

Chapter 67

REAL ESTATE WAREHOUSING

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

- § 67-1. Owners subject to provisions; exemptions.
  - A. The owner of any dwelling or commercial unit, other than those exempted below, shall be subject to the provisions of this article.
  - B. The following are exempt from the provisions of § 67-2A of this article:
    - (1) Units in owner-occupied buildings, where there are four units or less, and one of these units is owner-occupied.
    - (2) Units in newly constructed buildings, which are being rented for the first time. One year after the

first rental, such units will be subject to the provisions of this article.

- (3) Units where the owner is participating in an affordable housing project approved by the City of Gloucester City.
- (4) Units in a building whose owner has transmitted his first sixty-day notice of his intentions to convert the building into a condominium or cooperative and his full plan of conversion to the City Clerk pursuant to N.J.S.A. 2A:18-61.8.

C. The following are exempt from the provisions of § 67-2B of this article:

- (1) Any unoccupied property that is under agreement of sale. This exemption shall be limited to the first three months after a property becomes unoccupied. Thereafter, all provisions of this chapter are applicable, and all time requirements are considered to be extended by said three-month period.
- (2) Any unoccupied property that is listed for sale by a realtor or by the owner. This exemption shall be limited to the first three months after a property becomes unoccupied. Thereafter, all provisions of this chapter are applicable, and all time requirements are considered to be extended by said three-month period.

**§ 67-2. Rental requirement; exception.**

- A. All such units that have been rental units shall be rented and occupied by a new tenant within two months after the end of the preceding tenancy, which shall be defined as the last day of residence by the preceding tenant or tenants, except where this requirement has been waived by the Planning Board under the provisions of § 67-5 below, in which event the unit shall be rented and occupied within the time period specified in the waiver.

- B. All such units that have not been rented, but become vacant for any reason, shall be occupied within two months after the property becomes vacant, except where this requirement has been waived by the Planning Board under the provisions of § 67-5 below, in which event the unit shall be occupied within the time period specified in the waiver.

**§ 67-3. Notification of vacancies.**

- A. The owner of any rental unit which is still vacant 30 days after the end of the preceding tenancy shall notify the Zoning Officer within five days, in writing, of said continuing vacancy.
- (1) "Vacancy," as it applies to a dwelling unit, is defined as:
    - (a) Being unoccupied by any person or persons for more than 20 days out of a month; or
    - (b) Receiving no electricity, gas or fuel heat; or
    - (c) Appearing to manifest no evidence of occupancy by a person or persons, such as by lack of furniture, lack of food or clothing, lack of mail delivery or by being boarded up.
  - (2) "Vacancy," as it applies to a commercial unit, is defined as:
    - (a) Lacking a main entrance open to the general public for business; or
    - (b) Being closed to the general public for business for more than 18 out of 24 hours per day for more than three out of seven days per week for a period of three or more weeks.
- B. Said notification shall include the following information:
- (1) The address and location within the building of the unit.

- (2) The rent charged the preceding tenant and rent to be charged the proximate incoming tenant.
  - (3) The name, address and telephone number of the owner.
  - (4) The name, address and telephone number of the owner's agent and/or resident manager, if any.
- C. No notification shall be required with respect to any unit rented and occupied within 30 days or less from the end of the preceding tenancy.
- D. The owner or other representative of any unit that has not been previously rented, which is vacant for more than 30 days, shall notify the Zoning Officer within five days, in writing, of such vacancy. Such notification shall include the name, address, telephone number of the owner and any other relevant information, such as identification of attorney, estate or relatives with knowledge of status of ownership.

**§ 67-4. Notification of occupancy.**

- A. Within 30 days after submission of the report required under § 67-3 above, the landlord (in those cases involving rental units) shall notify the Zoning Officer that the unit has been rented and occupied, with the names of the new tenant or tenants and the terms of the tenancy. Failure to have the unit rented and occupied within 60 days after the end of the preceding tenancy, except where a waiver has been granted by the Planning Board, shall be considered a violation of this article and subject to the penalties set forth in § 67-7 below.
- B. Within 30 days after submission of the report required under § 67-3 above, the owner (in those cases not involving rental units) shall notify the Zoning Officer that the unit has been occupied, with the name of the new occupant or occupants. Failure to have the unit occupied within 60 days from the time that the unit

became vacant, except where a waiver has been granted by the Planning Board, shall be considered a violation of this article and subject to the penalties set forth in § 67-7 below.

**§ 67-5. Waivers of requirements.**

- A. A landlord may seek a waiver of the requirement to rent the unit within 60 days of the end of the preceding tenancy where the condition of the unit or other special circumstances make rental within such time period impossible. In order to obtain a waiver, the landlord must submit a request, in writing, to the Planning Board within 30 days or less from the end of the preceding tenancy, setting forth with specificity:
- (1) The reasons that the unit cannot be rented within such time period.
  - (2) The steps that the landlord shall take to remedy the conditions that make it impossible to rent the unit.
  - (3) The date by which the unit shall be rented and occupied.
- B. Full documentation, such as code violation reports, engineering or inspection reports, etc., shall be provided by the landlord. Any waiver granted by the Board under this section shall specify a date by which the unit shall be rented and occupied. The Board may extend that date upon written request of the landlord but may not provide more than two such extensions of not more than 60 days each.
- C. In no circumstance shall any waiver, including extensions, exceed six months from the time of granting of such waiver.
- D. The following circumstances shall constitute grounds for granting of a waiver by the Planning Board:

- (1) Any owner wishes to maintain a vacant unit in order to reserve said unit for a family member. The owner shall provide in the waiver request full documentation, such as the name of the future tenant, and the date of occupancy.
  - (2) An owner wishes to maintain a vacant unit in order to improve the conditions of said unit. The owner shall provide full documentation in the waiver request, such as up-to-date building and housing inspection reports, improvement plans, all related permits and the date by which the unit shall be rented and occupied.
  - (3) An owner maintains a vacant unit in order to correct code violations in said unit. The owner shall provide in the waiver request full documentation, such as code violation reports, correction plans, permits and the date by which the unit shall be rented and occupied.
- E. In the case of properties that have not been previously rented, an owner may seek a waiver of the requirement to have the unit occupied within 60 days from the time that it became vacant where the condition of the unit or other special circumstances make occupancy within such time period impossible. In order to obtain a waiver, the owner must submit a request, in writing, to the Planning Board within 30 days or less from the time that the unit became vacant setting forth with specificity:
- (1) The reasons that the unit cannot be occupied within such time period.
  - (2) The steps that the owner shall take to remedy the conditions that make it impossible to occupy the unit.
  - (3) The date by which the unit shall be occupied.
- F. To the extent applicable, the provisions of Subsections B, C and D above shall be applied to properties that have not been rented.

**§ 67-6. Filing complaints.**

Any individual affected by the action or inaction of an owner of a dwelling unit or commercial unit subject to the provisions of this article, any civic organization and any appropriate municipal agency may file a complaint of violation of this article with the Gloucester City Municipal Court.

**§ 67-7. Violations and penalties.**

- A. A first violation of § 67-2, or the conditions upon which a waiver has been granted by the Board, shall be punishable by a fine of not more than \$500 for each unit in violation. Subsequent violations shall be punishable by a fine of not less than \$100 or more than \$500. Each day during which an owner is in violation of § 67-2 of this article, or the conditions upon which a waiver has been granted, shall constitute a separate violation hereunder.
- B. A violation of any other provision of this article, where there has been no finding of a violation of § 67-2 of this article, shall be punishable by a fine not to exceed \$100 for each unit found in violation for each day the owner is found in violation.

**§ 67-8. Vacancies upon effective date.**

Any landlord of any unit which has been vacant 30 days or more from the end of the preceding tenancy, as of the effective date of this chapter, shall be required to file the notification required under § 67-3 of this chapter within 15 days of the effective date of this chapter.

**§ 67-9. Cost of work completed by City. [Added 6-17-2010 by Ord. No. O12-2010]**

If the resident/owner of the property does not adhere to the designated time frame, the City shall be authorized to complete the necessary work to maintain the property according to zoning

and housing laws. That work will be charged to the owner as a municipal charge at a rate of \$200. per man hour. Any open charges at the end of the calendar year are subject to tax sale and will be processed according to the New Jersey Statutes governing tax sales.