

# RECORD OF ORDINANCES

Passed and adopted by the Board of Commissioners of the  
Township of North Bergen, in the County of Hudson, New Jersey

467-93

AN ORDINANCE TO REGULATE, CONTROL AND  
STABILIZE RENTS AND TO CREATE A  
RENT LEVELING BOARD AND TENANT ASSISTANCE PROGRAM WITHIN THE  
TOWNSHIP OF NORTH BERGEN AND TO REPEAL  
ALL PRIOR ORDINANCES REGARDING RENT CONTROL  
AND REGARDING SECURITY POSTING BY LANDLORDS

WHEREAS, the Board of Commissioners of the Township of North Bergen has determined that a housing shortage continues to exist within the Township and that the unrestrained operation of the competitive rental housing market in North Bergen would result in demands for increases in rent which would be exorbitant, speculative and unwarranted and that such increase would cause severe hardship upon tenants and adversely affect the health, safety and general welfare of the citizens of the Township of North Bergen, thus warranting continued legislative action by the Board of Commissioners; and

WHEREAS, the continued maintenance of the existing supply of reasonably-priced rental housing is necessary to protect the health, safety and welfare of the citizens of the Township of North Bergen, to reduce the likelihood of displacement and homelessness which is a financial and emotional burden on and adversely affects the general welfare of the citizens of the Township of North Bergen, and to provide realistic housing opportunities to families of all income groupings, including households of low and moderate income; and

WHEREAS, under the police powers granted to the Board of Commissioners of the Township of North Bergen in order to protect the health, safety and welfare of the citizens of the Township of North Bergen, a rent leveling ordinance is determined to be necessary within the Township of North Bergen; and

WHEREAS, it has been determined that forced eviction and relocation of elderly and disabled persons from their established homes and communities harm the mental and physical health of these citizens; and

WHEREAS, it is the declared policy of both the State of New Jersey and the Township of North Bergen to avoid the forced eviction and relocation of elderly disabled tenants whenever possible; and

WHEREAS, oftentimes senior citizens and disabled persons are threatened with eviction not by their failure to abide by the terms and conditions of their rental agreement, but rather by a landlord's decision to convert a building to condominiums or cooperative form of ownership in order to maximize their financial investment; and

WHEREAS, within the Township of North Bergen many older buildings are being converted to condominiums and cooperative forms of ownership, and certain landlords are thereafter making substantial capital improvements to their buildings in order to enhance the sale price of individual units within the building; and

WHEREAS, the effect of a capital improvement surcharge upon a senior citizen or disabled persons who has been granted protected tenancy pursuant to N.J.S. 2A:18-61,22 and the Tenant Protection Act of 1992, N.J.S. 2A:18-61.40 et seq. will often result in a rental increase which these tenants cannot afford and thereby cause the very same forced eviction that the State of New Jersey and Township of North Bergen seek to avoid; and

WHEREAS, the Board of Commissioners of the Township of North Bergen, in the County of Hudson, has found that although most tenants of multiple dwellings must post security deposits with their landlord in order to guarantee such tenant's performance pursuant to the terms of their lease with their landlord, the landlords do not post security deposits to guarantee their performance of their respective duties as landlords; and

WHEREAS, the Board of Commissioners of the Township of North Bergen finds that there have existed and do exist many instances where landlords of multiple dwellings have failed to provide essential services, make necessary repairs or provide needed maintenance of structures or equipment, many of which failures create emergency situations which pose an immediate threat to the health, safety and welfare of citizens of the Township of North Bergen who are tenants of such multiple dwellings; and

WHEREAS, the Board of Commissioners of the Township of North Bergen is authorized, pursuant to R.S. 40:48-2, to enact and enforce such ordinances, regulations and rules not contrary to the laws of this State or of the United States, necessary and proper for the protection of persons and for the preservation of the health, safety and welfare of the inhabitants of this municipality; and

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WHEREAS, the Board of Commissioners have determined that it is the best interest of all the citizens of North Bergen to create a Tenant Assistance Program and the position of Tenant Advocate to assist in the enforcement of this Ordinance and other municipal, state and federal laws relating to landlord-tenant relations.

WHEREAS, the Board of Commissioners has determined that a substantial disparity of knowledge and bargaining power exists between tenants and dwelling owners who are in the business of providing rental housing; and

WHEREAS, the lack of knowledge and understanding of the rights and obligations of tenants and landlords under the law has resulted in tenants being deprived of their legal rights and has adversely affected the health, safety and welfare of the citizens of the Township of North Bergen; and

WHEREAS, the Board of Commissioners of the Township of North Bergen has determined that an emergency situation exists within the Township, causing severe hardship to tenants and their families, and that the tenant population of North Bergen is in need of technical and legal assistance; and

WHEREAS, under the police powers granted to the Board of Commissioners of the Township of North Bergen, in order to protect the health, safety and welfare of the citizens of the Township, a TENANT ASSISTANCE PROGRAM is determined to be necessary.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN, as follows:

Section 1. SHORT TITLE. This ordinance shall be known and cited as the "Rent Leveling Ordinance of the Township of North Bergen."

Section 2. DEFINITIONS. The following terms shall have the following meanings:

(a) "Base Rent" means the legal allowable rent that a landlord may charge a tenant, upon which annual percentage increases may be computed.

(b) "Capital Improvement" means an addition to the property that substantially enhances its value or prolongs its life. It is not ordinary maintenance or repair and it is not a repair, improvement or replacement required by law to comply with applicable state or federal statutes or regulations or to cure a code violation. It must benefit tenants to some significant degree.

(c) "Dwelling" means and includes any building or structure rented or offered for rent to one or more tenants or family units. When used in the context of a condominium or cooperative, "Dwelling" shall mean the total aggregate units of housing space owned by any one person or entity. Exempt from this ordinance are units in hotels and motels occupied by transient guests, and dwellings containing less than four units of housing space in which one such unit is owner-occupied, except that units in such dwellings occupied by tenants who began their tenancy prior to the dwelling qualifying under this exemption shall continue to be subject to this Ordinance during the term of that tenancy.

(d) "Dwelling Unit" means any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied, for sleeping, dwelling or residence purposes by one or more persons.

(e) "Emergency Condition" means any condition, dangerous to the health or safety of the occupants of a building or occupants of a neighboring building, which arises out of any of the following circumstances or conditions:

1. Lack of adequate ventilation or light.
2. Lack of adequate and properly functioning sanitary facilities.
3. Lack of adequate and healthful water supply.
4. Structural, mechanical or electrical defects which increase the hazards of fire, accident or other calamity.
5. From September 16 of each year until the next succeeding May 25, failure to maintain every unit of dwelling space and every inhabitable room therein at a temperature of at least 70 degrees F. regardless of the outside temperature during the hours of 6:00 a.m. to 11:00 p.m. or from May 25 of each year until the next succeeding September 16, failure to maintain every unit of dwelling space and every inhabitable room therein at a temperature of at least 70 degrees F. during the hours of 6:00 a.m. to 11:00 p.m. or failure to maintain every inhabitable room therein at a temperature of at least 60 degrees F. whenever the outside temperature falls below 55 degrees F. during the hours of 11:00 p.m. and 6:00 a.m. In meeting the aforesaid standards, the owner shall not be responsible for heat loss and the consequent drop in the interior temperature arising out of action by the occupants in leaving windows or doors open to the exterior of the building.

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(f) "Equity" means the actual cash investment in the property, including amortization, at the end of the last complete year prior to the application. Capital improvements are not to be included in this computation.

(g) "Fair Return" means the percentage on return of equity in real property investment. Amount of return shall be measured by the net income before depreciation. A "Fair Return" on the equity investment in real property shall be considered to be five percent (5%) above the maximum passbook demand deposit savings account interest rate available in the Township of North Bergen. The five percent (5%) figure is provided to reflect the higher risk and lesser liquidity of real property investment in comparison to savings accounts investment.

