipality regarding changes in the name of tenants.
11) Updated/corrected terms and phrases and other miscellaneous corrections of a minor nature.

Article I. Housing Code.

Sec. 16-1. Public officer – Designated; authority to enforce article.

The fire official of Princeton and such assistants as the fire official shall designate in writing are hereby designated as the officer to exercise the powers prescribed by this ordinance and revised statutes, sections 40:48-2.3 through 40:48-2.12, and are hereinafter called the "public officer".

Sec. 16-2. Same – Authority to make rules and regulations.

The public officer is authorized to make and adopt such written rules and regulations as the officer may deem necessary for the proper enforcement of the provisions of this article; provided, that such rules and regulations shall not be in conflict with the provisions of this article. The public officer shall file a certified copy of all rules and regulations which may be adopted in the office of the municipal clerk and in the office of the public officer.

Sec. 16-3. Adoption of Municipal Housing Code of New Jersey State Housing Code, as supplemented by municipal provision.

Pursuant to the provisions of N.J.S.A. 40:49-5.1 et seq., the "New Jersey State Housing Code (1980 revisions)", as approved by the department of community affairs and filed in the secretary of state's office, is hereby accepted, and adopted in conjunction with supplemental municipal provisions as a standard to be used in determining whether dwelling units in Princeton are safe, sanitary, and fit for human habitation and rental.

Sec. 16-3A. Provision of Municipal Housing Code.

(a) Scope. The provisions of this Code shall constitute the standards to guide the public officer, and such agents as the officer may designate in determining the fitness of a building for human habitation, use, or occupancy.

(b) Definitions. The words, terms, or phrases listed below for the purpose of this Code shall be defined and interpreted as follows:

(1) Administrative authority. The department, branch, or agency of this municipality which is authorized by the adopting ordinance to administer the provisions of this Code.

(2) Building. Any building or structure, or part thereof, used for human habitation, use, or occupancy and includes any accessory buildings and appurtenance belonging to or usually enjoyed therewith.

(3) Dwelling. A building or structure, or part thereof containing one or two dwelling units.

(4) Dwelling unit. Any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating.

(5) Garbage. The animal and vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

(6) Habitable room. A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.

(7) Infestation. The presence, within or around a building, of any insects, rodents, or other pests.

(8) Local health agency. Any county, regional, municipal or other governmental agency organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health program pursuant to law.

(11) Occupant. Any person or persons in actual possession of, and living in the building or dwelling unit, including the owner.

(12) Overcrowding. Occupancy of a dwelling or dwelling unit by more persons than allowed or permitted by the maximum occupancy requirements for habitable space in accordance with subsection (c) of this Code.

(13) Owner or designated agent. The owner of property, or any person properly authorized to exercise powers of, or for an owner of property for purposes of its purchase, sale, use, occupancy, or maintenance. For the purposes of this ordinance, a tenant shall not be considered a "designated agent", unless such tenant has accepted the designation in writing. The use of the term "owner" shall be deemed to include "designated agent".

(14) Person. Shall be given the same meaning as defined in R.S. 1:1-2 of the Revised Statutes of New Jersey.

(15) Plumbing fixtures. All installed receptacles or devices which are supplied with water or which receive or discharge liquid waste or sewage into the drainage system with which they are directly or indirectly connected.

(16) Public officer. The fire official of Princeton, as authorized by section 16-1 of the General Ordinances of Princeton.

(17) Rubbish. All combustible and noncombustible waste material, except garbage.

(18) Utilities. Electric, gas, heating, water and sewerage services, and equipment therefor.

(c) Use and occupancy of space.

(1) Habitable space - Every dwelling unit shall contain at least one hundred fifty square feet of floor space for the first occupant thereof and at least one hundred additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(2) Sleeping rooms - Every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof.

(3) Ceilings - At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(4) Rooms below grade - A room located in whole or in part below the level of the ground may be used for sleeping provided that the walls and floor thereof in contact with the earth have been damp-proofed in accordance with a method approved by the administrative authority; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

(5) Prohibited areas - No room or area shall be utilized as habitable space or as a sleeping room unless a certificate of occupancy has been issued by the construction official pursuant to the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1.1 et seq.) covering the area. If the room or area was constructed prior to the effective date of the New Jersey Uniform Construction Code, the requirements of the Princeton Building Official must have been met regarding this room or area. The public officer may issue a summons and complaint to be filed without first issuing a notice of violation for this section.

(6) Overcrowding - The following factors may be considered by the public officer as rebuttable presumption of overcrowding, as that term is defined by this chapter and shall support the issuance of a

summons and complaint by the public officer, without first issuing a notice of violation:

a. The occupying of areas of a rental dwelling unit prohibited pursuant to section 16-3A(c)(5) of this chapter, such as basements and attics;

b. The location of mattresses or bedding materials in areas of a dwelling unit prohibited for occupation pursuant to section 16-3A(c)(5); and

c. The existence of cooking appliances, and/or refrigeration units, (excluding freezer appliances) in various areas of a dwelling unit in addition to those located in the kitchen.

(d) Plumbing facilities.

(1) Requirements - Every dwelling unit shall contain a kitchen sink of nonabsorbent impervious material, at least one flush type water closet, a wash basin in the toilet room or within close proximity thereto, and a bathtub or shower, available only for the use of the occupants of that dwelling unit.

(3) Accessibility - Every water closet, wash basin, and bathtub or shower for each dwelling unit shall be accessible from within the dwelling unit without passing through any part of any other dwelling unit. Such water closet, bathtub or shower shall be contained in a room or rooms which are separated from all other rooms by walls, doors, or partitions that afford privacy. All floors, walls, and ceilings within rooms containing water closets, bathtubs or showers shall be of or protected by durable materials capable of being exposed regularly to moisture without damage or deterioration.

