

Chapter 70

ROOMING AND BOARDING HOUSES

§ 70-1. Purpose.

§ 70-2. Definitions.

§ 70-3. Licensing requirement.

§ 70-4. Application for license.

§ 70-5. Investigation of premises, owners and operators.

§ 70-6. Public hearing.

§ 70-7. Term of license; application for renewal.

§ 70-8. Revocation of license.

§ 70-9. Appeal.

[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 4-5-2001 by Ord. No. 5-2001. Amendments noted where applicable.]

§ 70-1. Purpose.

The purpose of this chapter is to license rooming and boarding houses as authorized by N.J.S.A. 40:52-1 et seq.

§ 70-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LICENSING AUTHORITY — The governing body of the City Council of the City of Gloucester City.

OPERATOR — Any person, including for the purposes of this chapter any corporation or association of persons

and any agency or instrumentality of state or local government, which operates or proposes to operate a rooming or boarding house.

OWNER — The holder of title in fee simple to premises and any lessor or sublessor of whom an operator is, or proposes to become, a sublessor in connection with an application for a license or for renewal thereof pursuant to this chapter.

ROOMING or BOARDING HOUSE — A rooming or boarding house licensed pursuant to P.L. 1979, c.496 (N.J.S.A. 55: 13B-1, et seq).

§ 70-3. Licensing requirement.

No rooming or boarding house shall hereafter be located or operated except upon premises licensed for that purpose by the licensing authority.

§ 70-4. Application for license.

- A. Application for a license shall be made by the owner and filed with the City Clerk. The application shall be in such form and shall contain such information as is authorized by the enabling legislation and shall be accompanied by an application fee of \$200 or such fee as may be prescribed by resolution of the licensing authority. The licensing authority shall require the submission of such information and supporting documentation as to provide a basis upon which the licensing authority may conduct an investigation and reach the conclusions required under the enabling legislation for the issuance or denial of a license. The licensing authority shall require that information required from the operator be duly sworn to by the operator in order to form a valid part of the application.
- B. An application filed pursuant to Subsection A of this section shall include a deposit in full of the prescribed

application fee, of which 90% shall be refunded if the application is denied and 10% retained and employed in defraying the expenses of the licensing authority in carrying out its functions under this chapter.

- C. All applications by a natural person, partnership or unincorporated association of natural persons shall be duly sworn to by each of the applicants. An application by a corporation shall be duly sworn to by the president or vice president of the corporation. All statements in an application shall be deemed material, and any person who knowingly misstates any material fact therein shall be guilty of a crime of the fourth degree.
- D. Every applicant for a license shall, after filing the application, cause notice of the pendency of the application to be published in a form prescribed by the licensing authority once a week for two weeks successively in a newspaper printed in the English language, published and circulated in Camden County. The notice shall include the time and place of the public hearing prescribed in § 70-6 of this chapter, and the second publication thereof shall be made not less than one week, nor more than two weeks, prior to the date set by the licensing authority for that hearing.

§ 70-5. Investigation of premises, owners and operators.

It shall be the duty of the licensing authority to receive applications made pursuant to § 70-4 of this chapter and to conduct such investigations as may be necessary to establish:

- A. With respect to the premises for which a license is sought, that they are in compliance with all applicable building, housing, health and safety codes and regulations and that the location of the premises will not, in conjunction with the proximity of other rooming and boarding houses, lead to an excessive concentration of such facilities in the municipality or a particular section thereof.

B. With respect to the owner or owners of the premises:

- (1) If a natural person or persons, that he or they are 21 years of age or older, citizens of the United States and residents of the State of New Jersey and never convicted, in this state or elsewhere, of a crime involving moral turpitude or of any crime under any law of this state licensing or regulating a rooming or boarding house and have never had a license required pursuant to P.L. 1979, c.496 (N.J.S.A. 55:13B-1 et seq.) revoked.
- (2) If a corporation, that all officers and members of the board of directors, and every stockholder holding 10% or more of the stock of the corporation, directly or indirectly, having a beneficial interest therein, have the same qualifications as set forth in this subsection for an applicant who is a natural person.

C. With respect to the operator or proposed operator, that he meets the requirements for licensure by the Department of Community Affairs.