(h) "Housing Space" means and includes the portion of a dwelling rented or offered for rent for living or dwelling purposes to one individual or family unit, regardless of whether such housing space is contained within a detached dwelling or condominium units together with all privileges, services, furnishings, furniture, equipment, facilities, parking spaces, parking areas or garages, utilities, maintenance or improvements connected with the use or occupancy of such portion of the property.

(i) "Landlord" means the person who owns, purports to own or exercises control of any dwelling, his agents, servants and employees.

(j) "Periodic Tenant" means any month-to-month tenant or any tenant at will, or sufferance, or any tenant having a lease for a term of less than one year.

(k) "Price Index" means the "Consumer Price Index" (all items) for the region of the United States of which North Bergen, New Jersey, is a part, published periodically by the Bureau of Labor Statistics, United States Department of Labor.

(l) "Rent" means the amount of consideration including any bonus, benefit or gratuity demanded or received by virtue of any agreement between the parties whereby upon the payment of a sum certain by one party (hereinafter "tenant"), the other (hereinafter "landlord") allows to him the peaceful and quiet enjoyment of the use and occupancy of a unit of housing space for that time period. If the parties agree that rent is to be paid upon some interval other than one month, then that shall be construed as an alternative method of payment and the monthly rent shall be averaged up as an alternative method of payment calculation.

(m) "Rental Statement" means the written statement a landlord shall sign before entering into a verbal or written lease agreement which shall state the name of the previous tenant, the rent charged for the housing space to the previous tenant, the date and amount of the last rental increase, the housing space rented, the related services and equipment involved (whether or not including use of basement, garage, clothesline, washer/dryer, utilities, heat, hot water, garbage removal, repairs, maintenance and the like) and the base rent charged for said housing space as of the effective date of Ordinance No. 1577-71).

(n) "Services" means the provision of light, heat, hot water, utilities, maintenance, painting, elevator service, air-conditioning, storm windows, screens, superintendent service, parking spaces, parking areas or garages and any other benefit, accommodation, privilege or facility connected with the use of occupancy of any dwelling or housing space.

(o) "Surcharge" means any allowable payment not included in base rent.

Section 3. NOTICE OF LEGAL RENT. With respect to the letting or rental of any housing space subject to the provisions of this Ordinance, the landlord shall furnish to the tenant no later than receipt of the first month's rent, a Rental Statement as defined in Section 2(k) hereof. A copy of such written Statement furnished to the tenant shall, within ten (10) days of delivery to the tenant, be filed with the Rent Leveling Board with a certification of the landlord of service upon the tenant or in lieu thereof, an acknowledgement by the tenant thereon of the receipt of such Statement.

Section 4. REGISTRATION. Every landlord who owns a dwelling regulated by this Ordinance shall file with the Rent Leveling Board a registration schedule setting forth:

(a) A list of each unit of housing space within the dwelling by apartment number or other designation and the number of rooms contained in each such unit.

(b) The base rent charged for each such unit beginning 1972.

(c) The current base rent charged for each such unit.

(d) The current total rent charged for each such unit setting forth the manner in which said total rent is calculated.

The registration schedule shall be signed and certified as accurate by the landlord or the landlord's agent.

Attest: \_\_\_\_\_  
Township Clerk

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If the Landlord is not compliance with this Section 4, the Rent Leveling Officer may establish a base rent for any dwelling space based upon controlled rentals for comparable units. The Officer shall first consider other rentals in the same dwelling, and, if necessary, rentals in similar dwellings. The landlord shall have the burden of proving any rent or rent increase not registered in compliance with this Ordinance is permitted hereunder.

## Section 5. ANNUAL RENT INCREASE.

(a) The establishment of rents between a landlord and a tenant shall be determined and controlled by the provisions of this section. All rents for rental housing and services are hereby continued at the base rent level received or established as of the effective date of Ordinance No. 1577-71 as amended and supplemented and as legally increased pursuant to said Ordinance.

(b) From and after the effective date of this Ordinance, no landlord shall charge any rent in excess of that which he was charging as of the effective date of Ordinance No. 1577-71, as amended. Any rent increase imposed in excess of that which is permitted by this Ordinance, is hereby declared to be null and void and such excess rent shall be refunded or credited to the tenant by the landlord forthwith.

(c) At the expiration of a lease or at the termination of the lease of a tenant, no landlord may request or receive a percentage increase in rent for any Housing Space which is greater than the percentage difference between the Price Index three (3) months prior to the expiration or termination of the lease and the Price Index at the date the last previous lease term commenced. For a periodic tenant whose term shall be less than one year, said tenant shall not suffer or be caused to pay any rent increase in any calendar year which exceeds the average Price Index percentage differential for the calendar year prior thereto.

(d) Notwithstanding any of the foregoing provisions of this section to the contrary, no landlord may request or receive a percentage increase in rent with respect to any housing space which is greater than two and one-half percent (2½%) of the last prior base rent during any calendar year. Such increases shall be deemed basic cost of living increases and shall be limited to one such increase, if otherwise justified, in any 12-month period, without prejudice to any other rent increase or decrease provided for in this Ordinance.

(e) Application for an annual rent increase must be made in writing to the Board upon forms supplied by the Board Administrator with written notice served upon all affected tenants.

Section 6. RENT INCREASE NOTICE. Any landlord seeking a rent increase shall notify the tenant and the Rent Leveling Board in writing by certified mail, return receipt requested. Said written notice shall specifically set forth the reasons for and the calculations involved in computation of the proposed increase. Oral notices are not permitted and are null and void.

## Section 7. RENT LEVELING BOARD CREATED.

(a) A Rent Leveling Board is hereby created. Said Board shall consist of seven (7) members appointed by the Mayor with the advice and consent of the Commissioners, who shall serve with compensation to be set by the Commissioners. The Commissioners first appointed shall be designated to serve for the following terms: One for a term of one year, one for a term of two years, one for a term of three years, two for terms of four years and two for terms of five years, and until their respective successors are appointed and have qualified.

(b) The Mayor, with the advice and consent of the Commissioners, shall also appoint two (2) alternative members who shall act in the place and stead of any absent member. The term of this office shall be three (3) years. Each alternative member will also serve with compensation.

(c) Upon the expiration of a term of any member, the Mayor, with the advice and consent of the Commissioners shall appoint a citizen for a term of three (3) years. Vacancies occurring on the board shall be filled by the Mayor with the advice and consent of the Board of Commissioners for the unexpired term only.

(d) All members of the Board are required to attend all official meetings of the Board. Any Board member who is absent from three or more regular meetings during the course of the calendar year shall be subject to removal from the Board by the Mayor. All members of the Board shall be residents of the Township of North Bergen.

(e) A member of the Board may be removed for cause by the Governing Body upon written charges and after a hearing thereon.

(f) This Ordinance is intended to repeal and replace all previous Rent Leveling Ordinances of the Township of North Bergen. However, nothing in this Ordinance shall abrogate, dissolve or affect any of the powers, rent restrictions, authority or actions heretofore held or taken by the Rent Leveling Board under any prior ordinances and all actions and opinions heretofore taken or made shall remain in full force and effect.

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(g) The fixing of rents and judgments, findings and conclusions with respect to the control of rents within the Township of North Bergen shall remain unimpaired under this Ordinance and be subject to this Ordinance in future determination.

Section 8. RENT LEVELING BOARD POWERS. The Rent Leveling Board is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this Ordinance including, but not limited to, the following:

(a) To issue and promulgate application forms for rent increases and complaints and such procedural rules and regulations as it deems necessary to implement the purposes of this Ordinance. Said rules and regulations shall have the force of law until revised, repealed or amended from time to time by the Board in the exercise of its discretion, and shall be filed with the Township Clerk.

(b) To supply information and assistance to landlords and tenants to help them comply with the provisions of this Ordinance.

(c) To hold hearings and adjudicate applications from landlords for additional rent or surcharges as provided herein.

(d) To hold hearings and adjudicate applications from tenants as to probable violations of this Ordinance and for reduced rental as provided herein.

(e) To enforce the provisions of this Ordinance and to initiate proceedings in the Municipal Court for willful violations of this Ordinance.

(f) To issue subpoenas to compel the attendance of witnesses and the production of books and records in connection with hearings held pursuant to the provisions of this Ordinance, including but not limited to complete and accurate rent rolls.

