

CITY OF ABSECON

ORDINANCE 09-2026

**AN ORDINANCE OF THE CITY OF ABSECON REPEALING AND REPLACING
CERTAIN SECTIONS OF CHAPTER 251 – RENTAL HOUSING
OF THE CODE OF THE CITY OF ABSECON**

WHEREAS, Chapter 251 of the Code of the City of Absecon entitled “Rental Housing” regulates the rental of residential property within the City; and

WHEREAS, the City previously adopted Ordinance 08-2020 establishing regulations governing rental housing and subsequently adopted Ordinance 09-2020 amending inspection procedures and fees; and

WHEREAS, the State of New Jersey enacted legislation requiring liability insurance for certain rental properties pursuant to N.J.S.A. 40A:10A-1 et seq.; and

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the City to repeal and replace certain sections of Chapter 251 to provide consistent standards for rental housing and transient accommodations while preserving existing provisions governing rental housing inspections and lead-based paint hazard inspections; and

WHEREAS, Certain sections of Chapter 251 of the Code of the City of Absecon entitled “Rental Housing” are hereby repealed, amended, and replaced as set forth herein. All provisions of Chapter 251 not specifically amended by this ordinance, including Article VII governing Lead-Based Paint Hazard Inspections, shall remain in full force and effect; and

WHEREAS, the provisions of this Chapter, insofar as they are substantially the same as existing provisions of the Code of the City of Absecon, shall be deemed to be continuations of such existing provisions and not new enactments.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Absecon, County of Atlantic, State of New Jersey as follows:

SECTION 1.

ARTICLE I – PURPOSE AND DEFINITIONS

251-1 Purpose.

The purpose of this Chapter is to regulate rental housing and transient accommodations within the City of Absecon in order to protect the public health, safety and welfare and preserve the character of residential neighborhoods.

251-2 Definitions.

Bed-and-Breakfast – An owner-occupied dwelling where temporary lodging and breakfast are provided.

Boarding House – A building where lodging and meals are provided for compensation to occupants.

Change of Occupancy – Replacement or addition of tenants or occupants through lease, sublease, assignment, or similar arrangement.

Hosted Short-Term Rental – A Residential Short-Term Rental in which the owner or permanent resident occupies the dwelling as their primary residence while guests are present.

Hotel – A building containing sleeping accommodations for temporary occupancy operated as a commercial lodging establishment.

Inn – A lodging establishment offering temporary lodging accommodations to the public and operated as a commercial lodging business.

Lodging Establishment – A commercial establishment providing transient lodging accommodations including hotels, inns, motels, boarding houses and rooming houses.

Non-Hosted Short-Term Rental – A Residential Short-Term Rental in which the entire dwelling is rented to transient occupants while the owner or permanent resident is not present.

Operator – Any person who manages, advertises, or offers a rental unit or transient accommodation for occupancy.

Owner – Any person holding legal title to a rental property or exercising control over the property.

Rental Property – A building containing one or more rental units offered for lease.

Rental Unit – A dwelling unit leased for residential occupancy.

Residential Short-Term Rental – A dwelling unit located within a residential zoning district rented for transient occupancy for less than one hundred seventy-five (175) consecutive days including rentals facilitated through platforms such as Airbnb, VRBO, HomeAway or similar services.

Rooming House – A building where lodging is provided for compensation to three (3) or more persons occupying individual rooms and sharing common facilities.

Tenant – Any person occupying a rental unit pursuant to a lease or agreement.

Transient Accommodation – A dwelling unit, lodging unit, or sleeping accommodation rented or offered for rent for less than one hundred seventy-five (175) consecutive days.

Transient Space Marketplace – An online platform through which transient accommodations are advertised or reserved.

ARTICLE II – RENTAL PROPERTY PERMIT

251-3 Permit Required.

No residential property shall be rented or leased without first obtaining a Rental Property Permit issued by the City.

251-4 Application Requirements.

Applicants shall submit the following:

1. Completed municipal application.
2. Proof municipal taxes and charges are current.
3. Certificate of inspection.
4. Payment of required municipal fees.
5. Proof of liability insurance pursuant to N.J.S.A. 40A:10A-1 et seq.
6. Registration with the Municipal Clerk.
7. Heat Certification.

251-4.1 Rental Property Registration.

Pursuant to N.J.S.A. 46:8-27 through 46:8-37, all owners of residential rental property located within the City shall register such property with the Municipal Clerk.

The registration statement shall include:

- Name and mailing address of the property owner.
- Name and contact information of the managing agent, if applicable.
- Name and telephone number of an emergency contact person.
- Street address of the rental property and total number of dwelling units.
- Name and address of any mortgage holder.
- Name and contact information for the person responsible for maintenance and repair of the property.

251-4.2 Heat Certification.

The owner or managing agent of all rental property shall certify that the following items, if present on the premises, have been inspected by a qualified professional for safety and adequacy:

- Heating system.
- Water heater.
- Solid fuel burning appliance including fireplaces or wood-burning stoves.

251-5 Required Insurance Coverage.

Owners of rental properties shall maintain liability insurance coverage in the following minimum amounts:

\$500,000 minimum liability coverage for business owners and rental property owners with no owner-occupied units.

\$300,000 minimum coverage for owners of rental properties with four or fewer units where the owner occupies one unit.

ARTICLE III – INSPECTIONS

251-6 Inspections.

Rental units shall be inspected initially and upon change of occupancy but shall not be required more than once per year.

Units constructed prior to 1978 are also subject to Lead-Based Paint Hazard inspections pursuant to Article VII of this Chapter and N.J.S.A. 52:27D-437.16 et seq.

Transient accommodations shall be inspected annually.

