



## TOWNSHIP OF MILLBURN

375 MILLBURN AVENUE  
MILLBURN, NEW JERSEY 07041  
Tel: 973-564-7075 • Twp.MILLBURN.NJ.US  
ADMINISTRATOR@MILLBURNTWP.ORG

### **Millburn Township Short-Term Rental (STR) Policy: Frequently asked Questions**

#### **1. What is a short-term rental?**

A short-term rental property (also referenced as “STRP”) is a residential dwelling unit used and/or advertised for rent as a short-term rental by transient occupants as guests. Dwelling units rented to the same occupant for more than thirty (30) continuous days, licensed Bed and Breakfast establishments, licensed rooming or boarding houses, hotels, and motels shall not be considered a short-term rental property.

#### **2. Does the Township currently allow short-term rental of properties?**

Yes, pursuant to the Townships’ current adopted Short-Term Rental (STR) Ordinance No. 2565-20 short-term rentals of four (4) classifications of properties, as defined in the STR Ordinance, are permitted, once the owner successfully applies for, and obtains, a Short-Term Rental Permit.

#### **3. Which properties are permitted to rent on a short-term basis under the STR Ordinance?**

The STR Ordinance provides for four (4) classifications of properties permitted to be rented on a short-term basis; those classifications are as follows:

- 1) Individually or collectively owned single-family residences, which one of the owners legally identifies as the address of his or her principal residence.
- 2) Up to two separate units within a two-family residential dwelling, where one of the two units is occupied by the owner and identified by the owner as his or her principal residence.
- 3) Not more than two bedrooms within a single-family residential dwelling unit, where the bedrooms share common kitchen and bathroom facilities with the occupant of the dwelling unit, and the remainder of the single-family dwelling unit is occupied by the owner and identified by the owner as his or her principal residence.
- 4) Guest houses, carriage houses, and any other qualifying structures located on the same property as an Owner-Occupied Dwelling.



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### 4. Which properties are **NOT** permitted to rent on a short-term basis under the STR Ordinance?

Short-term rentals shall not be permitted in boarding or rooming houses, dormitories, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes. Further, short-term rental of the following properties is prohibited:

1. Condominiums or townhomes, where the Condominium Association By-Laws or Master Deed, or Condominium Rules and Regulations, do not permit such short-term rental of condominium units in the development;
2. An individually or collectively owned single-family residential dwelling unit, which address none of the owners legally identifies as his or her principal residence;
3. A unit in a two-family residential dwelling, where the other unit is not occupied by the owner nor legally identified by the owner as his or her principal residence;
4. Apartments or units in a multi-family residential dwelling;
5. Any room within a single-family, two-family or multi-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant(s) of the dwelling unit in which it is located, which occupant(s) is not the Owner of the dwelling unit.

The following do not qualify as a privately-owned residential dwelling unit and therefore do not need to obtain a Short-Term Rental Permit pursuant to Ordinance 2565-20: any hotel, motel, studio hotel, rooming house, dormitory, public or private club, bed and breakfast inn, convalescent home, rest home, home for aged people, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.



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### **5. What constitutes a property being a “principal residence” for purposes of the STR Ordinance?**

The following three (3) requirements must all be met in order for an address to constitute being a principal residence:

- a) Where at least one of the property owners spends the majority of his or her non-working time;
- b) The property is most clearly the center of his or her domestic life;
- c) The address which is identified on his or her driver’s license or state identification as being his or her legal address.

### **6. Is a Short-Term Rental Permit transferable?**

A property owner shall be able to transfer a legal short-term rental to family, an estate, etc., upon death and not lose the rights vested as per this section.

### **7. How do you obtain a Short-Term Rental Permit and how much does it cost?**

Eligible property owners or entities shall submit, on an annual basis, to the Township of Millburn Business Administrator, a Short-Term Rental Permit application, together with required documentation, along with an annual application/registration fee of \$250.00. Said fee shall be non-refundable, including in the event that the application is denied.

The Owner of a STRP, or any agent acting on behalf of the owner, who intends to rent all of the property, or any permitted part thereof as a short-term rental, shall also make application to the Business Administrator in conjunction with the Short-Term Rental Permit application, for the issuance of a rental Certificate of Occupancy for the short-term rental property, on such forms as required by that Department.

### **8. What happens if my Short-Term Rental Permit Application is denied?**

If denied, the applicant shall have ten (10) business days to appeal in writing to the Business Administrator, by filing the appeal with the Business Administrator's Office. Within thirty (30) days thereafter, the Business Administrator or his designee shall hear and decide the appeal.



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### **9. How long is a Short-term Rental Permit valid?**

The Short-Term Rental Permit, if granted, shall be valid for a period of one year from the date of issuance. A Short-Term Rental Permit and rental Certificate of Occupancy shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Business Administrator, a Short-Term Rental Permit application and rental Certificate of Occupancy application and a renewal registration fee of \$250.00.

### **10. What happens if I fail the annual inspection for the STRP's compliance with the Township's fire safety regulations and Property Maintenance Code?**

A reinspection will be offered at a fee of \$85. The fee shall apply for each failed reinspection.

### **11. What happens if there is a change of ownership in the STRP?**

The Short-Term Rental Permit shall expire automatically when the short-term rental property changes ownership, and a new initial application and registration fee will be required in the event that the new owner intends to use the property as a short-term rental property. A new application and registration fee shall also be required for any short-term rental that had its Short-Term Rental Permit revoked or suspended.

### **12. What happens if I don't get an STR Permit for my short-term rental property and advertise it for rent or actually rent it out on a short-term basis?**

If you advertise or operate a short-term rental property without the required permit, you will be found in violation of Millburn Township's ordinances and will be subject to summonses with civil penalties. Fines under the ordinance are as high as \$2,000 per violation. All fines and/or penalties issued for a violation of this ordinance shall be due and payable to the Township within 30 calendar days.