(g) To require a landlord to produce for examination his, her or its books, records, tax returns, balance sheets, and profit and loss statements and such other records as the Board may require in connection with any application, hearing or proceeding.

(g) At the request of the Rent Leveling Officer, to make any determinations required to be made by the Rent Leveling Officer.

(i) The Board shall give both landlord and tenant reasonable opportunity to be heard before making any determination.

## Section 9. HARDSHIP INCREASES.

(a) One of the two following formulas shall be used in calculating hardship increases. The Board, in determining which of the formulas to employ when considering a Hardship Application shall consider each of the formulas, but shall adopt that formula which the Board shall determine, consistent with the intent of this Ordinance and for reasons stated on the record, most nearly provides a fair return to the landlord.

1. Where the annual operating expenses for any one building exceeds at least 75% of the total annual gross income. Operating expenses shall include all reasonable expenses necessary to carry out the proper operation and maintenance of the property, including property taxes allocated to the year. Operating expenses shall exclude mortgage amortization, mortgage interest, interest or costs of financing, attorney's, expert's or engineer's fees related to the filing of hardship or capital improvement applications, depreciation or expenditures for capital improvements or rehabilitation. In reviewing operating expenses, the Board should consider normal and recurring expenses and may make any adjustments in its computations for extraordinarily high or low operating expenses in any given year. Annual gross income shall include all income realized in connection with the operation of the premises, including, but not limited to, rentals from all residential and commercial units, as well as fees collected for parking, rental from machines, concessions and garages, or other services.

2. Where the landlord is not earning a fair return on his equity in the real property investment Equity shall be determined in this approach by the actual purchase price minus any and all existing liens on the property plus any payments towards amortization of any financing incurred at the time of the purchase of the property. The amount of return shall be measured by the net income before depreciation. Subject to the Board's determination that the landlord made a reasonably prudent investment, operating expenses shall include an amount allocable for the average annual payment of mortgage interest when the mortgage arises from the purchase of the property. The said average annual payment of mortgage interest shall be calculated by taking the total amount of mortgage interest to be paid over the life of the mortgage and dividing it by the number of years of the term of the mortgage. In the case of a balloon mortgage the life of the mortgage shall be defined as the number of years required to fully payoff the mortgage at the given interest rate and monthly payment but without the balloon payment. Mortgage interest which arises as a result of a refinancing of the property shall not be considered an operating expense unless the funds which arise from the refinancing are invested in the property and the investment does not qualify for a capital improvement surcharge regardless whether or not such surcharge application was filed.

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(b) In considering a hardship application, the Rent Leveling Board shall give due consideration to any and all relevant factors including but not limited to the following:

1. The level and quality of service rendered by the landlord in maintaining and operating the building.

2. The presence or absence of reasonable efficient and economical management. Total management fees may not exceed five percent (5%), including superintendent services.

3. Whether the landlord made a reasonably prudent investment in purchasing the property and arranging financing on said property. In considering this factor, the Board may consider the purchase price and the fair market value of the property to determine if the debt servicing expenses are excessive. The Board may also consider the amount of cash invested in the property in relation to said fair market value and purchase price, the interest rate of the mortgage, the term of the mortgage or mortgages and whether the mortgage instruments were arrived at and executed in an arms-length transaction. The Board may also consider the physical condition of the property at the time of purchase. It is presumed that a prospective purchaser of real property in North Bergen is familiar with the terms of this Ordinance.

(c) An Applicant for hardship relief shall submit to the Board Administrator ten (10) copies of the following:

1. A statement for three (3) preceding 12-month periods of gross rentals and actual expenses incurred for that time in connection with the operation of the building to be adjusted to reflect the actual period of time applicant has owned the building if owned for less than three (3) years.

2. Federal tax returns pertaining to the property for the same preceding three (3) years to be adjusted to reflect the actual period of time applicant has owned the building if owned for less than three (3) years.

3. A statement containing the date of purchase, purchase price, original investment, and financing arrangements and present assessed value, and if inherited, value declared in federal estate and inheritance tax return and the appraisal submitted with that return.

4. Any and all appraisals of the property prepared in connection with a property tax appeal or for any other purpose.

5. A list of all present owners of the property.

(d) A landlord shall not be entitled to apply for a hardship increase until he has owned the property for at least eighteen (18) months.

(e) The Board's decision shall become effective after full 30-day statutory notice to tenants.

(f) The Rent Leveling Board shall forthwith promulgate rules, regulations, forms to be utilized, notice to tenants of hardship applications, and notice to tenants and landlords regarding hearings, and general procedure. Said rules and regulations shall have the force of law and shall be filed with the Township Clerk.

(g) A hardship application shall be filed with the Rent Leveling Board at least 30 days prior to hearing thereon. Simultaneously with the filing of a hardship application, the landlord shall deliver notice thereof to each affected tenant. Said notice shall be served personally or by certified mail, return receipt requested, and shall set forth the basis for the hardship application and the amount of requested increase. The information with the Rent Leveling Board shall be open to public inspection.

(h) Within twenty (20) days of receipt of a complete application, the Rent Leveling Board shall notify the landlord in writing of the time and place for hearing. Said hearing shall be held not more than sixty (60) days from the date of receipt of a complete application. The landlord shall immediately, upon receipt of such notification of hearing, serve such notice upon each affected tenant. Prior to any hearing on said application, the landlord shall present the Rent Leveling Board with Proof of service of notice of the hearing on each affected tenant.

(i) No hardship application shall be considered or granted by the Board for a period of time more than one (1) year after the expiration of applicant's last tax reporting year.

(j) The Rent Leveling Board shall render a decision on a hardship application within forty-five (45) days of the conclusion of the hearing before the Board. Failure of the Board to render its decision within the said time period, absent consent of the landlord, shall result in the application being deemed granted.

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(k) A hardship increase shall become part of base rent.

## Section 10. CAPITAL IMPROVEMENT SURCHARGE.

(a) A landlord may apply for a capital improvement surcharge or for a surcharge for major additional services not formerly provided to the tenants of units of housing space in the affected dwelling. The landlord shall make written application therefor to the Rent Leveling Board upon such forms as the Board may from time to time prescribe. Simultaneously with filing of a capital improvement application, the landlord shall serve notice thereof upon each affected tenant personally or by certified mail, return receipt requested. Said notice shall set forth the basis for the capital improvement surcharge and the amount of requested surcharge. The information filed with the Rent Leveling Board shall be open to public inspection.

(b) A landlord shall submit a detailed contract or proposal and proof of payment as to each improvement.

(c) The cost for a capital improvement shall be amortized over the useful life of such capital improvement as set forth in the attached Schedule A.

(d) Within thirty (3) days from receipt of all required application forms, the Rent Leveling Board shall notify the landlord in writing of the time and place of hearing. The landlord shall immediately, upon receipt of such notification of hearing, serve notice thereof upon each affected tenant. Prior to any hearing on said application, the landlord shall present the Rent Leveling Board with proof of service of notice of the hearing upon each affected tenant.

(e) No capital improvement application shall be considered or granted by the Board for work completed more than one (1) year before the date of filing of the application.

(f) Upon a determination that the proposed improvement is a capital improvement or that the proposed service is a major additional service not formerly provided to the affected tenant or tenants, the Board may grant a surcharge based upon the cost of the capital improvement or major additional service. Said surcharge shall be apportioned fairly among the affected units of housing space, based upon the number of rooms in each of the affected units and the useful life of such capital improvement as set forth in the attached Schedule A. If any such surcharge is granted, it shall not be considered a part of base rent and shall not be included in calculating the rent increases allowable under Section 5 of this Ordinance.

(g) The Rent Leveling Board shall notify the landlord in writing of its determination under this section and the landlord shall forthwith deliver a copy of said determination by certified mail to each affected tenant, to become effective upon 30-day notice.

(h) No capital improvement surcharge shall be imposed upon any tenant who has been granted Protected Tenancy Status pursuant to N.J.S. 2A:18-61.22 or N.J.S. 2A:18-61.40.