Hotels and State-regulated multiple dwellings inspected by the State of New Jersey pursuant to the

Hotel and Multiple Dwelling Act, N.J.S.A. 55:13A-1 et seq., shall not be subject to routine municipal inspections; however, such properties may be inspected by the City upon complaint, suspected violation, or other enforcement action.

Hotels, inns, and other lodging establishments regulated by the State pursuant to the **Hotel and**

Multiple Dwelling Act shall comply with all applicable State requirements governing guest registers and occupancy records.

The City may inspect any property within the City upon complaint, reasonable cause, or as otherwise authorized by law.

ARTICLE IV – TRANSIENT ACCOMMODATION LICENSING

251-7 License Required.

No transient accommodation or residential short-term rental shall operate within the City without a municipal license issued by the City.

251-8 Operational Requirements.

Operators shall maintain required insurance, designate a responsible local contact within twenty-five (25) miles available twenty-four hours per day, and comply with occupancy, parking, and nuisance regulations.

251-9 Prohibited Uses.

No residential short-term rental shall be used for parties, weddings, banquets, commercial events or similar gatherings exceeding permitted occupancy.

251-10 Maximum Occupancy.

The maximum overnight occupancy of any Residential Short-Term Rental shall be determined in accordance with the occupant load standards established by the New Jersey Uniform Construction Code (N.J.A.C. 5:23) and any applicable fire or building code provisions.

For the purposes of regulating residential short-term rentals under this Chapter, the maximum permitted overnight occupancy shall not exceed the lesser of the following:

- The occupant load permitted under the Uniform Construction Code based upon the habitable floor area of the dwelling unit.
- Two (2) people per bedroom plus two (2) additional occupants per dwelling unit.

Children under two (2) years of age shall not be counted toward the maximum occupancy limit.

Occupancy shall not exceed the number of persons that can be reasonably accommodated by the available off-street parking spaces provided for the property in accordance with §251-30 of this Chapter.

No residential short-term rental shall be advertised, listed, or offered for occupancy exceeding the maximum occupancy permitted under this section.

251-10.1 Advertising and Listing Requirements.

Any advertisement or listing of a Residential Short-Term Rental shall include the municipal license number issued by the City and the maximum permitted occupancy established pursuant to §251-10. No person shall advertise or list a residential short-term rental in a manner that exceeds or conflicts with the maximum occupancy, parking capacity, or other operational limits established by this Chapter.

251-10.2 Prohibition on Evasion of Rental Regulations.

No person shall evade or attempt to evade the provisions of this Chapter by misrepresenting the use of a dwelling as a private gathering, house guest arrangement, or other non-commercial use when the dwelling is, in fact, being used as a Residential Short-Term Rental.

251-10.3 Repeated Violations; Suspension of License

If three (3) substantiated complaints or violations related to the operation of a Residential Short-Term Rental occur within any twelve (12) month period, the City may suspend the Residential Short-Term Rental license or permit for a period of one (1) year.

Prior to any suspension, the owner shall be provided with written notice of the substantiated complaints or violations and an opportunity to be heard before the appropriate municipal authority or designee.

During any period of suspension, the property shall not be rented, advertised, or otherwise offered for occupancy as a Residential Short-Term Rental.

251-10.4 Guest Records

The operator of any Residential Short-Term Rental shall maintain a register or record of all guests occupying the property.

The guest register shall include the following information:

- Name of the primary renter.
- Dates of occupancy, including arrival and departure.
- Total number of occupants staying at the property.
- Telephone number or contact information for the primary renter.

Such records shall be maintained for a minimum period of two (2) years and shall be made available for inspection by the City upon reasonable request for purposes of enforcing this Chapter.

Guest records shall not be required to be routinely submitted to the City but must be produced upon request during any investigation, inspection, or enforcement proceeding.

251-11 through 251-29 – Reserved.

ARTICLE V – PARKING

251-30 Parking Requirements.

Rental properties shall provide at least one off-street parking space per bedroom. Parking on lawns or landscaped areas is prohibited.

ARTICLE VI – LICENSING FEES AND MUNICIPAL OCCUPANCY TAX

251-31 Residential Short-Term Rental Licensing Fee.

Residential short-term rentals shall obtain a municipal license and pay an annual licensing fee of seven hundred fifty dollars (\$750) per dwelling unit.

Licenses shall be valid for the calendar year beginning January 1 and expiring December 31 unless suspended or revoked pursuant to this Chapter.

251-32 Municipal Occupancy Tax.

A Municipal Occupancy Tax of three percent (3%) is imposed on the rent for every occupancy of a room or lodging provided by hotels, inns, motels, boarding houses and rooming houses within the City pursuant to N.J.S.A. 54:32B-3.

251-33 through 251-58 Reserved.

ARTICLE VII – LEAD-BASED PAINT HAZARD INSPECTIONS

Sections 251-59 through 251-73 governing Lead-Based Paint Hazard Inspections shall remain as adopted by the City of Absecon and are not amended by this ordinance.

ARTICLE VIII – ENFORCEMENT

The provisions of this Chapter may be enforced by the Zoning Officer, Code Enforcement Officer, Construction Official, Fire Official, Police Department, and Health Officer.

ARTICLE IX – VIOLATIONS AND PENALTIES

Violations shall be subject to penalties pursuant to N.J.S.A. 40:49-5.

SECTION 2: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3: Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4: This Ordinance shall become effective immediately upon final passage and publication according to law.

DATED: May 7th, 2026

SIGNED:


Thomas Marrone, Mayor

ATTEST:


Carie A. Crone, RMC Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on April 16th, 2026.
Laid over and advertised for public hearing and final adoption on May 7th, 2026. Notice is hereby
given that the foregoing Ordinance was approved for final adoption by the Municipal Council of
the City of Absecon at a regular meeting held on May 7th, 2025.