

June 17, 2013

Good evening Borough Council,

This is not the first, nor the second, but the third time that I have appeared before Borough Council to express my thoughts for the need of a rental ordinance.

Rental ordinances were proposed to Borough Council in 1994, 1998, 2007, 2009 and now 2013. My appeal this time is somewhat different as I now have unilateral support from my colleagues and of course there is the factual observation of the deterioration that the toll of time has taken on Palmyra's rental housing stock for not having an ordinance in place sooner.

This ordinance affects many people on different levels. Whether it is the minority of Palmyra landlords here tonight, the Palmyra homeowner who lives next to, or drives by a rental unit, or the Borough employees who receive complaints, issue violations and have witnessed over the years the deterioration of the community. Everyone here tonight is a stakeholder in the passage of this ordinance.

I would like everyone in this room to ask themselves one question. What defines your hometown? For those who live in Palmyra. What defines Palmyra? Palmyra's

demographics are similar to that of surrounding communities. Palmyra citizens are hardworking middle class folks. But what do others see? What do your relatives see when they visit? How about friends from out of town? I bet every one of you can automatically envision at least one home nearby that is a rental that has been in deplorable condition or has had a police/EMS response and caused you embarrassment.

Now take that image and apply it to all sections of town. My point is the house in your vision is not unusual. Palmyra's housing stock has fallen into disrepair and is highly visible throughout just about all sections of town. Some may say that the Borough is having trouble only with a handful of rentals. It is more than a handful and they are scattered throughout town. So spread these problems around and you have a much bigger picture of exactly what Palmyra has become. They are not concentrated but because they are spread out it means that they affect many residents throughout our community.

I can only give to you an estimate of legal rentals that would be affected by this ordinance. We really have no handle on how many rentals we have. I would say conservatively up close to 500 that are identified as legal apartments. That estimate is from 2008 and I believe it to be low; we had the foreclosure crisis which

produced even more rentals, legal and I believe illegal. This is evidenced by the amount of smoke detector inspections I conduct, the majority of which are for rentals and not for re-sales.

Palmyra has had no real mechanism for tracking rentals. Although the landlord is legally bound to request a NJ State Division of Fire Safety Smoke/Carbon and Fire Extinguisher inspection resulting from a change of occupancy or resale of the property, many do not. There is a Landlord Identity Registration Statement One and Two Unit Dwelling Registration Form that is to be filed with the Borough Clerk but many landlords do not fill it out and the Borough has no recourse to ensure they do. So the Borough is limited in identifying legal and illegal apartments or having adequate landlord information.

Why are some landlords downright mad about this ordinance? I have listened to landlords who have shared their concerns and the same concerns from years ago remain the same concerns you will hear tonight. One is what are we citing? Landlords would like to see a checklist of possible violations. Checklists are confining and are not all inclusive. Checklists have never been used by my office or by my predecessors in either zoning, building, fire, plumbing, or electrical

inspections. They narrow the mind of the inspector and are frowned upon in many towns.

Another complaint is the amount of codes we can cite. Let's look at the codes that are proposed in the ordinance.

- The Palmyra Land Use/Zoning Ordinance, it can be found on the Borough's website.
- The New Jersey State Uniform Construction Code found on-line just Goggle New Jersey Uniform Construction Code The Uniform Construction Code, NJ Dept of Community Affairs will appear.
- Palmyra Borough Code Chapter 142 Housing Standards found under the Borough of Palmyra website.
- BOCA Property Maintenance Code, the Borough will be placing it on the Borough website.
- The New Jersey State Housing Code, Goggle New Jersey Department of Housing, Bureau of Housing Inspection, and NJ Department of Community Affairs will appear.

If anyone cannot access any of these sites the Borough Clerk has copies of all codes for anyone's review as none proposed are new and have been in existence for years

and some are used by a majority of other towns such as the State Housing Code and BOCA Property Maintenance Code. Anyone is more than welcome to stop by and take a look. We are not reinventing the wheel, but with the passage of this ordinance we can now properly apply them to rental units.

Will my rental have to be “brought up to current code requirements” the answer is no; the provisions of the State Housing and BOCA Code allow for the enforcement of minimum safety requirements. They constitute the standards in determining the fitness of a building for human habitation, use or occupancy, not if it makes current code requirements.

Example: smoke detectors do not have to hard-wired. They can be or they can utilize a battery primary power source. Another question: Do I have to provide electrical outlets in accordance current construction code requirements? The answer again no. To avoid ignorance in interpretation of the enforcements of the codes I would kindly suggest familiarization with the codes and not to be afraid to ask questions.