(4) Water/sewer - Every plumbing fixture shall be connected to water and sewer systems approved by the New Jersey Department of Environmental Protection and Energy and/or the local health agency, and shall be maintained in good working condition. The public officer may issue a summons and complaint to be filed without first issuing a notice of violation for violation of this section.

(5) Hot/cold water lines - Every kitchen sink, wash basin, and bathtub or shower required by this Code shall be connected with both hot and cold water lines.

(6) Water heating facilities - Every dwelling shall have water heating facilities which are installed and maintained in good and safe working condition, connected with the hot water lines required under the provisions of subsection (d)(5) of this Code, and capable of delivering water at a

minimum temperature of not less than one hundred twenty degrees Fahrenheit and at a maximum temperature of not more than one hundred sixty degrees Fahrenheit at all times in accordance with anticipated need. The public officer may cause a summons and complaint to be filed without first issuing a notice of violation for a violation of this section.

(7) Water flow rate - The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall not be less than two gallons per minute.

(8) Water source - Every dwelling unit shall be connected to a source of and system for delivery of potable water sufficient to meet the requirements for hot and cold water at all connected fixtures simultaneously within the individual dwelling unit. The public officer may cause a summons and complaint to be filed without first issuing a notice of violation for violation of this section.

(e) Electrical facilities.

(1) Receptacles - Every habitable room shall be provided with at least two separate and remote duplex receptacles installed in accordance with the Building Code in effect at the time of construction or installation. All bathrooms, and kitchens or kitchenettes with receptacles within six feet of a sink, shall have receptacles of the Ground Fault Interrupted-type. Any new, or additional, duplex receptacles shall be installed in accordance with the New Jersey Uniform Construction Code.

(2) Electrical service - Every dwelling unit shall be provided with electrical service, circuiting, and receptacles which are adequate for the electrical load being served. If the electrical load being served is excessive or the electrical service inadequate to supply all appliances contained in the dwelling unit, the service shall be upgraded in accordance with the New Jersey Uniform Construction Code.

(3) Overcurrent devices - Every electric circuit shall be provided with approved overcurrent devices installed in accordance with the Building Code in effect at the time of construction or installation.

(f) Lighting.

(1) Natural light – Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room shall be eight percent of the floor area of such room. Whenever walls or other portions of structures face a window of any habitable room and are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimum total window area.

(2) Artificial light – Every habitable room shall have at least one source of artificial light, capable of being controlled by a wall switch or other means of controlling the electric power to the fixture.

(3) Nonhabitable areas – Every portion of each staircase, hall, cellar, basement, landing, furnace room, utility room, and all other similar nonhabitable space located in a dwelling unit shall have artificial light available at all times to adequately light the area. Every light fixture shall be provided with a wall switch or other means of controlling the electric power to the fixture which is convenient and readily accessible for use.

(4) Interior common areas – Every portion of any interior or exterior passageway or staircase common to two families in a dwelling shall be adequately illuminated naturally or artificially at all times. In buildings comprising two dwelling units such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.

(5) Bathrooms - Every bathroom and water closet compartment shall have artificial light available at all times, which is adequate to light the area. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards. Any new or additional receptacles or switches shall be of the Ground Fault Circuit Interrupter-type, installed in accordance with the requirements of the New Jersey Uniform Construction Code.

(6) Exterior common areas - Every portion of any exterior passageway or staircase common to two families shall be provided with artificial illumination to adequately light the area.

(g) Ventilation.

(1) Habitable rooms – Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least fifty percent of the minimum window area or minimum skylight area for the room as required in subsection (f)(1) of this Code.

(2) Bathrooms – Means of ventilation shall be provided for every bathroom or water closet. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least fifty percent of the minimum window area or minimum skylight area for the room as required in subsection (f)(1) of this Code, or by mechanical ventilation directly to the exterior by an exhaust system capable of exhausting at least fifty cubic feet of air per minute. A means of providing an adequate amount of make-up air shall be provided. New or

replacement mechanical ventilation systems shall be constructed in accordance with the New Jersey Uniform Construction Code.

(3) Kitchens – Kitchens or kitchenettes wherein the required natural ventilation is not provided, shall be provided with mechanical ventilation capable of exhausting at least two cubic feet of air per minute per square foot of floor area of the kitchen or room in which cooking facilities are provided. All new or replacement means of mechanical ventilation in kitchens or cooking areas shall be constructed and installed in accordance with the New Jersey Uniform Construction Code.

(4) Clothes dryer exhaust - Clothes dryer exhausts shall be independent of all other ventilation systems and shall be vented in accordance with the manufacturer's recommendations and the Building/Mechanical Code in effect at the time of installation.

(h) Heating equipment.

(1) Requirements – Every dwelling unit shall have permanent heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein. From October 1 of each year to the next succeeding May 1, every unit of dwelling space and every habitable room therein shall be capable of being maintained at a temperature of at least sixty-eight degrees Fahrenheit between the hours of 6:00 a.m. and 11:00 p.m., and at least sixty-five degrees Fahrenheit between the hours of 11:00 p.m. and 6:00 a.m., during times that the outside temperature is above zero degrees Fahrenheit. The temperature shall be read at a height of three feet above floor level at the center of the room. The Public officer may cause a summons and complaint to be filed without first issuing a notice of violation for a violation of this section.

(2) Space heaters - Every space heater, except electrical, shall be properly installed and vented to a chimney or duct in accordance with the manufacturer's recommendations and the Building Code in effect at the time of the installation. Every space heater, except electrical, and vent or chimney connected thereto, shall be maintained in accordance with the requirements of the New Jersey Uniform Fire Code. Unvented portable space heaters burning solid, liquid, or gaseous fuels, shall be prohibited.

