

Chapter 237. Rental Property.

§ 237-3 Violations and penalties.

Any person who violates any provision of this Chapter shall, upon conviction in the Municipal Court of the Borough of Collingswood, or such other court having jurisdiction, be liable to a fine not exceeding \$1,000, and subject to revocation of the registration permit. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

Article II. Definitions.

§ 237-4 Definitions.

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

AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of this article. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING

Any apartment, cottage, bungalow, any room or rooms, or other dwelling unit, consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any industry or business or for any other type of independent use. Each dwelling unit shall contain no more than one kitchen or cooking facility.

COMMERCIAL

Related to or connected with trade and traffic or business and commerce.

COMMERCIAL UNIT

A building or structure, or any part thereof, used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial,

commercial, retail, service, recreational, hotel or motel facilities, or for warehousing purposes, or for any combination thereof.

DWELLING UNIT

Any room or rooms or suite or apartment, including any room or rooms, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including, but not limited to, the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

OWNER

Any person or group of persons, firm, corporation or officer thereof, partnership association or trust who owns, operates, exercises control over, or is in charge of a rental facility.

OWNER-OCCUPIED

A portion of a rental facility, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person, as defined herein, may have only one primary residence in the Borough.

PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof for the rental of commercial units. For the purpose of this ordinance, person or persons shall be limited to a human being or group of human beings occupying a Dwelling Unit.

RENT, RENTED OR RENTAL

Use and occupancy by any Person or Persons other than the Owner of a Dwelling Unit or Commercial Unit, regardless of whether there is a written or oral agreement and regardless of whether the Owner receives consideration for the use and occupancy.

RENTAL FACILITY

Every building, group of buildings or a portion thereof consisting of less than three dwelling units and has sleeping facilities for less than 25 occupants, kept, used, maintained, 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.

RENTAL UNIT

A dwelling unit or commercial unit which is available by lease, rental or otherwise, to persons other than the owner for a period of not less than 365 days. Rental Unit shall not include that portion of a rental facility, dwelling, commercial unit or dwelling unit that is owner-occupied. Rental Unit shall not include any Rooming House or Boarding House, which are prohibited as set forth in this Chapter.

ROOMING HOUSE or BOARDING HOUSE

A rooming or boarding house as defined under P.L. 1979, c.496, N.J.S.A. 55:13B-1, et al.

SHORT-TERM RENTAL UNIT

A single family detached Dwelling Unit which is made available for rent to a Person by the Dwelling Unit's Owner for a period of less than 365 days.

TENANCY

Occupancy of a Rental Unit or Short Term Rental Unit by one or more Tenants.

TENANT

Person occupying a Rental Unit or a Short Term Rental Unit other than the Owner.

Article III. Rental Registration, Rental Permit, Rental Certificate of Occupancy, and Rental Inspections.

§ 237-5 Registration.

- A. All Rental Units and Short Term Rental Units shall be registered annually with the Borough Clerk or other designated department of the Borough in accordance with procedures established by the Borough, on forms which shall be provided for that purpose. Such registration shall occur on an annual basis, as provided herein.
- B. No person shall hereafter occupy any Rental Unit or Short Term Rental Unit, nor shall the Owner permit occupancy of any Rental Unit within the Borough which is not registered in accordance with this article.
- C. In addition to the annual registration, each Rental Unit shall be registered with each change in occupancy. The registration term shall commence on the first day of the month due in accordance with the Borough's records and shall be valid for a calendar year, at which time it shall expire and a new registration shall be required.

§ 237-6 Registration forms; filing; contents.

In addition to the registration requirements of N.J.S.A. 46:8-28, all Rental Units and Short-Term Rental Units shall be registered annually, as provided herein. Every owner shall file with the Borough Clerk or other designated department in the Borough, a registration form for each Rental Unit or Short-Term Rental Unit, which shall include the following information:

- A. The name and address of the record owner or owners of the Rental Facility and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, where such individual may be reached both during the day and evening hours.
- B. If the record owner is a corporation or limited liability company, the name and address of the registered agent, together with a telephone number of the registered agent, and the name and address of the corporate officers of said corporation.
- C. If the address of any record owner is not located in Collingswood or in Camden County or in municipalities located on the border of Camden County, the name and address of a person who resides in Camden County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.
- D. The name and address of the managing agent of the premises, if any.
- E. The name and address, including the Dwelling Unit number, apartment or room number, of the superintendent, janitor, custodian or other individual employed by the owner or managing agent to provide regular maintenance service, if any.
- F. The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Camden County or in municipalities located on the border of Camden County, who may be reached or contacted at any time in the event of an emergency affecting the Rental Facility or any Rental Unit or Short Term Rental Unit therein, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and shall, at all times, have access to a current list of Tenants that shall be made available to emergency personnel as required in the event of an emergency.
- G. The name and address of every mortgagee of the premises.
- H. 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.

