

CITY OF HOBOKEN
DEPARTMENT OF COMMUNITY DEVELOPMENT
RENT LEVELING

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Rent Moratorium End - FAQ

Attention landlords and tenants in rent-controlled units, due to the end of the State of Emergency first implemented during the COVID-19 pandemic, the rent moratorium will end on May 7, 2022.

What is the rent moratorium?

A moratorium is a legally authorized period during which a payment obligation is delayed or suspended. In March of 2020, at the beginning of the pandemic, the City of Hoboken passed a law prohibiting landlords from raising residential rents in rent-controlled units during the State of Emergency. This is applicable to residential rents, not commercial.

What increases were prohibited during the moratorium?

After and including April of 2020, landlords were prohibited from adding an annual rent increase by way of the Consumer Price Index (CPI). Landlords were also prohibited from adding any surcharges (tax & utility) at the renewal of the lease during this period.

What happens when the moratorium ends?

Now that the moratorium period is coming to an end, it is important to understand that while a landlord **cannot** charge a tenant for the lost revenue that it would otherwise have charged (had there been no moratorium), a landlord **is allowed** to raise a tenant's rent (after the end of the moratorium), when the next lease is renewed. This increase would reflect the rent a landlord would have otherwise been able to charge if there had been no moratorium based on the CPI of the month of the lease renewal.

What is CPI?

Under our rent control law, a landlord is entitled to seek an increase in the allowed rent amount on an annual basis if there is an increase in the consumer price index or CPI. The amount of that potential increase is capped at 7.5%, so if the CPI increases by more than 7.5%, the rent can only be increased by 7.5%. The CPI amounts are calculated and published on an ongoing basis by the federal government, and these types of increases were among those suspended during the moratorium. During the moratorium, no CPI increases were permitted between April 1, 2020, and May 7, 2022. While the moratorium law allows a landlord to recoup delayed CPI increases, along with other increases allowed under the rent control law, the moratorium law expressly and permanently

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prohibits a landlord from imposing any CPI increases in rent for the period of April 1, 2020, through December 31, 2020. A landlord is, however, allowed under the law to increase rent by the combined delayed 2021 and applicable 2022 CPI rent increases.

EXAMPLE: John Smith moved into his apartment in May 2010. John doesn't get a CPI increase in May 2020 due to the moratorium. Assuming the CPI for May 2021 was 3% and the CPI for May 2022 is 4%, John's landlord would be entitled to increase the rent in May of 2022 by a total of 7% (3% +4%). One year later, the May 2023 CPI is 2%, John's rent would be increased by 2%, and so on for all subsequent years.

What are my rights as a tenant or a landlord?

1. **As a tenant**, know that there should have been no rent increases during the moratorium, and if there were, you can contact the City of Hoboken Rent Leveling and Stabilization Office and the City's free Tenant Advocate for assistance. Additionally, there can be no retroactive charges imposed for past lost revenue once the moratorium ends on May 7, 2022. Once the moratorium is lifted, you should not receive a CPI increase in your rent derived from the period of April 1, 2020, through December 31, 2020. You must also be notified 30 days in advance of any rent increase and be provided the basis for the increase before they can go into effect.
1. **As a landlord**, while you cannot retroactively charge a tenant for lost revenue from the inability to raise the rent during the moratorium, you are allowed to recoup the delayed, lost amount of past increases that would have been allowed had there been no moratorium ***OTHER THAN*** a CPI increase associated with the April 1, 2020, to December 31, 2020 period.

Contact Information

If you are a rent-controlled tenant and believe your rent was increased during the moratorium, please compile all rental documentation (*i.e.*, a renewed lease executed during the moratorium that reflects a rent increase over a prior, pre-moratorium rent amount) complete the "Illegal Rent Increase Form" available at <https://www.hobokennj.gov/departments/rent-leveling-and-stabilization-office> and email a copy and associated documentation to the City's Rent Control & Stabilization Office at rentcontrol@hobokennj.gov. The office can help assess the situation and provide suggestions on appropriate next steps.

If you do not know if you live in a rent controlled unit, please contact the Rent Control and Stabilization office via email at rentcontrol@hobokennj.gov or phone at (201) 420-2000x5201. The office, located at 124 Grand St. is open Monday through Friday from 9 a.m. to 4 p.m.

If you are a tenant in need of legal advice for housing related matters, the City of Hoboken has a free Tenant Advocate who may be able to help. To schedule an appointment with Tenant Advocate Andrew Sobel Esq. contact Christina Vasiliou at cvasiliou@sobelhan.com.