D. That the owner and operator, either individually or jointly, have established sufficient guarantee of financial and other responsibility to assure appropriate relocation of the residents of the rooming or boarding house to suitable facilities in the event that the license is subsequently revoked or its renewal denied. The Department of Community Affairs shall determine, in the case of each type of rooming and boarding house under its jurisdiction, what constitutes suitable facilities for this purpose.

§ 70-6. Public hearing.

- A. In conducting its investigations pursuant to § 70-5 of this chapter, a licensing authority shall hold a public hearing, at which the applicant, the operator or proposed operator and all other parties in interest, including members of the general public, shall be entitled to be

heard upon the merits of the application and the suitability of the premises proposed for licensing. The time and place of the public hearing shall be determined within 30 days of receipt of the application and shall be communicated to the applicant in sufficient time to enable compliance with the publication requirement under § 70-4 of this chapter.

- B. No license shall be issued which would result in increasing the total number of persons authorized to be residents in rooming or boarding houses within the municipality to more than 60 in the City of Gloucester City, which presently has a population of 12,000 or fewer. (This limit is based on one-half of one percent of the City's population.) Nothing in this subsection shall warrant refusal of a license or license renewal for premises where a rooming or boarding house has been in lawful operation prior to the enactment of this chapter.
- C. No license shall be issued for premises when any part of the boundary line of the premises is within 1,000 feet of the boundary line of any other premises for which a license is in force. Nothing in this subsection shall warrant refusal of a license or license renewal for premises where a rooming or boarding house has been in lawful operation prior to the enactment of this chapter.

§ 70-7. Term of license; application for renewal.

- A. After the public hearing pursuant to § 70-6 of this chapter, the licensing authority shall determine, in accordance with the requirements hereunder, whether to grant the license. A license, when issued, shall be valid for one year from the date of issuance and until such time as the licensing authority has acted upon an application for renewal, unless sooner terminated by revocation pursuant to the terms of this chapter.
- B. Not later than the 60th day preceding the anniversary date of issuance, the holder of a license shall make

application to the licensing authority for its renewal. Application for a renewal shall follow the same procedure and requirements as prescribed for a new application and shall necessitate de novo consideration and determination by the licensing authority in the same manner as a new application.

§ 70-8. Revocation of license.

- A. A licensing authority may revoke a license granted under this chapter for any of the following reasons:
- (1) A finding that there was any misstatement of material fact in the application upon which the license was issued.
 - (2) The occurrence of any fact which, had it occurred and been known to the licensing authority before issuance of the license, would have resulted in the denial of the application.
 - (3) Repeated violations of prolonged failure to correct any violation of any applicable building, housing, health or safety code or regulations.
 - (4) Refusal to allow access to any portion of the licensed premises at all reasonable times, with or without advance notice, in order that officers or agents of the licensing authority or any official charged with enforcement within the municipality of any building, housing, health or safety code or regulations applicable to the premises may determine compliance with such codes or regulations.
 - (5) Revocation by the Department of Community Affairs of the operator's license or other authorization to operate a rooming or boarding house on the premises.
 - (6) Notification by the Department of Community Affairs that the premises are not or are no longer

§ 70-8 ROOMING AND BOARDING HOUSES § 70-9

suitable for operation of a rooming or boarding house on the premises.

(7) Failure or refusal to comply with any lawful regulation or order of the licensing authority.

B. A license shall not be revoked until five days' prior notice of the grounds therefor has been served upon the licensee, either personally or by certified mail, addressed to the licensee at the licensed premises, and a reasonable opportunity given to the licensee to be heard thereon.

§ 70-9. Appeal.

Upon determination by the licensing authority to refuse the granting or renewal of a license or to revoke a license, the licensee affected shall be entitled to appeal to the Commissioner of Community Affairs for a review of that determination; and the Commissioner shall have authority to reverse the licensing authority's determination if it concludes that the application was improperly denied or the revocation improperly imposed. Such review by the Commissioner shall be in conformity with the provisions of the Administrative Procedure Act, P.L.1968, c.410 (N.J.S.A. 52:14B-1 et seq.). The decision of the Commissioner in such cases shall be subject to appeal to the Appellate Division of the Superior Court. If an applicant for the license renewal has made timely and sufficient application for a renewal, in accordance with the provisions of this chapter and the rules of licensing pursuant thereto, his license shall not expire until any appeals under this section have been finally determined and disposed of.