(i) Any capital improvement surcharge awarded within two years prior to the date of notice to the municipal administrative officer required by N.J.S. 2A:18-61.27 or N.J.S. 2A:18-40 shall immediately become null and void upon the grant of Protected Tenancy Status. The protected tenant's rent shall be recalculated and reduced accordingly; however, no rebate of previously paid surcharge shall be granted.

(j) No tenant shall pay a greater proportion of a capital improvement surcharge than the ratio of said tenant's apartment, or rooms contained therein, bears to the total number of apartments or rooms within the building.

## Section 11. RENTAL UNIT PRESERVATION ALLOWANCE.

(a) The landlord of any unit located in a dwelling in full compliance with this Ordinance, the prior Ordinance 276-88 as amended, and with the terms of this Section, which is vacant as of the date of introduction and first reading of this Ordinance or which becomes vacant subsequent thereto or which is occupied by a tenant against whom a valid dispossession action has been commenced pursuant to N.J.S.A. 2A:18-61.1(k) and who voluntarily agrees to be subject to this section shall be permitted an increase in the base rent in consideration for improvements to the dwelling unit as follows:

| <u>Cost of Improvements</u> | <u>% Increase Permitted in Base Rent</u> |
|-----------------------------|--|
| minimum \$1,000             | 20% <i>conf 1/23/06</i>                  |
| \$1,001 to \$5,000          | additional .0025% per \$1.00             |
| \$5,001 to \$8,000          | additional .00667% per \$1.00            |
| More than \$8,000           | 50%                                      |

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(b) No increase may be granted pursuant to this Section 11 within three (3) years of the date of commencement of a previous increase granted pursuant to this Section 11.

(c) The cost of improvements shall be determined by considering 100% of the actual cost, including not more than one year's interest payment in the event that the improvements are financed, of the improvements that benefit the particular dwelling unit, and that portion of the cost of the improvements which benefit the entire dwelling which is the ratio of the square footage of the dwelling unit to the total square footage of the dwelling units in the dwelling.

(d) The landlord shall apply for the rental housing preservation increase to the Rent Leveling Board on forms and in accordance with procedures to be established by the Rent Leveling Board. Applications pursuant to this Section 11 shall be determined by the Rent Leveling Officer. The application shall be filed prior to the commencement of the work setting forth the improvements to be made and the estimated cost of same, together with the fee established in Section 18 of this Ordinance. The Rent Leveling Officer in her or his discretion may require an inspection of the Unit prior to commencement of the work.

(e) Upon completion of the work, the landlord shall file an amended registration statement showing the increased base rent and attaching documents, including but not limited to invoices, receipts, and cancelled checks, supporting the cost claimed of the work. The Rent Leveling Officer shall then determine the new base rent of the dwelling unit and notify the landlord within twenty (20) days of receipt of the documentation required by this Ordinance and any regulations promulgated hereunder. The landlord shall subsequently comply in all respects with this Ordinance, including but not limited to the provisions regarding rent increases.

(f) Dwelling units vacant on (date of introduction) will for the first rental only be presumed to have expended \$8,000 without supporting documentation.

(g) In order to be eligible for the rental housing preservation increase permitted by this Section 11, the following conditions must be satisfied.

1. The landlord shall have filed a certificate with the Rent Control Board stating that he/she/it has agreed to maintain and preserve the dwelling as rental housing for a period of at five (5) years from the commencement of any rental increase granted pursuant this Section 11, and has prior to an application being submitted hereunder withdrew, canceled, dismissed, vacated or otherwise repudiated all notices to quit, dispossession actions, and judgments pursuant to N.J.S.A. 2A:18-61.1(k); and has further agreed not to commence any actions under N.J.S.A. 2A:18-61.1(k). The landlord shall file written proof of compliance with this subparagraph with the Rent Leveling Board as part of an application hereunder, with copies of the proof to be served on the tenants.

2. The landlord, or its agents, employees or contractors have not engaged in harassment of tenants within the meaning of section 16.

(h) The Rent Leveling Board shall promulgate regulations to implement this Section, such regulations to be filed with the City Clerk and shall have the force of law.

## Section 12. HARASSMENT OF TENANTS.

(a) No rental increase pursuant to Sections 5, 9, 10 and 11 of this Ordinance shall be permitted for any dwelling unit where the landlord or the landlord's agents have been found to have engaged in harassment of tenant(s), as defined below, who occupy or occupied the subject dwelling unit or any other dwelling unit in the dwelling where the unit is located within three years prior to the filing of the application for increase, if required, if no application is required, the date the increase would be effective.

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(b) "Harassment of tenants" means the following intentional or negligent acts or omissions:

1. Failure to provide or reduction in the quality of basic services necessary to the health, safety and welfare of the tenants, including but not limited to heat, hot water, adequate security of grounds, entrances and common areas. Intermittent failures and/or reductions in services are included herein.

2. Threats, either verbal or written, to evict a tenant for reasons other than good cause as established by N.J.S.A. 2A:18-61.1 et seq.

3. Legal Actions, including actions for possession, filed against the tenant which are frivolous within the meaning of N.J.S.A. 2A:15-59, 1 et seq.

4. Conduct which would cause a reasonable person of like age and physical condition of the tenant to fear for his/her life, limb, property or home.

c. Upon the filing of any application under Sections 5, 11, 12 and 13 of this Ordinance, the landlord shall submit a sworn certification, on a form provided the Rent Control Board, that he/she/it have not engaged in harassment of tenants, as herein defined.

d. The tenant subject to the rent increase, any tenant in the dwelling, or the Tenant Advocate may submit evidence to the Rent Leveling Board that the landlord seeking the increase has engaged in harassment of tenants. The Rent Leveling Officer, upon notice to all interested parties and an opportunity to the landlord to review the evidence and be heard, shall determine whether the landlord has engaged in harassment of tenants.

## Section 13. COMPLIANCE WITH LAW.

(a) No application made pursuant to Section 9 or Section 10 of this Ordinance may be approved by the Board unless the building and grounds are in Substantial Compliance with the Hotels and Multiple Dwellings Act, N.J.S. 55-13A-1.

(b) Substantial Compliance means that the housing space and dwelling are free from all heat, hot water, elevator and all health, safety and fire hazards as well as ninety percent (90%) qualitatively free of all other violations of the Act.

(c) In the event the building and grounds are not in substantial compliance with N.J.S. 55:13A-1, the Board may conditionally grant an increase and place the monies in escrow until the landlord makes the necessary repairs and satisfies the statute.

(d) If, after a reasonable amount of time, not to exceed six (6) months, the landlord fails to make the needed repairs, the conditional increase shall be rolled back and the monies collected in escrow shall be returned forthwith to the tenants.

Section 14. STANDARD OF SERVICE. During the term of this Ordinance, the landlord shall maintain the same standards of service in the housing space and dwelling as he actually provided or was required to provide by law or lease on the date of lease was first executed. A willful violation hereof shall subject the landlord to punishment under Section 18. Pursuant to Section 8 hereof, the Rent Leveling Board may hear and decide applications for rental reduction as a result of a violation of this section.

## Section 15. APPEALS.

The determination of the Rent Leveling Board is final. An affected landlord or tenant may appeal the decision of the Rent Leveling Board to a court of competent jurisdiction in the manner and within the time period provided by law and the Rules of such Court.

Section 16. WILLFUL VIOLATION. Any person convicted of a willful violation of any provision of this Ordinance including, but not limited to, the willful filing of any material misstatement of fact shall be subject to a fine of not less than \$100 nor more than \$1,000, imprisonment for a term not to exceed 90 days, and/or may be required to perform community service for a period not to exceed 90 days, or all of the foregoing, in the discretion of the Magistrate before whom such conviction may be had. Each and every violation affecting more than one unit of housing space shall be considered a separate and distinct violation and each and every demand for a rental payment in excess of the payment set forth in this Ordinance shall be considered a separate and distinct violation. Any person convicted of a violation of this Ordinance may, in the discretion of the Magistrate before whom such person was convicted, and in default of the payment of any fine imposed therefor, be imprisoned for any term not exceeding 90 days or be required to perform community service for a period not exceeding 90 days.