(3) Insulation - The heating system, including such parts as heating risers, ducts and hot water lines and including all hot water heaters, shall be covered with an insulating material to guard or protect occupants and other persons on the premises from receiving burns due to contact.

(i) Egress.

(1) Requirements – Every dwelling and every dwelling unit shall have safe and unobstructed means of egress. Such means of egress shall not be through any other dwelling unit or part thereof and shall lead to a safe and open space at ground level accessible to a street.

(2) Sleeping rooms – A room used for sleeping purposes under the provisions of subsection (c)(4) of this Code shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street.

(3) Porches and balconies – Every porch, balcony, roof, and/or similar place higher than thirty inches above the ground used for egress or other purposes by the occupants shall be provided with adequate railings or parapets installed in accordance with the requirements of the Building Code in effect at the time of construction. All new railings or parapets shall be constructed in accordance with the New Jersey Uniform Construction Code.

(j) Windows and doors.

(1) Requirements - All doors, and windows required for ventilation in accordance with subsection (g)(1) or (g)(2) of this Code, shall be readily openable from the inside of the building or dwelling unit. All doors and windows shall be properly installed so as to be weathertight. All skylights shall be properly installed so as to be weathertight, and where required by subsection (g)(1) or (g)(2) for natural ventilation, shall be readily openable from the inside. All windows and skylights required to be openable shall be capable of being held open without the use of bars, stops, wedges or other devices.

(2) Screens – From May 1 to October 1, all windows required to be openable shall be provided with tightly fitting screens of not less than sixteen mesh per inch. Screens shall not be permanently affixed, and shall be provided year round for the use and removal by the occupants. Screens shall be stored in the building or dwelling unit when not attached or in place.

(3) Door locks (dwelling units) - All dwelling unit entrance doors shall be equipped with a single cylinder medium duty dead latching lockset meeting the requirements of American National Standards Institute (ANSI) Standard A156.2, Grade 2, Type F20 (mortise), or an approved equivalent. Outside cylinders of main entrance door locks shall be operated by the tenant's key, which may also open the tenant's dwelling unit provided it does not open any other apartment door.

(4) Door Locks (common areas) - In all buildings containing two dwelling units, in which access to any dwelling unit is through interior

spaces such as hallways, vestibules, stairways, or lobbies, the entrance doors shall be self-closing and shall be equipped with heavy duty dead latching locksets meeting the requirements of American National Standards Institute (ANSI) Standard A156.2, Grade 1 Security, Type F86, (cylindrical) or standard A156.2, Grade 2, Type F20 (mortise), or an approved equivalent. Outside cylinders of main entrance door locks shall be operated by the tenant's key, which may also open the tenant's dwelling unit provided it does not open any other apartment door.

(5) Door locks (bathroom and water closets) - In all buildings, bathrooms and water closet doors shall be lockable from inside the bathroom or water closet for privacy purposes.

(6) Door locks (prohibited) - In all buildings, all egress doors shall be easily openable from the side from which egress is to be made without the use of a key or special knowledge. The use of double cylinder dead bolt locks is prohibited. Bedroom doors shall not be equipped with a locking device that may be locked when the bedroom is not occupied. The public officer may cause a summons and complaint to be filed without first issuing a notice of violation of this section.

(7) Basement/storage area door locks - All entrance doors to common cellar or storage areas shall be lockable.

(8) Window locks - All openable windows, sliding doors, basement windows and windows opening onto exterior stairways, fire escapes, porches, balconies or other area affording easy access to the premises shall be equipped with a locking device of some kind.

(k) Garbage receptacles and exterior storage.

(1) Receptacles - Garbage, rubbish, or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight-fitting covers.

(2) Location - Receptacles for garbage, rubbish, or other organic waste, along with any exterior materials storage shall be located and protected in accordance with the requirements of section 14-13(c) of the Code of Princeton.

(3) Recycling containers – Receptacles required for recyclable materials shall be provided on site and shall be located and protected in accordance with the requirements of section 14-13(c) of the Code of Princeton.

(l) Maintenance.

(1) Exterior (general) - All exterior property and premises shall be maintained clean, safe, sanitary, and free from any accumulation of rubbish and

garbage. All sidewalks, walkways, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free of hazardous conditions.

(2) Accessory buildings - All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(3) Street numbers - Each building to which a street number has been assigned by the municipal engineer shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be at least three inches high and have a one-half inch stroke.

(4) Structure (general) - All structural members shall be maintained free of deterioration, and capable of safely bearing the imposed dead and live loads. All repairs necessitated by compliance with this section shall be performed in accordance with the requirements of the New Jersey Uniform Construction Code. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent entry of vermin, water, snow, and ice.

(5) Exterior walls/roof - All exterior walls shall be free of holes, breaks, loose or rotting materials; and maintained waterproof and properly surface coated where required to prevent deterioration. The roof and flashing shall be sound, tight, and not have defects which admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portions of the building. Roof water shall not be discharged in a manner which creates a hazard or public nuisance.

(6) Handrails - Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads, and shall be maintained in good condition. New handrails and guardrails shall be constructed and installed in accordance with the New Jersey Uniform Construction Code.

(7) Windows/doors - Every window, door, and frame, shall be kept in sound condition, good repair, and weathertight. All glazing material shall be maintained free and of cracks and holes. All screens shall be properly maintained and free from holes and tears. All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Every basement hatchway shall be properly maintained so as not to be a hazard or public nuisance, and to prevent the entry of rain and surface drainage water.

(8) Interior (general) - All interior walls, floors, ceilings, and other surfaces shall be kept in good repair, free from cracks, breaks, split or splintering boards or woodwork, loose plaster, and flaking or peeling paint. Interior wall and ceiling surfaces shall be spackled, painted, papered, papered, or

otherwise provided with protective coating appropriate for the surface material when necessary.

(9) Ventilation systems - All mechanical ventilation systems and clothes dryer exhausts installed or required by this Code shall be kept free of accumulations of dust and waste materials, and shall be maintained in an operable condition at all times.

(10) Heat/hot water – All heating units, furnaces, hot water heaters, vents, chimneys, connector pipes, and all portions and parts thereof, shall be maintained in accordance with the requirements of the New Jersey Uniform Fire Code.

(11) Appliances - All appliances including, but not limited to, stoves, ovens, refrigerators, washers, dryers, freezers, light fixtures, and smoke detectors, shall be maintained in proper working order at all times, and promptly repaired or replaced when necessary.

(12) Carpeting - All carpeting, where provided or installed, shall be kept in good repair, properly attached to the floor surface which it is covering, and shall be cleaned at regular intervals to prevent accumulations of dust and dirt. Carpeting which is worn or becomes a trip hazard shall be properly repaired or replaced.

(13) Doorbells - Doorbells, where provided or required by any law or ordinance, shall be maintained in proper working order at all times and be available for the occupants' use.

(14) Plumbing - All plumbing fixtures and piping shall be kept free of leaks and breaks, and shall be maintained in operative condition at all times.

(m) Responsibilities of owners and occupants.

(1) Facilities - No owner or occupant shall cause any services, facilities, equipment, or utilities which are required under this Code to be removed from, shut off or discontinued in any occupied dwelling unit let or occupied by them, except for such temporary interruption which may be necessary while actual repairs or alterations are in progress or during temporary emergencies when discontinuation of service is authorized by the public officer. In the event that any service or utility which the owner has agreed to supply is discontinued, the owner shall take immediate steps to cause the restoration of such service or utility.

(2) Infestation - The owner of a dwelling located in an area found by the public officer to be infested by rats, insects, or other vermin shall carry out such rat stoppage, vermin proofing, or other means of preventing infestations of said dwellings as may be required by the local health agency.

(3) Cleanliness – No owner shall occupy or let to an occupant any vacant dwelling unit unless it is clean and sanitary. Carpeting provided by the owner shall be steam cleaned, or cleaned by other means acceptable to the public officer, prior to occupancy by tenants.

(4) Interior common areas - Every owner of a building containing two dwelling units shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwellings and premises thereof.

(5) Exterior common areas - It shall be the responsibility of the owner, unless otherwise provided under lease agreement, to provide for the orderly maintenance of the exterior of the premises, including snow and ice removal. This shall not exempt the owner of any property from removing snow or ice as may be required by any other law or ordinance. The storage of objects or materials not covered in subsections (m)(7) and (m)(8) of this Code, or not otherwise prohibited by municipal ordinance shall be done in an orderly manner so as not to constitute a health, safety or fire hazard.

(6) Dwelling units - Every occupant of a dwelling shall keep in a clean and sanitary condition that part of the dwelling which the occupant occupies and controls. Carpeting provided by the occupants or tenants and which is not provided by the owner as part of a lease agreement, shall be kept clean and in good repair, as provided in subsection (m)(18) of this Code.

(7) Garbage receptacles - It shall be the responsibility of the owner of each building to furnish sufficient garbage and recycling receptacles outside the dwelling unit for the storage of garbage, recycling and rubbish until removal from the premises.

(8) Removal of garbage, rubbish, and recyclable materials - Every owner of a building shall be responsible for complying with the regulations of this municipality for the periodic collection of all garbage, rubbish, and recyclable materials.

(9) Extermination - Every occupant of a building unit comprising a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a building containing more than one unit shall be responsible for such extermination whenever the occupant's dwelling unit is the only one infested. Notwithstanding the foregoing provisions of the subsection, whenever infestation is caused by the failure of the owner to maintain a dwelling in a vermin-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two dwelling extermination thereof shall be the responsibility of the owner.

(10) Plumbing fixtures (cleanliness) - Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(11) Heating and hot water facilities (responsibility to provide) – Every owner of a dwelling, or his or her designated agent, shall supply heating facilities in accordance with subsection (d)(6) of this Code. Notwithstanding any agreement to the contrary between the owner or his or her designated agent, and any occupants, it shall be the responsibility of the owner, or his or her agent, to obtain prompt or emergency service to repair or service any heating or hot water facilities that are malfunctioning or become inoperable, even in cases where the occupants are required to provide the fuel.

(12) Fuel for heating and hot water facilities (responsibility to provide) - It shall be the responsibility of the owner, or his or her designated agent, unless otherwise agreed to in the written lease, to provide fuel for the heating and hot water facilities. Notwithstanding any agreement to the contrary between the owner, or his or her designated agent, and any occupant, in buildings of two dwelling units having a common source of heating or hot water, and in dwelling units in which the heating and hot water facilities are not under the exclusive control of the occupant, it shall be the responsibility of the owner, or his or her designated agent, to provide the fuel required to operate the heating and hot water facilities.

(13) Owner's responsibility – The owner shall be responsible for compliance with all provisions of this Code not specified as the responsibility of the occupants.

(14) Appliances - Any appliances provided by the owner at the time of the occupancy shall, unless otherwise agreed to in writing, be repaired or replaced by the owner at the owner's expense, unless purposefully damaged by the occupant. The owner shall inspect the appliances provided prior to occupancy, and such appliances shall be repaired if necessary and be in proper working order prior to occupancy.

(15) Carpeting - Owners shall be responsible for the repair and replacement of worn or damaged carpeting provided at the time of occupancy or as part of a lease agreement; and the occupants of a dwelling unit shall be responsible for the installation, repair and replacement of worn or damaged carpeting not provided by the owner at the time of occupancy or as part of the lease agreement, including removal and disposal by the owner after the occupants vacate a dwelling unit. Occupants shall be responsible for maintaining all carpeting in a clean and sanitary manner at all times.

(16) Repairs - All repairs or alterations to the building or an individual dwelling unit required by this Code or performed in accordance with any other lawful order, ordinance, statute, or regulation, shall be performed and completed in a workmanlike manner. All repairs or alterations required by this Code shall be performed, where required, in accordance with the requirements of the New Jersey Uniform Construction Code. No violation of this Code shall be deemed corrected or repaired until all permits required to perform such repair or alteration have been obtained and the work completed in a satisfactory manner.

(17) Utilities – In buildings containing more than one dwelling unit, no tenant shall be required to pay any utility cost, or portion thereof, for water, sewer, electric, or natural gas unless separate meters for each unit are provided. No owner shall enter into any agreement with a tenant to the contrary.

Sec. 16-4. Inspections authorized.

The public officer is authorized and directed to make inspection to determine the condition of dwellings, dwelling units, rooming units and premises located within the municipality, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the public officer is authorized to enter upon premises with the consent of the owner, his designated agent or occupant thereof, or failing that, pursuant to a properly issued search warrant, in such a manner as to cause the least possible inconvenience to the persons in possession thereof.

Sec. 16-5. Notice of alleged violation to be given by public officer.

Whenever the public officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of section 16-3A of this article, the public officer shall give notice of such alleged violation to the person responsible therefor, as provided in this section. Such notice shall be put in writing, include a statement of the reasons why it is being issued, allow a reasonable time for the performance of any act it requires and be served upon the owner or the owner's agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is sent by certified mail to the last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if the owner or owner's agent is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article and with rules and regulations adopted pursuant thereto.

Sec. 16-5.1. Extensions of time to correct violations.

The public officer may grant one or more extensions of time to correct violations beyond the date set for correction in a notice of violation issued pursuant to section 16-5 of this article.

Such extension of time shall only be granted upon the written request of the person or agent responsible for complying with the notice of violation, and shall be made upon forms provided by the public officer. Any request for an extension of time shall be deemed to be an admission that the notice is factually and procedurally correct, and that the violations do or did exist.

Sec. 16-6. Designation of owner's agent for service of complaints and orders required.

If the owner of any building in the municipality shall neither reside nor have a place of business in the municipality or within a radius of twenty miles from the intersection of Nassau and Witherspoon Streets within Princeton and in the State of New Jersey, such owner shall designate a person residing or having a place of business within the municipality or within a radius of twenty miles from the intersection of Nassau and Witherspoon Streets within Princeton and in the State of New Jersey, as the owner's agent for service of complaints, orders and notices relating to such building and issued by the public officer under this article. Such designation shall be in writing, signed by the owner and shall state the name, address and telephone number of the local agent and include a signed acceptance by the agent. It shall be filed with the public officer within thirty days after an owner's relocation outside the aforementioned twenty mile radius. Any change in designation shall be made and filed in like manner, but until such change in designation is filed with the public officer, the prior designation shall remain in full force and effect.

Service of any complaint, order or notice in the manner prescribed in this article upon an agent designated as provided in this section shall have the same force and effect as if such service were made upon the owner designating such agent.

Sec. 16-7. Certificate of Compliance from public officer required prerequisite to renting building to others; occupancy of building after failure to comply with order of public officer prohibited; duration of validity and terms of invalidation of certificate; duties of occupants; certificate as to on-site sewage disposal and private water supply prior to conveyance; fees.

The occupancy and rental of buildings and parts thereof for human habitation shall be subject to the following:

(a) No person shall rent to another or suffer or permit occupancy by another of, any building or part thereof for human habitation or use, without first obtaining from the public officer a certificate stating that the premises, at the time of the proposed rental to or occupancy by such other person, complies with the requirements of the Princeton Housing Code.

(1) Exemptions – The following dwellings and dwelling units are exempt from obtaining a certificate of compliance from the public officer:

a. Premises that are ordinarily occupied by the owner and which are not intended to be rented for more than twelve consecutive months.

b. Any units owned or operated by a governmental authority as part of a duly authorized public housing project.

c. Any units, the rent of which is controlled by any governmental authority that provides financial or refinancing assistance in the acquisition, construction and maintenance thereof.

d. Any unit where the relationship between landlord and tenant is that of educational institution and student, faculty or staff thereof, and where the rental of the unit is customarily restricted to such persons.

e. Any unit in a hotel or motel.

g. Any unit in a building containing three or more units registered with and inspected by the State Commissioner of Community Affairs, pursuant to N.J.S.A. 55:13A-1 et seq., or successor statues.

h. Any lodging or rooming unit in a building which is registered with and inspected by the State Commissioner of Community Affairs, pursuant to N.J.S.A. 55:13B-1 et seq., or successor statues.

(b) No person shall occupy or rent to another for occupancy any building or part thereof for human habitation or use after having been served with an order issued pursuant to this article relating to such building or part thereof and after failure of compliance with such order, but this subsection (b) shall not apply to rental or occupancy with the written permission of the public officer for a specified period during the making of repairs, alterations and improvements required by such order.