Every violation cited will contain a code reference. If anyone does not understand the code or its interpretation we will be glad to meet with them to explain.

Landlords will also be given notice of the inspection and can attend the inspection if they like, as a matter of fact I would encourage it. As with any violation cited if they are in disagreement there is an appeal process.

If landlords review these documents there are no surprises. We will utilize the same codes during the inspection.

Another topic of contention is the fee. This fee will be used to cover the cost of the registration process application, filing, and licensing paperwork. Also a 3rd party agency will conduct the inspection and reinspection, if needed.

Landlords are also upset with being held accountable for who they rent to. Why should there be no culpability in who a landlord rents to? Isn't renting really an extension of who you are as a landlord? It's their investment so wouldn't they want to rent their investment to someone who will care for it? Why should Palmyra absorb unruly tenants, or tenants who will not take care of their property? Why would a landlord?

Landlords are complaining that the proposed ordinance should address multiple dwellings. That they should be held to the same standard as we are proposing for

one and two family units. A multiple dwelling is three or more units, currently inspected by the New Jersey Department of Housing utilizing the NJ State Housing Code, every 5 years. Multiple Dwelling 5 year cyclical inspections are currently conducted at Korman Suites, Willow Shores and Palmyra Harbour complexes that are exempt from this ordinance. I agree unsanitary/unfit conditions need to be recognized in a more timely fashion than every 5 years. However, multiple dwellings, even though only inspected once every 5 years, are inspected in accordance with the state housing code so there are some controls over these units.

I would urge council to consider in the future the inclusion of multiple dwelling units. Actually, perhaps that is why we don't have the issues with multiple dwellings that we do with other rentals; they have more regulations and adhere to more code requirements even though its only once every 5 years.

One issue that is persistent is the subleasing and over occupancy of rentals. A registration of all rentals would alleviate this issue. Also, when units are subleased or over occupied, our emergency and trash services and our school system is abused. Why should Palmyra residents subsidize that unit to operate?

Some landlords say that other towns do not have a rental ordinance. To that statement I say; **good for those towns as I assume that they do not need one!**

I have heard some landlords in favor of the ordinance with caveats but some landlords are Palmyra residents also and drive the streets, I know I am correct as I have received multiple complaints from Palmyra landlords some in the audience tonight regarding other rental properties in town. In speaking with those landlords I have not heard any other suggestions for mitigating these impacts to our community, except that the Code Enforcement Office should be enforcing the current codes.

Why can't the code enforcement office conduct inspections using existing codes? The answer is I have no authority to do so where it is needed most. What is in effect now (which is the same codes that will be enforced by this ordinance) currently does not allow for the expansion of scope for the interior inspection *and* registration of rental units. If it could be done with current personnel and codes I wouldn't be seeking this ordinance tonight.

Yes, I enforce the current codes to the exterior of the dwellings but the inside is just as important to the integrity of the rental as a whole and therefore is a reflection on

the entire neighborhood. Here's the problem from a code enforcement perspective. I have no names of the tenants so I cannot issue violation notices to them. Most times I have no valid address for the owner. **But when made to register, and no rental can proceed without this information, that is when you will see a difference. Then and only then will there be the ability to properly enforce codes and make accountable renters and their landlords.**

I have not heard one landlord state that this would be beneficial to the preservation of their property. Why wouldn't this ordinance also be used to aid the landlord in preserving the property and documenting conditions of rentals? To landlords renting is a business. This is business protection.

Lastly, I receive calls from Palmyra homeowners who have not just a financial investment but an emotional one as well. There are renters who have that same attachment and others that do not. Still some renters feel that since they do not own the property they have no responsibility or personal liability towards it. Palmyra homeowners do not want to live next door to these properties. Without a registration process and frequency of inspections these blighted conditions will continue to prosper.

Do we want rentals in Palmyra? Absolutely, rentals have been, and always will be, a part of the culture of Palmyra. But as time has proven they need to be held to a standard of satisfactory habitation which is applied evenly and lawfully to everyone in Palmyra. This ordinance provides for an organized, uniform inspection and registration process and accountability for all.

At the end of the day we can argue this ordinance forever, but the one thing that is for sure is we all have culpability. Landlords, tenants, the Borough, we ALL do. We are all witness to the cost of doing nothing. I would kindly ask the members of Council to ask yourselves a more pertinent question than “should I vote for this ordinance”, please ask yourself “can Council any longer afford not to.”

Thank you

Tracy Kilmer