Section 17. APPLICATION FEES. There is hereby established the following schedule of fees for complaints and applications which shall be paid to the Board Administrator at the time the complaint or application is filed.

# RECORD OF ORDINANCES

Passed and adopted by the Board of Commissioners of the  
Township of North Bergen, in the County of Hudson, New Jersey

(a) Hardship:

1. buildings containing one to four units - \$100.00
2. buildings containing five to 14 units - \$200.00
3. buildings containing 15 or more units - \$500.00

(b) Capital Improvement - \$100.00

(c) Complaint - \$10.00

(d) Annual - \$10.00 per apartment

(e) Rental unit preservation allowance -\$100.00 per unit  
(includes inspection fee)

Section 18. PROFESSIONAL FEES. Upon submission of an application for hardship increase or capital improvement surcharge, and in addition to any fees established in Section 15 hereof, the applicant shall be required to establish an escrow account with the Township of North Bergen as follows:

(a) Upon receipt of such application, the Board shall forthwith send a copy thereof to any professional experts retained to assist the Board in the processing of said application. Within five (5) days of receipt of said application, the professional experts shall submit to the Board an estimate of cost presumably sufficient to undertake the professional services to be rendered. The applicant shall immediately be informed of the estimated cost and shall forthwith deposit said sum in the escrow account maintained by the Township of North Bergen. The professional experts shall submit vouchers to the Board and to the applicant for all reasonable and necessary fees incurred for professional services rendered, which fees shall be paid from the escrow account in the manner prescribed by N.J.S. 40A:5 through 18 and Township of North Bergen Claims Ordinance. Should additional funds be required after the original funds are exhausted, such funds as shall be necessary in the judgment of the Board shall be paid by the applicant to the Township of North Bergen and placed in the escrow account.

(b) No payment of any voucher shall be made sooner than ten (10) days from its submission. Within said ten (10) day time period, the applicant may protest in writing the reasonableness of any such voucher to the Board and to the expert. At the request of either the applicant or the expert, the Board may schedule a hearing to determine the reasonableness of any voucher.

(c) The Board shall take no formal action on any application until all escrow funds have been deposited with the Township of North Bergen and any time limitations set forth in the Ordinance shall be extended until all such escrow funds are deposited with the Township.

(d) Any money left in the escrow account upon completion of the application shall be returned to the applicant as soon as is practicably possible.

Section 19. PROCEDURES.

(a) The Rent Leveling Board shall hold two (2) regular meetings per month and special meetings when necessary.

(b) The Mayor is hereby authorized to appoint an administrator, clerk and investigators (not to exceed three persons in number) with the advice and consent of the Board of Commissioners, who shall set all salaries. The aforementioned shall be responsible for day-to-day administration of this Ordinance.

Section 20. TENANT ASSISTANCE PROGRAM.

(a) There is established a Tenants Assistance Program of the Township of North Bergen.

(b) Appointments:

1. There is hereby created the Office of Tenant Advocate within the Department of Public Affairs whose responsibilities and duties shall be to oversee the day-to-day administration of the Tenants Assistance Program (as more specifically set forth herein).

2. The Mayor is hereby authorized and directed to appoint the Tenant Advocate who shall serve at the pleasure of the Mayor.

3. The Mayor is authorized and directed to appoint legal and accounting professionals and clerical help for the effective operation of this program, who shall be compensated at a rate and for a term to be set by the Mayor.

Section 21. TENANT ADVOCATE POWERS.

The Tenants' Advocate within the parameters of the Tenants Assistance Program is hereby granted and shall have and exercise, in addition to other powers herein granted, and the powers necessary and appropriated to carry out and execute the purposes of this ordinance, including but not limited to the following:

# RECORD OF ORDINANCES

Passed and adopted by the Board of Commissioners of the  
Township of North Bergen, in the County of Hudson, New Jersey

(a) To supply information and assistance to tenants of the Township of North Bergen relative to tenant/landlord problems.

(b) To assist tenants in the enforcement of their rights and to advise them as to their obligations pursuant to the North Bergen Rent Leveling Ordinance and State law.

(c) To give legal and accounting assistance to tenants of the community.

(d) To ensure compliance with all building and health codes of the Township of North Bergen.

(e) To establish a 24-hour telephone hotline.

(f) To establish a separate office within the Township at some location with convenient access to tenants.

(g) To assist in arranging for long-term emergency assistance loans for the tenants who face immediate eviction because of their inability to pay substantial rent arrears due and owing after court proceedings.

(h) To act as liaison between the tenant and landlord relative to any differences or problems that may exist between both parties.

(i) To appear on behalf of tenants or the Township of North Bergen in actions (1) involving a significant public interest; (2) to rectify or defend against a substantial injustice; and (3) actions prosecuting or based on violations of this Ordinance.

Section 22. LIBERAL CONSTRUCTION. This Ordinance, being necessary for the welfare of the Township and its inhabitants, shall be liberally construed to effectuate the purposes hereof.

Section 23. SEVERABILITY. If any section, subsection, clause, paragraph, sentence or part of this Ordinance or the application hereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance which is hereby declared to be severable, except that all of Section 11 shall be void and without effect if any part of Section 11 is declared invalid, and any increases granted pursuant to Section 11 within two (2) years prior to any declaration of invalidity shall be prospectively void and the rent shall revert to the base rent before the increase.

Section 24. REPEALERS. Any and all previously adopted ordinances of the Township of North Bergen relating to rent control or relating to the posting of security by landlords, including, but not limited to, Ordinance Nos. 276-88, 398-91, 93-85 and 1829-76, are hereby repealed.

Section 25. EFFECTIVE DATE. This Ordinance shall take effective immediately upon final passage and publication as provided by law.

Introduced: December 17, 1992

Published : December 23, 1992 & January 20, 1993

Adopted : January 14, 1993

Attest: Edward F. Rannou  
Township Clerk

|                            |                      |
|----------------------------|----------------------|
| <u>Michael Di Giovanni</u> | YES <sup>MDC</sup>   |
| <u>Frank Gaggiulo</u>      | YES <sup>FG</sup>    |
| <u>Leo Gattoni</u>         | YES <sup>LG</sup>    |
| <u>Thomas Liggiio</u>      | ABSENT <sup>TS</sup> |
| <u>Mayor Sacco</u>         | YES                  |

SCHEDULE "A"

USEFUL LIFE OF CAPITAL IMPROVEMENTS

| ITEM  | YEARS |
|---|-------|
| Acoustical ceiling tiles and panels           | 10    |
| Air conditioners                              | 10    |
| Aluminum or vinyl siding                      | 10    |
| Canopies                                      | 14    |
| Carpets                                       | 05    |
| Ceramic tile                                  | 30    |
| Compressors                                   | 10    |
| Cooling systems                               | 15    |
| Dishwashers                                   | 10    |
| Disposals                                     | 10    |
| Doorbells, mailboxes, security systems        | 15    |
| Dumpsters                                     | 10    |
| Electrical appliances                         | 10    |
| Electrical wiring, plumbing                   | 15    |
| Elevators                                     | 20    |
| Exterior door                                 | 15    |
| Exterior painting                             | 10    |
| Fans  | 10    |
| Fascia, soffits, eaves                        | 10    |
| Fencing                                       | 15    |
| Fire hose and miscellaneous equipment         | 09    |
| Flues   | 15    |
| Gutters, leaders                              | 10    |
| Heating equipment: boilers, radiators, pipes  | 15    |
| Hot water tanks, burners, fittings            | 10    |
| Hot water: tankless systems                   | 15    |
| Insulation                                    | 10    |
| Landscaping                                   | 10    |
| Light Fixtures                                | 20    |
| Linoleum                                      | 13    |
| Refrigerators                                 | 10    |
| Roof  | 15    |
| Screens                                       | 10    |
| Smoke alarms, fire alarms                     | 15    |
| Smoke and heat detectors                      | 15    |
| Solar energy equipment (heating or hot water) | 10    |
| Sprinkler and fire protection systems         | 20    |
| Storm windows                                 | 10    |
| Stoves and ovens (gas or electric)            | 10    |
| Vinyl tile                                    | 13    |
| Walkways                                      | 10    |
| Wallpaper                                     | 10    |
| Washer, dryers                                | 10    |
| Wood doors                                    | 20    |
| Wood Flooring                                 | 25    |