- I. As to each Rental Unit or Short-Term Rental Unit, a specification of the exact number of sleeping rooms contained in the Rental Unit or Short-Term Rental Unit. In order to satisfy this requirement, an Owner shall include a floor plan of each level of the Rental Facility, as part of the application and attached to the registration form when filed with the Borough Clerk or other designated department.
- J. The name, phone number and age of each Tenant of each Rental Unit. The Owner of any Short Term Rental Unit shall be responsible for maintaining a record of each Tenant for every Tenancy of the Short Term Rental Unit for a three year period from the termination of each Tenancy. In addition, the Owner shall maintain a record of the Tenant's permanent address and a copy of proof of photo identification such as a passport or driver's license.
- K. The number and type of all pets.
- L. The submitted registration form shall include a copy of a valid Property Liability Insurance policy providing coverage for each Rental Unit or Short-Term Rental Unit for which registration is sought. The Property Liability Insurance policy shall be valid and in effect for the full-term of the registration period.
- M. Such other information as may be prescribed by the Borough of Collingswood.

§ 237-7 Registration form; permit; indexing and filing; public inspection.

- A. The Borough Clerk or designee shall index and file the registration forms. In doing so, the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form will also satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered, and will also satisfy the registration requirements of this article.
- B. Upon a determination that the registration application meets the requirements of § 238-6, and completion of an inspection of the Rental Unit or Short Term Rental Unit to the satisfaction of the Borough Fire Department and any other designated official, the Borough Clerk or other designated department shall provide a permit to the Owner. Each Rental Certificate of Occupancy shall correspond only to the Rental Unit listed on the registration application even if more than one Rental Unit is contained in the Rental Facilities.
- C. The owner shall conspicuously post the Rental Certificate of Occupancy at the Rental Unit or Short-Term Rental Unit Certificate of Occupancy.

§ 237-8 Registration form; amendments; filing.

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information required to be included thereon.

§ 237-9 Periodic inspections and Unsatisfactory Inspections.

- A. Each Rental Unit or Short-Term Rental Unit shall be inspected at least once every 12-month period.
- B. The landlord of all buildings containing more than 25 Rental Units shall be responsible for conducting annual inspections to confirm compliance with the legal occupancy and building, property maintenance and fire code requirements of the Borough Code to safeguard the health, safety and welfare of all tenants. The landlord shall submit to the Borough a certification annually confirming that all Rental Units located in the building comply with the occupancy, building, property maintenance and fire code requirements of the Borough Code on a form prescribed by Borough officials. Nothing contained herein shall preclude the Borough of Collingswood from conducting inspections of any Rental Unit located within any building containing more than 25 Rental Units in accordance with the provisions of this chapter.
- C. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Collingswood.
- D. Such inspection shall be for the purpose of determining zoning ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and/or New Jersey Uniform Fire Code.
- E. In the event that the inspection(s) of a Rental Unit or Short-Term Rental Unit does not result in a satisfactory inspection, such property shall not thereafter be registered and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made, so as to bring the property and Rental Unit or Short-Term Rental Unit into compliance with the applicable code, and the property is thereafter subsequently inspected and registered. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and if not made within that time period, the owner shall be deemed in violation of this article, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of this Chapter. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this article, for good cause shown.

§ 237-10 Access for inspections; repairs.

- A. The inspection officers are hereby authorized to make inspections to determine the condition of every Rental Facility Rental Units, and Short-Term Rental Units, in order that they may promote the purposes of this article to safeguard the health, safety and welfare of the occupants of every Rental Facility, Rental Units, and Short-Term Rental Units. For the purposes of making such inspections every Owner(s) and Tenant of every Rental Facility or Rental Units, and Short-Term Rental Units shall provide access to the Borough's, inspecting officers who are hereby authorized to enter, examine and survey every Rental Facility, Rental Units, and Short-Term Rental Units at all reasonable times. In the event of an emergency or when a public health danger is presented, as determined by the inspecting officers or other Borough public safety officials, said consent shall not be required prior to the entry and inspection of any Rental Facility, Rental Units, or Short-Term Rental Units.
- B. Every Owner shall provide access to the Borough representatives access to any part of such Rental Facility, Rental Unit, or Short-Term Rental Unit at all reasonable times for the purpose of making such repairs or alterations, as are necessary, to effect compliance with the provisions of this article.
- C. Failure of any Owner or Tenant of any Rental Facility, Rental Unit or Short Term Rental Unit to provide access to the Borough's inspecting officers for the purposes stated herein shall be cause for immediate termination of the registration permit.