(c) The certificate referred to in subsection (a) above issued by the public officer shall be valid for two years, or until another inspection by the public officer occurs. The public officer may inspect as frequently as reasonably necessary based on the history of violations or complaints received; and such certificate shall be invalidated by the public officer if the public officer finds substantial violations of the Princeton Housing Code, on the premises. In case the certificate of compliance is invalidated for substantial violations, the owner or the owner's agent shall apply for a new certificate, paying the required fee, which certificate will be issued when the public officer determines that there are no substantial violations. The public officer shall report all substantial violations to the Princeton rental housing coordinator.

The certificate referred to in subsection (a) above issued by the public officer for a rental unit which is in a building that contains only one rental unit in addition to the unit in which the owner resides, shall be valid until a change in ownership occurs or the owner of the building no longer resides in the building

In case of invalidation of the certificate for substantial violations, the public officer may grant extensions of the time period allowed for the correction of violations as set forth in section 16-5.1 of this article.

Every occupant of every dwelling unit shall give the owner thereof or the owner's agent or employees access to any part of the dwelling unit upon reasonable notification, which under ordinary circumstances shall be one day, for the purpose of making such repairs or alterations as are necessary to effect compliance with this Code. Every owner shall give the public officer access to any part of the dwelling unit, for the purpose of making an inspection, upon similar reasonable notification.

If at the end of the period set for correction of violations, such corrections have not been made to the satisfaction of the public officer, the public officer may commence appropriate legal proceedings in a municipal court of this municipality for violation of this section.

(d) The public officer shall not issue a certificate as required by subsection (a) above until such time as the dwelling unit has been registered or reregistered in accordance with section 16-22 of this code.

(e) If the public officer determines that a dwelling unit has been rented without first obtaining a certificate of compliance as required by section 16-7 of this article, the public officer may commence appropriate legal proceedings in a municipal court of this municipality for violation of this section. Any failure on the part of the public officer to provide prior notice of the failure to obtain a certificate of compliance shall not bar prosecution of the violation.

(f) No person shall convey to another, title to any building or part thereof that contains any plumbing fixture connected to an on-site sewage disposal system or to a private water supply, without first obtaining from the public officer a certificate stating that such sewage disposal system or water supply complies with the requirements of applicable laws, ordinances and state regulations. However, title may be conveyed, notwithstanding any such noncompliance, in cases where the grantee first executes an agreement with the municipality, in form satisfactory to the municipal attorney, undertaking to bring the premises into compliance within a specified period. The premises so conveyed shall not be occupied until certified by the public officer to be in compliance with the aforementioned laws, ordinances and regulations.

(g) The owners of all dwelling units required to obtain a certificate under subsections (a) or (c) of this section shall render payment of the following fees, which shall be payable to Princeton prior to the issuance of such certificate; except that no fees shall be required for premises that are owned by a nonprofit housing corporation.

(1) Initial Inspection (to occur prior to issuance of certificate every two years)

Fee per Unit

Structures,
One or two dwelling units..... $175.00

(2) Reinspections of all structures (to correct violations within normal two year inspection cycle)

First inspection..... $100.00
Second inspection..... $150.00
Third inspection and all subsequent inspections.... $250.00

(3) In the event that the property owner, landlord or designated agent fails to attend a scheduled inspection or arrives at such inspection fifteen minutes late, they may be charged as if the inspection occurred.

Sec. 16-7.1. Enforcement; penalties.

(a) The public officer may prosecute any violation of this article by the commencement of proceedings in the municipal court of Princeton. Each such violation shall be subject to the penalties set forth in section 1-6 of this ordinance. Each violation of the housing code shall be considered a separate violation for each day that such a violation continues unabated. Violations affecting more than one dwelling unit shall be considered separate violations for each dwelling affected. A repeat offender, as that term is defined in section 1-6, shall be subject to the penalties in section 1-6.

(b) The public officer may cause a summons and complaint to be filed without first issuing a notice of violation for violations of the following sections of this chapter:

(1) Section 16-3A(c)(5) - Prohibited areas

(2) Section 16-3A(d)(4) - Water/sewer

(3) Section 16-3A(d)(6) - Water heating facilities

(4) Section 16-3A(d)(8) - Water source

(5) Section 16-3A(h)(1) - Heating equipment

(6) Section 16-3A(j)(6) - Door locks (prohibited)

(7) Section 16-3A(c)(6) - Overcrowding

Sec. 16-8. Effect of article upon other powers of municipality, officers and departments.

Nothing in this article shall be construed to abrogate or impair the power of the municipality or any officer or department thereof to enforce any provisions of its ordinances or regulations or to prevent or punish violations thereof, and the powers conferred by this article shall be in addition and supplemental to the power conferred upon the municipality by any other law or ordinance.

Article II. Buildings Unfit for Human Habitation or Use.

Sec. 16-9. Legislative findings; purposes of article.

It is hereby found that there exist in the municipality buildings that are unfit for human habitation or occupancy due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such buildings, or parts thereof, unsafe and unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the municipality. It is hereby declared that this article is in the exercise of the police powers of the municipality to repair, close, demolish, or cause or require the repairing, closing or demolition of, such buildings or parts thereof, in the manner herein provided.

Sec. 16-10. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dwelling. A building or structure, or part thereof containing one or more dwelling units.

Owner. The holder of the title in fee simple.

Parties in interest. All individuals, association and corporations who have interests of record in a building, and any who are in actual possession thereof.

Public officer. The fire official of Princeton and such assistants as the fire official shall designate in writing are hereby designated as the Officer to exercise the powers prescribed by this ordinance and by Revised Statutes sections 40:48-2.3 through 40:48-2.12.

Sec. 16-11. Public officer – Powers generally.

The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted.

(a) To investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation, occupancy or use.

(b) To administer oaths and affirmations, examine witnesses and receive evidence.

(c) To enter upon premises for the purposes of making examinations with the consent of the owner, his designated agent or occupant thereof, or failing that, pursuant to a properly issued search warrant in such manner as to cause the least possible inconvenience to the persons in possession.

(d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article.

(e) To delegate any of his functions and powers under this article to such officers and agents as he may designate.

Sec. 16-12. Standards for finding unfitness.

The public officer may determine that a building is unfit for human habitation, occupancy or use upon a finding that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of Princeton. Such conditions may include defects therein increasing the hazards of fire, accident or other calamity; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects.

Sec. 16-13. Hearings - Determination of condition of building - Generally.

Whenever a petition is filed with the public officer by a public authority or by at least five residents of the municipality, charging that any building is unfit for human habitation, occupancy or use, or whenever it appears to the public officer, on his own motion, that any building is unfit for human habitation, occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owners of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer, or his designated agent, at a place therein fixed, not less than ten days nor more than thirty days after the serving of such complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear, in person or otherwise, and give testimony at the place and time fixed in the notice. The rules of evidence prevailing in the courts shall not be controlling in hearings before the public officer.

Sec. 16-14. Same – Determination and order by public officer.

If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation, occupancy or use, he shall state in writing his findings of fact in support of such determination including written statements from the appropriate building sub-code inspector, the electrical sub-code inspector and/or the fire

inspector and shall issue and cause to be serviced upon the owner thereof and parties in interest an order:

(a) Requiring the repair, alteration or improvement of the building to be made by the owner, within a reasonable time, which time shall be set forth in the order or, at the option of the owner, the vacation and closing of the building within the time set forth in the order; and

(b) If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the building within the times specified in the order, requiring the owner to board up all openings or remove or demolish the building within a reasonable time as specified in such order of removal.

Sec. 16-15. Authority of public officer to order repair, etc., of building upon noncompliance with order; posting of closed building.

If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved, or to be vacated, closed and boarded up, and may order utilities disconnected in the latter case. The public officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

Sec. 16-16. Removal or demolition of building by public officer.

If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof, after advertisement for and receipt of bids therefor.

Sec. 16-17. Remedy for persons aggrieved by orders of the public officer, etc.

Any person aggrieved by an order issued by the public officer under this article may, within sixty days after the posting and service of such order, bring an action for injunctive relief to restrain the public officer from carrying out the provisions of the order and for any other appropriate relief. The court may proceed in the action in accordance with the statutes and rules in such case made and provided. The remedy herein provided shall be exclusive, and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the public officer.

Sec. 16-18. Cost of legal proceedings, repairs, etc., to be lien against premises; credit for proceeds of sale of salvaged materials on demolition of buildings; power of

municipality to declare and cause abatement of nuisances unaffected; right of court review on lien.

The amount of the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this article determined in favor of the municipality, and such cost of such repairs, alterations or improvements, or vacating or closing, or removal or demolition, if any, or the balance thereof remaining after the deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are not such credits or if the sum total of such costs and the amounts so due shall be filed with the municipal tax assessor or other custodian of the records of tax liens, and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of credits exceeds such cost, the balance remaining shall be secured in such manner as may be directed by such court and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order of judgment of such court.

Sec. 16-19. Service and publication of complaints and orders.

Complaints or orders issued by the public officer pursuant to this article shall be served upon a person either personally or by registered mail, but if whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of due diligence, and the public officer shall make an affidavit to that effect, serving of such complaint or order upon such person may be made by publishing the same one each week for two successive weeks in a newspaper printed and published in the municipality or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the county clerk.

Sec. 16-20. Designation of owner's agent for service of complaints and orders required.

If the owner of any building in the municipality shall neither reside nor have a place of business in the municipality or within a radius of twenty miles from the intersection of Nassau and Witherspoon Streets within Princeton and in the State of New Jersey, such person shall designate a person residing or having a place of business in this municipality, or within a radius of twenty miles from the intersection of Nassau and Witherspoon Streets within Princeton and in the State of New Jersey, as the owner's agent for service of complaints, orders and notices relating to such building and issued by the public officer under this article. Such designation shall be in writing, signed by the owner, and shall state the name, address and telephone number of the local agent and include a signed acceptance by the agent. It shall be filed with the public officer within thirty days after the provisions of this section become applicable to such owner. Any change in designation shall be made and filed in like manner, but until such change in

designation is filed with the public officer, the prior designation shall remain in full force and effect.

Service of any complaint, order or notice in the manner prescribed in this article upon an agent designated as provided in the section shall have the same force and effect as if such service were made upon the owner designating such agent.

Sec. 16-21. Effect of article upon other powers of municipality, officers and departments.

Nothing in this article shall be construed to abrogate or impair the power of the municipality or any officer or department thereof to enforce any provisions of its ordinances or regulations or to prevent or punish violations thereof, and the powers conferred by this article shall be in addition and supplemental to the power conferred upon the municipality by any other law or ordinance.

Article III. Regulation of Rental Housing

Sec. 16-22. Legislative findings.

It is hereby found and declared that it is desirable for the administration of laws, ordinances and regulations related to housing that there be established and maintained a registry of rental dwellings in the municipality, in that such registry will identify accommodations that are subject to the provisions of such laws, ordinances and regulations, and in that it will also aid in the master planning and zoning of the municipality by providing an inventory of rental accommodations, which are needed for the achievement of a balanced residential community.

Sec 16-23. Registration of rental dwellings required.

Every building or part thereof that is rented or held for rent for human habitation shall be registered by the owner with the rental housing coordinator prior to the issuance of a certificate required by Section 16-7 of this code, and every two years thereafter.

(a) A Certificate of registration issued by the State Commissioner of the Department of Community Affairs for rooming and/or boarding homes pursuant to N.J.S.A. 55:13B-1,et seq. shall be deemed to satisfy the requirements of this section.

(b) A Certificate of registration issued by the State Commissioner of the Department of Community Affairs for multiple family dwellings pursuant to N.J.S.A. 46:8-28 and N.J.S.A. 55:13A-1,et seq. shall be deemed to satisfy the requirements of this section.

Sec 16-24. Change of Status and reregistration.

If premises that have been registered pursuant to this article thereafter cease to be so rented and also cease to be held for rent, the owner shall file notice of such change of status with the rental housing coordinator within thirty days thereafter. If premises for which notice of such change of

status has been filed shall again be so rented or held for rent, the same shall again be registered by the owner with the rental housing coordinator and shall be subject to periodic re-registration in accordance with section 16-23.

. Sec. 16-25. Exemption.

All rented dwelling units shall be subject to registration as provided herein, except the following dwelling units:

(a) Any units owned or operated by a governmental authority as part of a duly authorized public housing project;

(b) Any units, the rent of which is controlled by any government authority that provides financial or refinancing assistance in the acquisition, construction and maintenance thereof.

(c) Any unit where the relationship between the landlord and tenant is that of educational institution and students therein and where the rental of the unit is customarily restricted to such students.

(d) Any unit in a hotel or motel.

Sec. 16-26. Forms.

Registration and notice of change of status shall be made upon forms furnished by the rental housing coordinator. Such forms shall include, but not be limited to, the address of the premises, the name and address of the owner, the name and address of the agent in charge of the premises if other than the owner or if the owner lives more than twenty miles from the intersection of Nassau and Witherspoon Streets in Princeton, the name and address of the tenant(s), the number of rental units and the number of occupants in each and description of the premises and of the service furnished in connection therewith, and the rents and other amounts charged monthly for occupancy of each unit in the premises, and any additional information the rental housing coordinator shall deem necessary. It shall be a violation of this article for a person to knowingly provide false information on any form submitted to the rental housing coordinator pursuant to this article.

Sec. 16-27. Inventory of rental dwellings.

The rental housing coordinator may survey all property owners for compliance with the requirements contained herein at not less than six year intervals for the purposes of updating the municipal records.

Sec. 16-28. Notice concerning flooding of rental dwellings.

Every landlord shall provide written notification to each of the landlord's tenants upon the event that a rental dwelling that is the subject of a lease has been determined to:

(a) Be located in a flood zone or flood area pursuant to N.J.S.A. 46:8-50; or

(b) The rental that is the subject of the lease has sustained flood damage requiring repairs for which construction permits have been issued by the construction official; or

(c) Either the landlord or prior tenants have filed for and received flood damage payments through the National Flood Insurance Program ("NFIP"); or

(d) The landlord has elected to have the rental dwelling participate in a Mitigation Grant Program through the New Jersey Office of Emergency Management ("NJOEM") for Federal Emergency Management Administration ("FEMA") grant funding for the sale of the rental dwelling property due to repetitive and severe flooding.

Sec. 16-29. Rental housing coordinator—Designation; duties and powers generally.

The position of rental housing coordinator is hereby created by this article. The rental housing coordinator shall be an employee of Princeton. The rental housing coordinator shall perform such duties as may be assigned herein or by delegation from the public officer. The daily activities of the coordinator shall be supervised by and subject to the direction of the public officer in conformance with policies established by mayor and council, pursuant to law.

The coordinator's duties shall include but not be limited to:

(a) Keeping records on all dwelling units subject to the requirements of this article.

(b) Requesting from the bureau of fire safety and housing inspection, inspection of dwelling units in conformance with the requirements of this article and taking reasonable steps to assure that affected parties are notified of the inspection findings, if any.

(c) Informing tenants and landlords of the provisions and requirements of this article, including any rights of appeal.

(d) Informing tenants and landlords of the provisions and requirements of other state and municipal laws affecting rental housing, including procedures affecting notices to quit and condominium conversions.

(e) Informing tenants of their rights under New Jersey law, including the right to deduct sums of money from their rent in order to make necessary repairs so that their dwelling units may be deemed habitable and livable.

Sec. 16-30. Notices, service, hearings and decisions generally.

The following regulations shall apply to notices, service, hearings and decision under this article:

(a) Whenever a notice is required to be served, given, or furnished, it shall be mailed by certified mail, return receipt requested, to each person to be notified at such person's last known address or it shall be served personally upon such person. If it cannot be delivered by either of the foregoing methods, it shall be posted in a conspicuous place upon the affected dwelling unit or premises.

Sec. 16-31. Waiver of article by landlord and tenants.

No arrangement between a landlord and tenant purporting to waive any provision of this article shall be of any force or effect and all such arrangements are declared to be void as against public policy.

Sec. 16-32. Violations.

Any person who violates this article or any other order of the rental housing coordinator pursuant to this article shall be subject to the penalties set forth in section 1-6 of the Code of Princeton. A repeat offender as that term is defined in section 1-6 of said Code shall be subject to the penalties in that section. Failing to register a unit, knowingly providing false information on any form submitted to the rental housing coordinator, or accepting any installment of rent while a unit remains unregistered or without a registered change of tenant, shall each be deemed a separate violation of this article. Violations affecting more than one dwelling unit shall be considered separate violations for each dwelling unit affected. The public officer, rental housing coordinator, or any tenant or occupant affected by a landlord or owner violating any provision of this article, may prosecute any violation of this article by commencement or proceedings in a court of competent jurisdiction. Nothing herein shall limit the right of any interested party to file suit for restitution of any unlawful collection of rent in violation of this article.