# RECORD OF ORDINANCES

Passed and adopted by the Board of Commissioners of the  
Township of North Bergen, in the County of Hudson, New Jersey

623-96

AN ORDINANCE TO AMEND ORDINANCE NUMBER 467-93, AN ORDINANCE  
TO REGULATE, CONTROL AND STABILIZE RENTS AND TO CREATE A  
RENT LEVELING BOARD AND TENANT ASSISTNACE PROGRAM WITHIN THE  
TOWNSHIP OF NORTH BERGEN AND TO REPEAL ALL PRIOR ORDINANCES  
REGARDING RENT CONTROL AND REGARDING SECURITY POSTING BY  
LANDLORDS

WHEREAS, the Board of Commissioners of the Township of North Bergen deem it necessary and appropriate to amend Ordinance No. 467-93 to reflect long standing practice and procedure utilized by the Rent Leveling Board when granting rent increases; and

WHEREAS, it has been the practice of the North Bergen Leveling Board to acquire notification to tenants in certain applications for rent increases;

NOW, THEREFORE, BE IT ORDAINED THAT ORDINANCE NO. 467-93 BE AMENDED  
AS FOLLOWS:

I. Section 5(e) is hereby amended as follows:

Section 5(e) Application for an annual rent increase must be made in writing to the Board upon forms supplied by the Board Administrator.

II. Section 6 is hereby amended as follows:

Section 6. Rent Increase Notice. Any landlord seeking a rent increase pursuant to Section 9 or Section 10 of this Ordiannce shall notify all affected tenants and the Rent Leveling Board in writing by certified mail, return receipt requested. Said written notice shall specifically set forth the reasons for and the calculations involved in computation of to proposed increase. Oral notices are not permitted and are null and void.

III. Effective Date. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Introduced: March 13, 1996

Published: March 18, 1996 & April 2, 1996

Adopted: March 27, 1996

Attest:

Edward F. Rannou  
Township Clerk

|                              |     |           |
|------------------------------|-----|-----------|
| <u>Commissioner Gargiulo</u> | YES | <i>AG</i> |
| <u>Commissioner Gattoni</u>  | YES | <i>AG</i> |
| <u>Commissioner Liggio</u>   | YES | <i>AG</i> |
| <u>Commissioner Perez</u>    | YES | <i>AG</i> |
| <u>President Sacco</u>       | YES | <i>AG</i> |

# RECORD OF ORDINANCES

Passed and adopted by the Board of Commissioners of the  
Township of North Bergen, in the County of Hudson, New Jersey

602-96

AN ORDINANCE TO AMEND ORDINANCE NO. 467-93 AN ORDINANCE  
TO REGULATE, CONTROL AND STABILIZE RENTS AND TO CREATE  
A RENT LEVELING BOARD AND TENANT ASSISTANCE PROGRAM WITHIN  
THE TOWNSHIP OF NROTH BERGEN AND TO REPEAL ALL PRIOR  
ORDINANCES REGARDING SECURITY POSTING BY LANDLORDS

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN as follows:

Section 1. That Section 10A be added as follows:

Section 10A. - Affordable Housing Program

1. Exempt from the provisions of this ordinance shall be any unit(s) which has a Certificate of Exemption. A Certificate of Exemption will be issued by the administrator of the Rent Leveling Board for any unit accepted into a governmental affordable housing program under which:

a. The owner will receive grant money, a subsidized loan or a combination of both for the rehabilitation of the unit.

b. The owner will receive government funds to subsidize the rent of the unit's tenant and if the rent paid by the subsidized tenant does not exceed base rent as otherwise established.

2. A Certificate of Exemption shall be issued only for those units which are vacant on the date of introduction of this amendment or which subsequently become vacant. The landlord shall submit an affidavit that the unit is vacant and that the previous tenant was not harassed or coerced to move from the unit(s). If deemed necessary by the administrator, the landlord shall be required to file an affidavit from the previous tenant.

3. The landlord must file an application for a Certificate of Exemption before renting the unit. The application shall be on forms prescribed by the Board and shall include proof that such units have been accepted into a governmental affordable housing program. A fee of one hundred dollars (\$100.00) per unit shall be paid to cover the costs of any inspections and processing.

4. Before the issuance of the Certificate of Exemption the unit shall be inspected to determine that the rehabilitation was made and/or the units meet the requirements of all applicable housing and maintenance codes. However, this condition will be deemed satisfied if the governmental program covering the unit(s) imposes requirements, conditions or inspections that adequately address the habitable conditions of the unit. It shall also be determined that a Certificate of Continuing Occupancy, if applicable, has been issued for the unit.

5. The landlord must file, annually, with the Rent Leveling Board, rent roll registrations on forms prescribed by the Board showing what the base rent for each unit would be if it was not in the program. Attached to the rent roll must be a true copy of the rent authorization from the governmental agency administering the applicable affordable housing program, showing the authorized affordable rent for each unit.

6. Upon the occurrence of any event which would disqualify a unit from the governmental program that unit becomes subject to the rent controls imposed by this ordinance, at the same base rent as if it had never been exempt, except such annual increases as otherwise would have been permitted during the period of exemption.

Section 2. that Section 11A be added as follows:

Section 11A. - Major Applications

A major application shall be any application in which a landlord applies for a rental increase for a capital improvement and/or for a hardship, or a combination of both, within a one year period, which could result in a rental increase of 15% or more.

Prior to any hearing on a Major Application, the Township Attorney shall assign a mediator to attempt to resolve the matter. The mediator shall meet with representatives of the landlord and tenants. Any agreement resolving the matter shall be approved by the land and the tenants. Tenant approval shall be evidenced by the affirmative vote of a majority of the tenants attending a meeting called for such purpose.

Section 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the inconsistency thereof.



# RECORD OF ORDINANCES

Passed and adopted by the Board of Commissioners of the  
Township of North Bergen, in the County of Hudson, New Jersey

546-94

## AN ORDINANCE TO AMEND ORDINANCE #467-93 DEALING WITH RENT CONTROL

WHEREAS, the Board of Commissioners of the Township of North Bergen enacted Ordinance #467-93 to regulate, control and stabilize rents as specifically set forth therein.

WHEREAS, all the reasons set forth for the enactment of said Ordinance are found to still exist.

WHEREAS, said Ordinance #467-93 failed to make provisions for the occupants of trailer courts who rent trailers or the space upon which their trailers are situated.

WHEREAS, the Board of Commissioners of the Township of North Bergen have determined that such tenants at trailer courts are in need of the same protections as those created in Ordinance #467-93 for other tenants within the Township of North Bergen.

WHEREAS, the Board of Commissioners of the Township of North Bergen have determined that the Amendment of Ordinance #467-93 to include the inhabitants of trailer courts is an urgent matter effecting the public peace, health and safety of the residents within the Township and that this Ordinance should take effect immediately upon final passage, instead of after twenty days from final passage, as provided in .J.S. 40:74-4.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN DO ORDAIN,

Section 1. The definition of dwelling contained in Section 2 (c) of Ordinance #467-93 is hereby expanded to include trailers, and/or land leased for the purpose of situating a trailer for use as a dwelling or residence by one or more persons.

Section 2. Tenants in trailer courts who lease or rent the trailers in which they reside, or the land upon which their trailers are situated shall be afforded all the same protections and rights as all other tenants provided for in Ordinance #467-93.

Section 3. Severability. If any section, subsection clause, paragraph sentence or part of this Ordinance or the application hereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance which is hereby declared to be severable.

Section 4. This Ordinance shall take effect immediately upon final passage as provided by N.J.S. 40:74-4.