§ 237-11 Inspection and reinspection fees.

- A. At the time of the filing of the registration form the Owner or agent of the Owner must pay an inspection fee as follows:
 - (1) Housing inspection fees shall be \$60.00 per housing unit up to 7 units in addition to the Residential Fire Inspection Fee listed in 162-11(d).
 - (2) Housing inspection fees shall be \$50.00 per housing unit from 8 to 14 units.
 - (3) Housing inspection fees shall be \$45.00 per housing unit from 15 to 21 units.
 - (4) Housing inspection fees shall be \$35.00 per housing unit from 22 to 29 units.
 - (5) No housing inspection fee shall be charged for 30 or more units as these properties will be required to submit to a Certificate of Occupancy inspection and fee in (j) below.

- B. In the event that a reinspection of a Rental Unit or Short-Term Rental Unit is deemed to be necessary pursuant to § 237-10, the owner or agent of the owner must pay a reinspection fee as follows:
- (1) The first re-inspection shall be completed at no charge to the responsible party.
 - (2) The second re-inspection fee shall be \$50.00.
 - (3) The third re-inspection fee shall be \$70.00.
 - (4) The fourth and all subsequent re-inspection fees shall be \$100.00 per re-inspection.
- C. An inspection fee in the amount of \$45 shall be imposed upon each change of occupancy for each Rental Unit.
- D. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no inspection or reinspection fee.
- E. If any inspection or reinspection fee is not paid within 30 days of its due date, a late fee surcharge of \$50 will be assessed.

§ 237-12 Taxes and other municipal charges; payment precondition for registration.

No Rental Unit or Short-Term Rental Unit may be registered unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

Article IV. Rental Unit and Short-Term Rental Unit Standards and Facilities Required.

§ 237-13 Rental Unit; Minimum Term.

Rental Units must be Rented for a minimum of 365 consecutive days, whether by lease or otherwise. Short Term Rental Units may be rented for such periods of time as provided herein.

§ 237-14 Insurance.

All properties registered as a Rental Unit or Short-Term Rental Unit must be insured through an applicable combined Property/Liability Insurance single limit of no less than policy of \$500,000.

§ 237-15 Maintenance Standards.

All Rental Units and Short-Term Rental Units shall be maintained in accordance with the Uniform Construction Code, the BOCA National Property Maintenance Code, the New Jersey Uniform Fire Code and the Code of the Borough of Collingswood.

§ 237-16 Occupant(s) standards.

- A. Occupants. Only those occupants whose names are on file with the Borough Clerk, as provided in this article, may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.
- B. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the Rental Unit or Short Term Rental Unit.
- C. Nuisance prohibited. No Rental Facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the Borough of Collingswood.
- D. Compliance with other laws. The maintenance of all Rental Facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Collingswood, and with all applicable state and federal laws.
- E. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of this Chapter.

§ 237-17 Facilities required.

Heating and cooling facilities shall be provided in all Rental Facilities, Rental Units, and Short-Term Rental Units. This article does not amend, but rather enhances, the general heating requirements contained in Chapter 211 of the Municipal Code of the Borough of Collingswood, to impose additional requirements upon landlords who have agreed, either expressly or implicitly, to provide their tenants with heating and cooling facilities.

§ 237-18 Residential rental structures.

Every Rental Unit or Short-Term Rental Unit located within the Borough shall be provided with heating and cooling facilities capable of maintaining certain temperatures within the living area of the Rental Unit or Short-Term Rental Unit.

- A. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units Rental Unit on terms, either express or implied, to

furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to April 30 to maintain the room temperature at no less than 65° F. in all living areas of the Rental Units or Short-Term Rental Units during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60° F. during all other hours.

- B. Cooling supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, Rental Unit on terms, either express or implied, to furnish air conditioning or cooling mechanisms to the occupants thereof shall supply sufficient cool air during the period from May 1 to September 30 to maintain the room temperature at no more than 74° F. in all living areas of the Rental Units.

§ 237-19 Inspection; remedial measures.

