

NEW JERSEY LANDLORD AND TENANT REGISTRATION REQUIREMENTS

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Whether you conduct a business within a municipality or rent out an income producing property, you need to be aware of registration obligations to your local government. Municipalities have their own unique registration requirements for businesses, commercial tenants and industrial uses. In addition, New Jersey's Landlord Identity Law imposes strict requirements on residential landlords to register with the State or local government.

BUSINESS REGISTRATION WITHIN NEW JERSEY MUNICIPALITIES

There is no uniform statutory requirement for businesses to register within a municipality in order to conduct business. However, under a municipality's broad powers to regulate its own internal affairs, numerous municipalities require owners and tenants of commercial property to obtain a business license or registration. For example:

- ▶ In Voorhees, all businesses must have a business license. Here is a link to the application: http://www.voorheesnj.com/pdf/clerks/20111004093239702_0001.pdf
- ▶ In Mount Laurel, businesses must file a registration with the Township and renew it annually: <http://mountlaurel.com/departments/municipal-clerk/>
- ▶ In Cherry Hill, certain businesses are required to apply for a business license and all other businesses are required to apply for a zoning permit: <http://www.cherryhill-nj.com/index.aspx?NID=311>

It is the responsibility of the owner of the commercial property or the tenant renting the property to apply for and obtain the proper license. Failure to do so could result in fees or more severe penalties.

REQUIREMENTS FOR RESIDENTIAL LANDLORDS

The Landlord Identity Law, N.J.S.A. 46:8-27, et seq., requires landlords who rent property to tenants to file a Landlord Identity Registration Form or obtain a Certificate of Registration from the Bureau of Housing Inspection of the Department of Community Affairs. In addition to filing the information with the municipal clerk or the Bureau of Housing Inspection in the Department of Community Affairs, the landlord must supply this information to each tenant of the property.

A. Who is a "Landlord" under this Law?

The term "landlord" is defined very broadly. A "landlord" under New Jersey's Landlord Identity Law is anyone who:

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- ▶ Rents a single-dwelling unit
- ▶ Rents a two-dwelling unit that is not owner-occupied
- ▶ Rents a multiple dwelling as defined in section 3 of the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-3.

B. What Information Needs to be Disclosed?

The forms require the following statutory disclosures:

- ▶ The name and address of the record owner of the premises and the record owner of the rental business if not the same person;
- ▶ If a corporation, the name and address of the registered agent and corporate officers;
- ▶ If the address of any record owner is not located in the county in which the premises are located, the name and address of a person who resides in the county in which the premises are located and is authorized to accept notices;
- ▶ The name and address of the managing agent of the premises, if any;
- ▶ The name and address of the individual employed by the record owner to provide regular maintenance service, if any;
- ▶ The name, address and telephone number of an individual representative of the record owner who may be reached in the event of an emergency;
- ▶ The name and address of every holder of a recorded mortgage on the premises;
- ▶ 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.

You must keep this information current and file any necessary amendment if the disclosed information changes. You can access both forms directly through the following links: http://www.nj.gov/dca/divisions/codes/forms/pdf_lti/landlord_regs.pdf; http://www.nj.gov/dca/divisions/codes/forms/pdf_bhi/bhi4.pdf

C. Consequences for Failing to Register

The consequences for failing to register as a landlord are swift and significant. If you are not registered properly, you cannot obtain a judgment of possession from the New Jersey Superior Court and therefore, you cannot legally evict a tenant.

In addition, you will be exposing yourself to liability for a fine of up to \$500 per offense. The registration requirement can be enforced by the Attorney General, the municipality where the premises is located, or

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any other person in a summary proceeding. Consequently, a tenant could enforce this provision against a landlord if the tenant is not given the requisite disclosure.

Conclusion

Whether you are operating a commercial business or renting out residential property, you should be aware of your registration obligations within your specific municipality in order to operate your enterprise successfully.

For more information, contact:



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