Introduced: August 10, 1994

Published: August 13, 1994 & August 29, 1994

Adopted: August 24, 1994

Attest: Edward F. Rannou ER  
Township Clerk

Commissioner Di Giovanni <sup>DB</sup> YES  
Commissioner Gargiulo FC YES  
Commissioner Gattoni LC YES  
President Sacco / YES

TOWNSHIP OF NORTH BERGEN  
HUDSON COUNTY

AN ORDINANCE TO AMEND ORDINANCE NO. 467-93  
DEALING WITH THE REGULATION, CONTROL, AND  
STABILIZATION OF RENTS

WHEREAS, the above referenced Ordinance was established to limit and control rents charged by landlords to certain residential tenants; and

WHEREAS, recent economic circumstances have resulted in apartment units which cannot be rented at rents lawful and permissible under said ordinance; and

WHEREAS, certain landlords may be desirous of temporarily offering apartments with rent concessions at rents lower than otherwise permissible during this time of economic hardships; and

WHEREAS, certain tenants may be desirous of renting such units at a reduced rental; and

WHEREAS, it is in the interest of the Township to provide a legal framework for such rentals for the benefit of both landlords and tenants.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN that Ordinance No. 467-93 be and hereby is amended as follows:

Section 1. Section 2 entitled "Definitions" is amended by the addition of the following:

(p) "Rent Concessions" - A Rent Concession means, when, in case of a lease of Housing Space, the landlord, before or at the time the lease, lease renewal, or any tenancy is entered into, and in consideration of such lease, lease renewal or tenancy, gives, or agrees or promises to give, to the tenant, expressly, any credit upon the Approved Rent, or rebate of such

Approved Rent or any part thereof or free rent for a period of time, or any other valuable consideration. An agreement by a landlord to waive any of the terms or conditions of the lease other than those relating to the payment of rent shall not be deemed a Rent Concession.

(q) "Approved Rent" -- means the actual total rent approved by the Rent Leveling Board, including all surcharges.

**Section 2.** Section 4 entitled "Registration" be and hereby is amended by the deletion of sub-paragraphs (b),(c),(d),(e) and their replacement by the following sub-paragraphs:

(b) The Base Rent charged for each unit beginning 1972.

(c) The current Base Rent approved for each such unit.

(d) The current Approved Rent for each such unit.

(e) The current total rent charged for each such unit setting forth the manner in which said total rent is calculated. If the total rent charged is lower than the Approved Rent, the landlord shall set forth the Rent Concessions provided to the tenant during the term of the lease, including how the Rent Concessions are applied to the Base Rent and/or any surcharges approved by the Rent Leveling Board.

**Section 3.** Section 9 entitled "Hardship Increases" is hereby amended by the deletion of sub-paragraph (k) and its replacement with the following:

(k) A hardship increase shall become part of the Base Rent.

**Section 4.** Section 10 entitled "Capital Improvement Surcharge" be and hereby is amended by the addition of the following:

(k) Nothing in this Section 10 shall preclude the landlord from granting tenant a Rent Concession to delay, reduce or eliminate payment of a Capital Improvement Surcharge for a certain period of time during the term of the Lease, except that the calculation of the useful life of

a capital improvement shall not be tolled during this time period. Any such delay, reduction or elimination shall not prevent the landlord from re-imposing the Capital Improvement Surcharge in a renewed lease for the Housing Space.

**Section 5.** Section 11 entitled "Rental Unit Preservation Allowance" is hereby amended by the deletion of sub-section (e) and its replacement with sub-section (e) below together with the addition of sub-section (i).

(e) Upon completion of the work, the landlord shall file an amended registration statement showing the increased Base Rent and attaching documents, including but not limited to invoices, receipts, and cancelled checks, supporting the cost claimed of the work. The Rent Leveling Officer shall then determine the new Base Rent of the dwelling unit and notify landlord within twenty (20) days of receipt of the documentation required by this Ordinance and any regulations promulgated hereunder. The landlord shall subsequently comply in all respects with this Ordinance, including but not limited to the provisions regarding rent increases.

- (i) The landlord may, at its sole discretion, grant a Rent Concession of some or all of the permitted RUPA increase provide it complies with the following:
1. The Rent Concession shall be for a period of time commensurate with the duration of the Lease term.
  2. The landlord shall file with the Rent Leveling Board an amended registration statement as required by Section 11(e), above. The registration statement shall contain the information required by Section 11(e), and shall also recite the Approved Rent for the Housing Space (including the RUPA); the amount

of Rent actually being paid by the tenant as a result of the Rent Concession; and the date upon which the Rent Concession is to be terminated reverting the rent to be charged for the Housing Space back to the Approved Rent.

3. The landlord shall present to the tenant and file with the Rent Leveling Board a statement setting forth that the landlord has received a RUPA increase and the amount of said increase, and the Approved Rent as approved by the Rent Leveling Board. Tenant shall sign a certification contained within the statement acknowledging receipt and certifying that tenant acknowledges and understands that the landlord has given tenant a Rent Concession for the duration of the lease term, stating the total amount of the Rent Concession on a monthly and annual basis, and that the tenant thereby further acknowledges and understands that at the end of the lease term, the Rent Concession will expire and the tenant's rent shall revert to the Approved Rent, plus any additional annual increases as provided in Section 5 of this Ordinance as amended, provided the landlord has received approval for such increases from the Rent Leveling Board.

**Section 6.** Nothing contained in this ordinance shall restrict the number of years or the number of lease renewals for which Rent Concessions are provided to tenant by landlord.

**Section 7.** The provisions of this Ordinance as it applies to Rent Concessions and the charging of Base Rent shall run with the Housing Space and not with the tenant.

**Section 8.** If the term of the lease is greater than one year, the landlord may apply to the Rent Leveling Board for an Annual Rent Increase pursuant to Section 5 of this ordinance as amended for each year of the lease, which increase shall be based upon the actual rent charged for that given year.

**Section 9.** Section 19 entitled "PROCEDURES" is hereby amended by the deletion of sub-paragraph (a) and its replacement with the following:

(a) The Rent Leveling Board shall hold one (1) regular meeting per month and special meetings when necessary.

**Section 10.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the inconsistency thereof.

**Section 11.** If any part or parts of this ordinance are for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 12.** This ordinance shall take effect upon adoption and publication as required by law.

|                        |            |
|------------------------|------------|
| <u>Comm. Cabrera</u>   | <u>Yes</u> |
| <u>Comm. Ferraro</u>   | <u>Yes</u> |
| <u>President Sacco</u> | <u>Yes</u> |

Introduced: January 13, 2010

Published: January 19 and February 2, 2010

Adopted. January 27, 2010

Attest:

Erin Barillas  
Acting Township Clerk

TOWNSHIP OF NORTH BERGEN  
HUDSON COUNTY

AN ORDINANCE REQUIRING CERTAIN LANDLORDS TO POST  
ADEQUATE SECURITY AGAINST THE CONSEQUENCES OF  
DISORDERLY BEHAVIOR OF THEIR TENANTS

WHEREAS, N.J.S.A. 40:48-2.12n et seq. was enacted to permit the adoption of an Ordinance holding landlords to standards of responsibility in the selection of tenants and supervision of rental premises and permitting the Township to require landlords to post adequate bond against the consequences of disorderly behavior of their tenants and in the case of subsequent violations forfeit such bond, in whole or part, in compensation for the consequences of such behavior.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN that:

Section 1. -- Purpose

The purpose of this Ordinance is to enable the Township of North Bergen to take effective action to assure that excesses arising from irresponsible rentals, when they occur, shall not be repeated, and that landlords be held to sufficient standards of responsibility in order to preserve the peace and tranquility of the Township for its residents.

Section 2. -- Definitions.

"Hearing Officer" shall mean a licensed attorney of the State of New Jersey appointed by the Mayor who shall not be an owner or lessee of any real property within the municipality, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

"Landlord" means the person or persons who own or purport to own a building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease which building contains no more than four dwelling units.

"Substantiated complaint" means a complaint for an act of disorderly, indecent, tumultuous or riotous conduct, upon or in proximity to any rental premises, and

attributable to the acts or incitements of any of the tenants of those premises which has been substantiated by prosecution and conviction in any court of competent jurisdiction.

**Section 3. -- Complaint**

If in any twelve-month period two or more complaints, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Mayor or any officer or employee of the municipality designated by the Mayor for the purpose, may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.

**Section 4 -- Notice Requirements**

- A. The Mayor, or officer or employee designated pursuant to Section 3 shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the Township, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the municipality, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.
- B. In the event a tenant is convicted of any of the conduct described in a substantiated complaint, the Mayor, or officer or employee designated pursuant to Section 3, shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the Township.

Section 5 -- Hearings Penalty

- A. At the hearing convened pursuant to this Ordinance, the hearing officer shall give full hearing to both the complaint of the Township and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. At the conclusion of the hearing, the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this Ordinance.
- B. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
1. Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises.
  2. Securing the payment of fines and penalties likely to be levied for such offenses; and
  3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior, but no such bond shall be in the amount less than \$500.00 or more than \$5,000.00. The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
- C. A bond or other security deposited in compliance with this section shall remain in force for a period recommended by the hearing officer but not less than two nor more than four years. Upon the lapse of the specified period, the landlord shall be entitled to the discharge thereof, unless prior thereto

further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under Section 6, in which case the security shall be renewed, in an amount and for a period that shall be specified by the hearing officer.

**Section 6 -- Proceedings Against Landlord: Recovery from Tenant**

- A. If during the period for which a landlord is required to give security pursuant to Section 5, a substantiated complaint is recorded against the property in question, the Mayor or the Mayor's designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension of the period for which such security is required, or for an increase in the amount of security required, or for any or all of those purposes.
- B. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in Section 5. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in Section 5 and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to carry out the purposes of this ordinance effectually. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in Section 5.
- C. A landlord may recover from a tenant any amount of security actually forfeited as described in this Section.

**Section 7.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the inconsistency thereof.

Section 8. If any part or parts of this ordinance are for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall take effect upon adoption and publication as required by law.

Introduced: July 7, 2010

Published: July 13, 2010 & August 31, 2010

Adopted: August 25, 2010

Attest Ruth Evertz  
Deputy Township Clerk

|                 |     |
|-----------------|-----|
| Comm. Cabrera   | Yes |
| Comm. Ferraro   | Yes |
| Comm. Gargiulo  | Yes |
| Comm. Pascual   | Yes |
| President Sacco | Yes |

TOWNSHIP OF NORTH BERGEN  
HUDSON COUNTY

AN ORDINANCE TO AMEND ORDINANCE NO. 467-93  
CONCERNING RENT CONTROL

WHEREAS, Section 10(c) of Ordinance No. 467-93 provides an Amortization Schedule of the useful life of various capital improvement assets for use in determining capital improvement surcharges; and

WHEREAS, it is deemed in the best interests of the Township to bring said schedule substantially in line with prevailing standards adopted by the Internal Revenue Service.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN that:

Section 1: Schedule "A" attached to said ordinance and referenced in Section 10(c) be and hereby is deleted and replaced by Schedule "A" attached hereto.

Section 2: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the inconsistency thereof.

Section 3: If any part or parts of this ordinance are for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall take effect upon adoption and publication as required by law.

|                 |     |
|-----------------|-----|
| Comm. Ferraro   | Yes |
| Comm. Cabrera   | Yes |
| Comm. Pascual   | Yes |
| President Sacco | Yes |

Introduced: February 12, 2013

Published: February 16 and March 4, 2013

Adopted: February 27, 2013

Attest: Erin Barillas  
Township Clerk

SCHEDULE "A"

Useful Life of Capital Improvements

|   |      |
|---|------|
| Acoustical ceiling tiles and panels           | 27.5 |
| Air conditioners                              | 9    |
| Aluminum or vinyl siding                      | 27.5 |
| Canopies                                      | 12   |
| Carpet  | 9    |
| Ceramic tile                                  | 27.5 |
| Compactors                                    | 9    |
| Cooling systems                               | 27.5 |
| Dishwashers                                   | 9    |
| Disposals                                     | 9    |
| Doorbells, mailboxes, security systems        | 15   |
| Dumpsters                                     | 12   |
| Electrical appliances                         | 9    |
| Electrical wiring, plumbing                   | 5    |
| Elevators                                     | 20   |
| Exterior door                                 | 27.5 |
| Exterior painting                             | 10   |
| Fans  | 9    |
| Fascia, soffits, eaves                        | 27.5 |
| Fencing                                       | 20   |
| Fire hose and miscellaneous equipment         | 12   |
| Flues   | 27.5 |
| Gutters, leaders                              | 12   |
| Heating equipment: boilers, radiators, pipes  | 27.5 |
| Hot water tanks, burners, fittings            | 27.5 |
| Hot water: tankless systems                   | 27.5 |
| Insulation                                    | 27.5 |
| Landscaping                                   | 27.5 |
| Light Fixtures                                | 5    |
| Linoleum                                      | 5    |
| Refrigerators                                 | 9    |
| Roof  | 27.5 |
| Screens                                       | 10   |
| Smoke alarms, fire alarms                     | 12   |
| Smoke and heat detectors                      | 12   |
| Solar energy equipment (heating or hot water) | 27.5 |
| Sprinkler and fire protection systems         | 27.5 |
| Storm windows                                 | 27.5 |
| Stoves and ovens (gas or electric)            | 9    |
| Vinyl tile                                    | 5    |
| Walkways                                      | 20   |
| Wallpaper                                     | 5    |

|                |      |
|----------------|------|
| Washer, dryers | 9    |
| Wood doors     | 27.5 |
| Wood Flooring  | 27.5 |

The above useful life was abstracted from the IRS pamphlet under residential rental property - alternative depreciation schedule.

TOWNSHIP OF NORTH BERGEN  
HUDSON COUNTY, NEW JERSEY

AN ORDINANCE AMENDING ORDINANCES NO. 467-93  
AND 160-13

**WHEREAS**, Section 10(c) of Ordinance No. 467-93 provides an Amortization Schedule of the useful life of various capital improvement assets for use in determining capital improvement surcharges; and

**WHEREAS**, by Ordinance No. 160-13, the Township adopted a new Amortization Schedule for said purpose; and

**WHEREAS**, the purpose of said amendment was to bring said schedule more in line with prevailing standards adopted by the Internal Revenue Service to more accurately reflect the true useful life of such capital improvement assets; and

**WHEREAS**, it has been brought to the Township's attention that a five (5) year useful life for "Electrical wiring, plumbing" as contained in said standards is not realistic and that fifteen (15) years is a more accurate useful life; and

**WHEREAS**, it has also been brought to the Township's attention that there is an inconsistency in Section 12 of Ordinance No. 467-93 in that a determination of whether a landlord seeking a rent increase is guilty of harassment of tenants is to be made by the Rent Leveling Board, yet the last sentence in Section 12(d) references said determination being made by the Rent Leveling Officer instead of the Rent Leveling Board.

**NOW, THEREFORE, BE ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN** that:

**Section 1.** Schedule "A" attached to Ordinance No. 160-13 be and hereby is amended to provide for a useful life of capital improvement assets consisting of "Electrical wiring, plumbing" of fifteen (15) years.

**Section 2.** The last sentence of Section 12(d) of Ordinance No. 467-93 be and hereby is amended to read:

"The Rent Leveling Board, upon notice to all interested parties and an opportunity to the landlord to review the evidence and be heard, shall determine whether the landlord has engaged in harassment of tenants".

**Section 3.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the inconsistency thereof.

**Section 4.** If any part or parts of this ordinance are for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5.** This ordinance shall take effect upon adoption and publication as required by law.

Introduced: April 10, 2013

Published: April 13 & 30, 2013

Adopted: April 24, 2013

Attest: Erin Barillas  
Township Clerk

|                        |            |
|------------------------|------------|
| <u>Comm Cabrera</u>    | <u>YES</u> |
| <u>Comm Ferraro</u>    | <u>YES</u> |
| <u>Comm Gargiulo</u>   | <u>YES</u> |
| <u>Comm Pascual</u>    | <u>YES</u> |
| <u>President Sacco</u> | <u>YES</u> |