- A. Landlords who have agreed to provide heating and/or cooling facilities to their tenants shall be bound to such obligation. Failure of heating and/or cooling facilities, mechanical, electrical or otherwise, shall not excuse a landlord's obligation to provide such facilities.
- B. Borough officials, accompanied by trained medical and/or emergency response personnel, shall have the right to enter and inspect any and all Rental Units and Short-Term Rental Units located within the Borough during the hours of 8:00 a.m. and 8:00 p.m., with or without notice to the landlord, or at any other time if the Borough officials are advised of conditions within the Rental Unit(s) or Short-Term Rental Units which do not meet the standards set forth in § 237-18 or which otherwise may present a danger to the health and safety of the tenants of such unit(s).
- C. Upon notice by the Borough after the aforementioned inspection, the landlord shall be obligated to promptly repair the heating or cooling systems for the affected Rental Units or Short-Term Rental Units or, in the alternative, provide for alternate, temporary housing for the tenants of the Rental Unit(s) or Short-Term Rental Units affected by the failed system.
- D. In the event that any landlord in the Borough fails to act in accordance with the requirements contained in this § 237-31, the Borough shall have the authority to act immediately to protect the health and safety of the tenants, if following consultation with trained medical and/or emergency response personnel, it is determined that extreme hot or cold weather conditions exist which may present a danger to the health and safety of Borough residents. To this end, the Borough may either cause the repair of the failed system or provide for alternate temporary housing for the tenants of the Rental Units or Short-Term Rental Units affected by the failed system. All expenses incurred by the Borough pursuant to this Section shall be the responsibility of the landlord of the subject Rental Unit(s) or Short-Term Rental Units.

§ 237-20 Short-Term Rental Units.

This Section has the stated purpose of regulating Short Term Rental Units to preserve the health, safety, and public enjoyment of all residents and Tenants within the Borough.

- A. The requirements, prohibitions, restrictions, and all other provisions of this Chapter shall apply to the rental of Short-Term Rental Units and their Owners.
- B. In addition to the requirements, prohibitions, and restrictions set forth in this Chapter, Short-Term Rental Units shall comply with each of the following regulations:
 - (1) Only the Owner of a Dwelling Unit shall be permitted to rent it as a Short-term Rental Unit.
 - (2) Advertisements of Short-Term Rental Units shall not contain any language that is inconsistent with the requirements and prohibitions set forth in this Section.
 - (3) Short-Term Rental Units may be rented for no more than twenty-four (24) days in any calendar year. No Short-Term Rental Unit may be Rented for more than fourteen (14) consecutive days and no less than three (3) days.
 - (4) No Tenancy of a Short Term Rental Unit shall be permitted if such Tenancy causes the Rental Facility to violate the Borough's residential occupancy requirements.
 - (5) No accessory buildings on a property may be used for a Short-Term Rental Unit.
 - (6) The Rental of a Short-Term Rental Unit shall not be conducted in a manner that is disruptive or adverse to the safety, well-being and quiet enjoyment of the Borough's residents and visitors;
 - (7) A Short-Term Rental Unit shall not be permitted for the purpose of hosting commercial or social events.
 - (8) All Persons occupying a Short-Term Rental Unit shall be no less than twenty-one (21) years of age unless the Tenant of the Short Term Rental Unit is the parent or guardian of such Person or Persons.
 - (9) All parking by Tenants shall be on the premises of a Short-Term Rental Unit in a designated parking area, with a minimum of one (1) vehicle space for a Tenant of a Short-Term Rental Unit and no less than one (1) parking space for

the Owner(s). An Owner shall not be eligible for a parking permit issued by the Borough due solely to the need for off-street parking for a Short Term Rental Unit.

- (10) Signs or any other type of advertisement indicating a Dwelling Unit is available for occupancy as a Short-Term Rental Unit shall not be placed on the property where the Short-Term Rental Unit is located.
- (11) Every Rental Facility with a Short-Term Rental Unit shall contain the requisite number of smoke detectors and carbon monoxide detectors as required by the New Jersey Uniform Fire Code. In the event that the Owner of the Rental Facility is not present during the Tenancy of the Short Term Rental Unit, each smoke detector and carbon monoxide detector within the Rental Facility shall be hardwired in such a manner that the activation of one detector will activate all of the detectors in the Rental Facility.
- (12) The Owner of a Short Term Rental Unit shall inform the Borough Fire Department in advance of each Rental of a Short Term Rental Unit including the number of Tenants, their ages and the name, address and phone number of the Person who has Rented the Short Term Rental Unit.
- (13) The Owner or primary resident of a Short-Term Rental Unit shall post the following information in a prominent location therein:
 - (i) The telephone number of the Owner and person responsible for building maintenance issues of the Short-Term Rental Unit.
 - (ii) The telephone number(s) for the Borough Police Department, the Borough Fire Department, and the Borough Code Enforcement Department.
 - (iii) The locations of all emergency exit routes, fire extinguishers, and fire alarms within the Short-Term Rental Unit.
 - (iv) The maximum number of parking spaces available onsite.
 - (v) Notification that any Short-term renter shall be subject to fines and penalties for any violations of this Chapter or for violations of the Borough Municipal Code.

