

1st reading
2-16-11

(3)

Sponsor: [Signature]

Second: [Signature]

**CITY OF HOBOKEN
ORDINANCE NO.: Z-88**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
CHAPTER 155 OF THE CITY CODE, ENTITLED "RENT
CONTROL"**

WHEREAS, the City Council Committee on Rent Control & Affordable Housing has conducted public hearings over the course of the past eighteen months in an effort to identify substantive and procedural deficiencies in the legislative and regulatory controls of residential rents through the City's Rent Regulations Office and Rent Leveling and Stabilization Board; and

WHEREAS, this amendatory ordinance is intended to address some of those concerns, recognizing that the work of the Committee is ongoing and intended to address other issues;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Hoboken as follows:

Section 1. Code Section 155-4., entitled "Controls; increase restrictions" is hereby amended and supplemented to read as follows:

§ 155-4. Controls; increase restrictions.

All rents for rental of housing space and services in dwellings to which this act is applicable are hereby controlled at the base rent level received by the landlord as of October 1, 1985, and no rental increases shall be hereinafter demanded, paid or accepted, except as provided in this chapter. Any rent increases imposed after October 1, 1985, to the extent that such increases are in excess of the rent increases allowed under this ordinance, are hereby declared to be null and void, and subject to the limitations and repose period set forth herein, such excess rents shall be refunded or credited to the tenant by the landlord forthwith. All rents may be rounded up or down to the nearest dollar after making the computations. Landlords shall report all increases of rents imposed after October 1, 1985, to the Rent Leveling and Stabilization Board. Any landlord seeking an increase shall notify the tenant in writing at least thirty (30) days prior to the effective date of the increase and explain in detail the reason for the increase. Determinations under this section shall be made by the Rent Regulation Officer.

A. Disclosure Statement.

Every landlord subject to the provisions of this Chapter shall be required to provide to each tenant a Disclosure Statement, on Board approved forms, available through the Rent Regulation Office or by download from the City's web site. The Disclosure Statement shall include a detailed description of the tenant's rights under this Chapter, including but not limited to the right to request a legal rent calculation to determine the legal base rent; notice that a failure to request a legal rent calculation within two (2) years of service of the Disclosure Statement will result in a bar of a refund and/or credit of an excess or overpayment of rents; notice that a copy of the Landlord's Registration Statement will be on file with the Rent Regulation Office and available to a tenant upon request; and an acknowledgment by the Landlord advising the tenant of the Truth-In-Renting Act N.J.S.A. 46:8-43 et seq., and the Statement/Booklet prepared therein, which can be obtained from the New Jersey Department of Community Affairs Division of Codes and Standards Landlord tenant information service P.O. Box 805 Trenton 08625; the Disclosure Statement is to be signed and dated by the tenant and filed by the landlord with the Rent Regulation Officer. In the absence of a Disclosure Statement that is signed and dated by the tenant, a Landlord may also establish proof of service of the Disclosure Statement by filing both a copy of the Disclosure Statement and a receipt indicating that the Disclosure Statement was delivered and received by the tenant via Certified Mail.

The Rent Regulation Officer shall be authorized to prepare and revise the Disclosure Statement as needed in an effort to comply with the intention and purpose of this section.

B. Two (2) Year Statute of Limitations

A refund and/or credit of excess rents shall be barred if the tenant's request for a legal rent calculation is not made within two (2) years from service of the Disclosure Statement upon the tenant. The statute of limitations commences only upon proper service of the Disclosure Statement in compliance with § 155-4. Nothing in this provision shall bar a tenant from requesting a legal rent calculation, nor prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this Chapter.

C. Two (2) Year Period of Repose

In no instance shall a tenant be allowed to collect rental overcharges for a period in excess of two (2) years as determined by the Rent Leveling Officer or the Board. Nothing in this provision shall bar a tenant from requesting a legal rent calculation, nor prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this Chapter.

D. Alternative Proofs of Rents and Vacancies

For the purpose of calculating the earliest date of a verifiable rent and determining the legal rent of the dwelling, including but not limited to the consideration of a vacancy of a dwelling, and in the absence of a filed and timely submitted Registration Statement and/or the absence of a filed and timely submitted vacancy decontrol certificate, a landlord shall be permitted to submit credible alternative proofs for consideration by the Rent Regulation Officer or the Rent Leveling and Stabilization Board to determine the earliest date of a verifiable rent, the legal rent of the dwelling and/or whether vacancies occurred. These alternative proofs may consist of, but are not limited to, leases showing vacancies, and/or statements under oath from reliable sources. In presenting alternative proofs for a vacancy, a certified statement from the Landlord should be submitted indicating that the tenant vacated the apartment voluntarily without harassment, duress, or unreasonable pressure from the landlord or his agents. The Rent Regulation Officer and/or the Rent Leveling and Stabilization Board shall have absolute discretion to determine the reliability of any such alternative proofs.¹

Section 2. Code Section 155-19., entitled "Rights and Authority of Board" is hereby amended and supplemented to read as follows:

§155-19. Rights and Authority of the Board.

The Rent Leveling and Stabilization Board shall have the right to exercise, in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purpose of this entire Chapter, including the right to the exercise of equitable authority to depart from the strict interpretation of the provisions of this Chapter in instances where fairness requires equitable intervention. These powers of equity, however, do not permit the Rent Leveling and Stabilization Board to act in contravention to the purposes of this Chapter nor in an arbitrary, capricious, or unreasonable manner. Notwithstanding this general power of equity the Rent Leveling and Stabilization Board shall also have the following powers:

Section 3. Inconsistency

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

¹ The provisions of this section shall also apply to Article VII - Vacancy Decontrol.

11-879 2-88

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CHAPTER 155 OF THE CITY CODE, ENTITLED
"RENT CONTROL"

Introduced, passed first reading as read
and laid on the table for further
consideration of the Council at its next
meeting to be held on March 2, 2011 at
7 PM

City Clerk
2/16/11

PASSED THIRD AND FINAL READING
3/2/11

Section 4. Severability

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

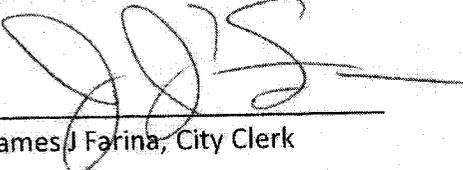
Section 5. Effective Date

This Ordinance shall take effect after final adoption and approval thereof as provided by law.

Date of Introduction: February 16, 2011

ADOPTED:

3-2-11



James J. Farina, City Clerk

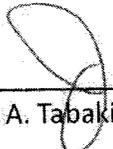
APPROVED:

3-11-11



Dawn Zimmer, Mayor

APPROVED AS TO FORM:



Mark A. Tabakin, Esq., Corporation Counsel

Date of Introduction: February 16, 2011

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