Rental Unit

Article V. Revocation of Rental Unit or Short Term Rental Unit Certificate of Occupancy.

§ 237-21 Revocation of rental permit; procedure.

- A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to revocation or suspension of the permit or Certificate of Occupancy issued pursuant to § 237-8 upon the occurrence of one or more of the following, after hearing before the Borough Commission or the Commission's designee, as set forth below:
- (1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
 - (2) Continuously renting the Rental Unit(s) to a tenant or tenants who are convicted of a violation of the Noise Ordinance.
 - (3) Continuously permitting the Rental Unit or Short Term Rental Unit to be occupied by more than the maximum number of occupants as defined in this article.
 - (4) Maintaining the Rental Unit(s) or Short Term Rental Unit(s) or the Rental Facility in a dangerous condition.
 - (5) Continuous violations or conviction of a violation under the New Jersey State Housing Code; the New Jersey Uniform Fire Code Act; the Uniform Construction Code; the BOCA Maintenance Code; and the New Jersey Building Code.
 - (6) Conviction under Chapter 227 of the Borough's Code, entitled "Property Maintenance."
 - (7) Continuously renting the Rental Unit(s) or Short Term Rental Units to a Tenant or Tenants who are convicted of local ordinance violations, disorderly persons offenses or other crimes.
 - (8) Soliciting, advertising, offering and/or permitting, allowing, or failing to discontinue the use or occupancy of any Rental Unit for a period of 365 days or less or any Short Term Rental Unit for a period of more than twenty four (24) days annually or fourteen (14) days consecutively.

- (9) Soliciting, advertising, offering and/or permitting, allowing, or failing to discontinue the use or occupancy of any Rooming House and/or Boarding House.

B. Procedures; written complaint; notice; hearing; appeal.

- (1) Notice. Whenever the Borough or any other person or office authorized to file a notice determines that there has been a violation of this chapter, he or she shall serve a written notice of the violation of the owner or agent, which written notice shall include a statement of the reason or reasons why it is being issued and what action, if any, the owner or agent must make to abate the violation. Said notice shall also state that the violation(s) must be corrected within 10 days and if not, that the certificate of occupancy for the subject property may be revoked after a hearing before the Borough Commissioners.
- (2) Written complaint. If a violation is not corrected within 10 days of the service of the notice thereof, the individual issuing the written notice shall file a written complaint with the Borough Clerk or designee and with the owner or agent by certified and regular mail or by personal service at the address indicated on the registration form. The complaint shall apprise the landlord, owner and/or agent of the charges, so as to permit said individuals to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information. Upon the filing of such written complaint, the Borough Clerk or designee shall immediately inform the Borough Commission, and a date for a hearing shall be scheduled, which shall not be sooner than 10, nor more than 30 days thereafter, unless the landlord, owner and/or agent requests a waiver of the thirty-day requirement and the Borough Commission authorized said waiver. The Borough Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the landlord, owner or agent, if any, at the address at which the written complaint was served.
- (3) Hearing. The hearing required by this section shall be held before the Borough Commission, unless, in its discretion, the Borough Commission determines that the matter should be heard by a Hearing Officer, who shall be appointed by the Borough Commission. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Borough Commission within 30 days of the conclusion of the hearing. The Borough Commission shall then review the matter and accept, reject or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event that the matter is not referred to a Hearing Officer and is heard by the Borough Commission, then the Borough Commission shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision

shall be rendered dismissing the complaint, revoking or suspending the rental permit or determining that the rental permit shall not be renewed or reissued for one or more subsequent calendar years.

- (4) A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.
- (5) The Borough Solicitor, his designee or appointed special counsel shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.
- (6) Appeals. If a rental permit is revoked, suspended or the Borough Commission determines that the rental permit shall not be renewed or reissued for one or more subsequent years, the landlord, owner and/or agent may appeal said decision to the New Jersey Superior Court-Law Division in Camden County in accordance with the New Jersey Court Rules.

- C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental permit by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding.