

CITY OF HOBOKEN



MUNICIPAL RENT CONTROL ORDINANCE

CHAPTER 155

RENT CONTROL

Chapter 155

RENT CONTROL

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[HISTORY: Adopted by the City Council of the City of Hoboken 1-16-84 as Ord. No. C329. Amendments noted where applicable. Ord. No. R-422, added 3-1-2000 was repealed in its entirety 5-17-2000 by Ord. No R-436 and was not codified herein]

ARTICLE I

Definitions; Applicability

Section 155-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AVAILABLE FOR RENT TO TENANTS -- Buildings or dwellings fit for habitation as defined by statutes, codes and ordinances in full force and effect in the State of New Jersey, County of Hudson and City of Hoboken and occupied or unoccupied and offered for rent.

BASE RENT -- The legal-rent charged or actually received by the landlord for the rental of housing space on January ~~11, 1973, 1,~~ 2007 or if not occupied at that date, the "base rent" shall be that actually charged to and received from the previous tenant, plus any increases under Article II of this chapter. The "base rent" may be

changed only with the approval of the Rent Leveling and Stabilization Board. The "base rent" for dwelling units under § 155-2B, G and H shall be the first rental upon the exemptions set forth in said subsections. Upon vacancy and or change in tenant, the "base rent" for all dwelling units shall be the new rental agreed upon by the new tenant, provided that the same is in accordance with the provisions of this chapter.

When dwellings make the transition from rent regulation by a governmental agency that acts pursuant to federal or state law to regulate rents to rent regulation by this chapter as defined in Section 155-2.1, the initial base rent following the transition shall be as set forth in Section 155-2.1. **[Amended 7-12-00 by Ord. No. R-449]**

CAPITAL IMPROVEMENT -- A substantial change in the housing accommodations, such as would materially increase the rental value in a normal market. It is different from ordinary repair, replacement and maintenance. A "capital improvement" is of such a nature, extent and expense that it ~~benefits the building and the tenants' enjoyment thereof with a degree of permanency~~ qualifies as a capital improvement under the applicable definition contained in the Internal Revenue Code. A "capital improvement," to qualify under this chapter as such, must have a useful life of at least five (5) years.

CONSUMER PRICE INDEX -- The "consumer price index" (all items base year ~~1967~~2007-100) for the region of the United States of which Hoboken is a part published periodically by the United States Department of Labor, Bureau of Labor Statistics, that is calculated for February of each year.

DWELLING -- Any building or structure or trailer or land used as a trailer park rented or offered for rent to one (1) or more tenants or family units.

EQUITY IN REAL PROPERTY INVESTMENT -- The actual cash contribution of the purchaser at the time of closing of title and any principal payments to outstanding mortgages.

FAIR RETURN -- The percentage of return of equity in real property investment. The 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 six percent (6%) above the maximum passbook demand deposit savings account interest rate available in the City of Hoboken. The six-percent figure is provided to reflect the higher risk and lesser liquidity of real property investment in comparison to savings account investments.

HOUSING SPACE -- Includes that portion of a dwelling rented or offered for rent for living and dwelling purposes with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the real property.

JUST CAUSE FOR EVICTION -- The landlord recovered possession of a housing space or dwelling for one (1) of the reasons outlined in New Jersey State law (N.J.S.A. 2A:18-53 as amended).

LIVING AREA -- The amount of total rentable space applicable to any given housing space, measured either in terms of rooms or square footage.

NEWLY CONSTRUCTED DWELLING -- A dwelling located in a building, which building is new in all respects; that is, from the ground up, and the exterior structure, the exterior and interior walls and all systems are new.

NOT VACANT THROUGH UNLAWFUL MEANS -- The tenant has not vacated or been forced to vacate the dwelling involuntarily; that is, due to harassment, duress, wrongful acts or unreasonable pressure either direct or indirect from the landlord or his agents. A legal eviction is not an involuntary vacation under this definition. A bona fide written release of the landlord by the tenant with respect to this issue shall be evidence of a voluntary vacancy which may be considered in determinations under this chapter.

REGISTRATION STATEMENT -- The statement filed by the landlord pursuant to § 155-30.

RENT -- Any price for the use of a housing space. It includes any charge, no matter how set forth, paid by the tenant for the use of any service in connection with the housing space. Security deposits and charges for accessories, such as boats, mobile homes and automobiles not used in connection with the housing space, shall not be construed as "rent."

RENT INCREASE, RENT DECREASE and RENT ADJUSTMENT -- The intent and policy of the governing body to interfere in landlord tenant relations and legitimate operation ownerships, occupancy and development of real estate, only when necessary to protect the public interest. "Rent increase," "rent decrease" and "rent adjustments" shall consist in the first instances of the notice sent by the landlord to the tenant, or by the tenant to the landlord, in letter or other form, setting forth the proposed notice of "rent increase" or "rent decrease" or other "rent adjustment." Each notice shall set forth in detail the reasons justifying or requiring such increase, decrease or adjustment.

SERVICE -- The provision of light, heat, hot water, maintenance, painting, elevator service, air conditioning, storm windows, screens, superintendent service and any other benefit, privilege or facility connected with the use or occupancy of any dwelling or housing space.

SERVICE SURCHARGE -- Refers to an additional charge over and above the rental due to new or additional services. Existing services may be subject to a surcharge also, under extenuating circumstances as may be determined by the Rent Leveling Board.

SUBSTANTIAL COMPLIANCE -- 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 ordinances of the City of Hoboken and the Property Maintenance Code of the State of New Jersey, where applicable.

TENANT/SUBTENANT -- The regulations that apply to the landlord and tenant under this chapter shall also apply, wherever appropriate, to the "tenant/subtenant" relationship and any other rental tenancy unless otherwise expressly excluded.

Section 155-2

Limitation of applicability.

This chapter shall apply to all dwelling units as defined in § 155-1 above, except that the following shall be exempt:

Motels and hotels.

- A. ~~Newly constructed dwellings which are rented for the first time shall be exempt to the extent permitted by state law. After the first rental, expiration of any applicable exemption under state law such dwellings shall be exempt for this initial rent or lease agreement, but all subsequent rents shall be subject to the provisions of this chapter. In order to qualify for the exemption, the newly constructed dwelling must be registered by an applicant, on forms provided by the Rent Regulation Officer, with said Officer before the first rental for said dwelling.~~
- B. Industrial property.
- C. Nonresidential and commercial property. If the dwelling has an apartment unit(s), plus a commercial unit(s), the apartment unit(s) is covered by this chapter, but the commercial unit(s) is exempt.
- D. Housing provided for students by a school, college or similar institution which owns or controls that housing.
- E. Housing owned and operated by other government agencies, such as the state or federal governments.
- F. ~~A building completely vacant on or before and since January 1, 1984, provided that said building did not become vacant through unlawful means, which can be attributed to the applicant for this exemption. In order to qualify for this exemption, the building vacant since January 1, 1984, must be registered by an applicant with the Rent Regulation Officer, on forms provided by said Officer, before the renting of dwelling units within the vacant building. After the first rental, such dwelling units shall be exempt from initial rent or lease agreement, but all subsequent rents shall be subject to the provisions of this chapter.~~

G.——(Reserved)⁺

Section 155-2.1. Transition from rent regulation by pre-empting governmental agency to regulation of this chapter. [Added 7-12-2000 by Ord. No. R-449; amended 9-6-2000 by Ord. No. R-455]

If a contract between a landlord and a governmental agency duly provides for that governmental agency to regulate the amount of rent received by that landlord, and if the authority of that governmental agency supersedes the authority of the City of Hoboken to regulate such rents, then the application of this chapter shall be pre-empted during the period of governmental agency regulation specified in the contract. Until such a contract begins, and immediately after the contract terminates, this chapter shall continue to regulate such rents. Upon termination of such a contract, the "base rent" for dwelling units under this Section shall be the last rent level received by the landlord prior to the termination of the pre-emptive governmental agency regulation reduced by an amount equal to the sum of all applicable tax, water, sewer, capital improvement, and any other surcharges as defined by this chapter, and calculated by the Rent Regulation Officer under this chapter.

ARTICLE II

General Regulations

Section 155-3 Establishment of rents.

Establishment of rents between landlord and tenant in housing space in dwellings to which this chapter is applicable shall hereafter be determined by the provisions of this chapter. Any rental increase at a time other than at the expiration of a lease or termination of the periodic lease shall be void. Any rental increase in excess of that authorized by the provisions of this chapter shall be void. Determinations under this section shall be made by the Rent Regulation Officer.

Section 155-4 Controls; increase restrictions.

⁺ Editor's Note: Former Subsection H, Limitation of applicability, added 12-21-88 by Ord. No. P-27, was repealed 2-15-89 by Ord. No. P-42

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 January ~~11, 1973~~, 1, 2007, and no rental increases shall be hereinafter demanded, paid or accepted, except as provided in this chapter. Any rent increases imposed after January ~~11, 1973~~, 1, 2007 to the extent that such increase(s) is in excess of that ~~to which permitted by this is an amendment Ordinance~~, are hereby declared to be null and void, ~~and such excess rent shall be refunded or credited to the tenant by the landlord forthwith.~~ The Tenant shall be permitted to recover any rent paid in excess of that permitted by the Ordinance, for a period of two years from the date that payment was made to the Landlord and only for those excess amounts paid to the Landlord for the previous two years from the date of any rent calculation performed under this Ordinance. 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 January ~~11, 1973~~, 1, 2007 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.

Section 155-5 Expiration or termination of lease.

At the expiration of a lease or at the termination of a lease of a periodic tenant, no landlord may request or receive a percentage increase in rent which is greater than seven and one-half percent (7 1/2%) or the percentage ~~difference between change~~ in the consumer price index three (3) months prior to the expiration or termination of the lease and three (3) months prior to the commencement of the lease term from the previous year, whichever is less. For a periodic tenant or for a tenant whose lease terms shall be less than one (1) year, said tenant shall not suffer or be caused to pay more than one (1) rent increase in any twelve-month period which exceeds seven and one-half percent (7 1/2%) or the ~~consumer price index percentage differential for the twelve-month period commencing fifteen (15) months prior to and ending three (3) months prior to the effective date of the proposed increase~~ percentage change in the consumer price index from the previous year, whichever is less. No more than one (1) such cost-of-living rental increase in any one (1) twelve-month period shall be permitted irrespective of the number of different tenants occupying said housing space during said twelve-month period. The Rent Regulation Officer will make available to all Landlords and Tenants the calculation of the applicable CPI increase not later than March 1 of each year and this percentage, subject to the limitations of this section shall be the applicable CPI increase for all increases for the following twelve month period.

Section 155-6

Tax surcharge from tenants.

- A. A landlord may seek a tax surcharge from a tenant because of an increase in municipal property taxes if said taxes are in excess of those assessed for the ~~1988~~2007 tax year. The rental increase permitted for taxes is determined by the Rent Regulation Officer pursuant to a formula approved by the Rent Control Board. The rent increase for taxes that each tenant is liable to pay shall be paid in twelve (12) equal monthly payments, one-twelfth (1/12) each month. The surcharge shall not be considered rent for purposes of computing cost-of-living rental increases. Determinations under this section shall be made by the Rent Regulation Officer. **[Amended 7-12-00 by Ord. No. R-449; 9-6-2000 by Ord. No. R-455]**

- B. Notice on standardized form.
 - (1) The landlord shall, upon approval by the Officer of its tax surcharge application, notify its tenants, by personal service, on standardized forms setting forth:
 - (a) An explanation of the tax surcharge.
 - (b) The base rent.
 - (c) The tax surcharge, total and apportioned.
 - (d) The effective date.
 - (2) This notice shall be filed with the Officer.

Section 155-6.1.

Water and sewerage surcharge from tenants. [Added 9-3-86 by Ord. No. V-66]

- A. The landlord may seek a water and sewerage surcharge from a tenant because of an increase in the municipal water and sewer charges in excess of those assessed for ~~1996~~2007. The rental increase permitted for water and sewer surcharge is determined by the Rent Regulation Officer pursuant to a formula approved by the Rent Control Board. The rent increase for water and sewer that each tenant is liable to pay shall be paid in twelve (12) equal monthly payments, one-twelfth (1/12) each month. The surcharge shall not be considered rent for purposes of computing cost-of-living rental increases. Determinations under this section shall be made by the Rent Regulation Officer. **[Amended 7-12-2000 Ord. No. R-449; 9-6-2000 by Ord. No. R-455]**

- B. Notice on standardized form.
 - (1) The landlord shall, upon approval by the Officer of its tax surcharge application, notify its tenants, by personal service, on standardized forms setting forth:
 - (a) An explanation of the tax surcharge.
 - (b) The base rent..
 - (c) The tax surcharge, total and apportioned.
 - (d) The effective date.
 - (2) This notice shall be filed with the Officer.

Section 155-7 Tax appeal by landlord.

In the event that a tax appeal is taken by the landlord and the landlord is successful in said appeal and the taxes reduced, the tenants shall receive a reduction as applied to its tax portion, after deducting all expenses incurred by landlord in prosecuting said appeal.

In the case of tenant(s) that have moved, the landlord shall make diligent efforts for three (3) months to forward the refund to said tenant(s). If these efforts do not succeed, the landlord shall apportion said refund to the rents of the remaining tenants. Determinations under this section shall be made by the Rent Regulation Officer.

Section 155-8 Application to Rent Leveling and Stabilization Board for rental surcharge.

A. Upon notice to its tenants, a landlord may apply to the Rent Leveling and Stabilization Board for a rental surcharge for capital improvement to the building and/or demised premises. Such application and supporting materials shall set forth the improvement, the cost thereof and its useful life. The landlord shall propose to apportion the cost of the improvement over its useful life among the tenants in the building in accordance with one (1) of the following methods:

- (1) If the capital improvement benefits certain housing spaces only, then the cost of these improvements shall be surcharged to only these units.

- (2) If the capital improvement benefits all housing spaces but in varying degrees according to the amount of living area of each housing space, then the cost for the improvements shall be surcharged according to either the number of rooms or the number of square feet in the housing space in proportion to the total rentable area in the dwelling.
 - (3) If the capital improvement is equally beneficial to all housing spaces, regardless of the living area within any housing space, then the cost of the improvements shall be surcharged according to the number of housing spaces within the dwelling.
- B. Permits as required by law are to be secured from all agencies having control and jurisdiction, for alterations, repairs, replacements, extensions and new buildings. All work must adhere to appropriate code standards and must be inspected by all agencies having control and jurisdiction and their approval obtained. A certificate of occupancy must be secured, if required by law.
- C. Any applications under the provisions of this Article of the chapter must prove, prior to the application acceptance, that the dwelling is:
- (1) In compliance with the housing maintenance, building, fire and other applicable city codes.
 - (2) Not subject to a city-held title lien for the nonpayment of real estate taxes, water charges or sewer charges.

Section 155-9

Notice to tenants.

Prior to any application under this section, the landlord shall serve upon each tenant, by registered or certified mail or personal service of a notice of application filing setting forth the basis for said application, the amount of rental increase of surcharge applied for with respect to that tenant and the calculations involved. A sample copy of such notice shall be filed with the application of the landlord, together with an affidavit or certification of service of notice of application upon each tenant. Copies of bills and invoices in support of the landlord's application shall be made available to the tenant by the landlord.

Section 155-10

Determination.

The Rent Leveling and Stabilization Board may grant the landlord a rental surcharge under the provisions of this Article. No landlord shall impose upon any tenant a rent surcharge under this Article without first obtaining approval from the Board. In making its determination, the Board must conclude that the improvement in question is a capital improvement as defined under this chapter and that it is reasonable as to its nature and cost. Also, the Board must determine the useful life of the improvement so that the cost of the same is prorated over the length of the entire useful life. The burden of proving the useful life shall be with the landlord, but it is rebuttable. In making this determination, the Board shall consider the nature and the cost of the improvement and the effect that the proration of the surcharge shall have on the existing base rents, it being the intent of this chapter that the base rents shall under no circumstances be increased by an amount greater than thirty-three and one-third percent (33 1/3%) due to a capital improvement surcharge in any one (1) twelve-month period.

Section 155-11

Effective date.

Rent surcharges under this Article should become effective contemporaneously with the next scheduled change in the base rent whenever practicable.

Section 155-12

Violations. [Amended 8-7-85 by Ord. No. V-8]

For the purpose of computing the cost of a capital improvement under this section, only sixty percent (60%) of the cost shall be allowed if it is for the purpose of eliminating violations of housing code provisions, which provisions were enacted subsequent to January 1, 1985.

Section 155-13

Notification of capital improvement surcharge approval.

- A. The landlord shall, upon approval by the Board of its capital improvement surcharge application, notify its tenants by personal service, on a standardized form, setting forth:
- (1) An explanation of capital improvement surcharge.
 - (2) The base rent.

- (3) The surcharge, total and apportioned.
- (4) The effective date and termination.
- (5) The total rent.

B. This notice shall be filed with the Board and the Officer.

Section 155-14

Appeal by landlord for a hardship rental increase.

A. In the event that a landlord cannot meet his operating expenses or does not make a fair return on his investment, he may appeal to the Rent Leveling and Stabilization Board for a hardship rental increase. No landlord shall impose upon any tenant an increase in rent under this Article without first obtaining approval with the Board. It shall be within the discretion of the Board to fix the effective date of any approved rental increase to be at any reasonable time as determined by the Board. Prior to any such appeal to the Board, however, the landlord shall serve on each tenant a notice of appeal setting forth in detail the basis for said appeal, and said notice shall be served at least twenty (20) days before hearing thereon. In considering hardship applications, the Rent Control Board shall give due consideration to any and all relevant factors, including but not limited to the following.

- (1) Level and quality of service rendered by the landlord in maintaining and operating the building.
- (2) The presence or absence of reasonably efficient and economical management.
- (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, the fair market value of the property and the existing rentals at the time of the purchase 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 and whether the mortgage instrument was arrived at and executed in an arms-

length transaction. It is presumed that a prospective purchaser of real property in Hoboken shall be familiar with the terms of this chapter. It is not the intention of this chapter to permit a hardship rental increase when the landlord has not made a reasonably prudent investment.

- (4) Whether the operating expenses are reasonably incurred and the income statement is accurate. Operating expenses shall not include depreciation, amortization of debt service or capital expenditures but may include the interest debt service for allowable capital improvement surcharges subject to the Board's approval. Upon the Board's determination that the landlord made a reasonable 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. Said average annual payment of mortgage interest shall be arrived at 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 under the term of the mortgage. 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 refinance are invested in the property in which case the Board may allow an amount allocable to mortgage interest as an operating expense.

- B. The Board, in considering all of the above factors may grant an increase for hardship.

Section 155-15 Application for rental decrease by tenants.

When services, care or maintenance decline in any dwelling, any tenant may apply to the Rent Leveling and Stabilization Board for a decrease in rent. Said notice shall be served on landlord setting forth, in detail, the reason for such application. At least twenty (20) days shall elapse before a hearing thereon can be set.

Section 155-16 Determining officials.

- A. The Regulation Officer shall make all determinations regarding the eligibility of a newly constructed dwelling for an exemption as defined above.
- B. The Rent Regulation Officer shall make all determinations regarding the eligibility of a building completely vacant since January 1, 1984, for an exemption as defined above.
- C. The Rent Leveling and Stabilization Board shall make all determinations regarding the eligibility of a completely vacant and deteriorated building for an exemption as defined above.

Section 155-17

Consideration in making determinations.

In making these determinations, the Board shall proceed as follows:

- A. Review the registration proposal and supporting documentation within sixty (60) days, or as soon as practicable, of their submission to the Officer. Said proposal must assert that:
 - (1) The building is completely vacant and will have been completely vacant for at least six (6) months prior to the exemption granted under this Article and that said vacancy did not occur through unlawful means attributable to the applicant.
 - (2) The building is in a deteriorated condition and requires major reconstruction.
 - (3) The major reconstruction shall include, by way of example, the repair and improvement of the exterior walls; the reconstruction of the interior walls; all new systems for plumbing, heating and electric: new roof; new windows; sprinkler systems; enunciated panels and electric smoke alarms; all permits and approvals as required by the applicable codes.
- B. The Board shall, in its initial review, determine that the building is vacant and deteriorated and requires major reconstruction. It is the intention of this chapter that a building that is in good condition shall not be granted an exemption under this Article. If the building complies with the requirements of this Article, the Board shall issue a

preliminary approval to the applicants to proceed accordingly.

- C. Upon completion of the major reconstruction, the applicant shall submit a certificate of major reconstruction, indicating compliance with and performance of the proposal for which was issued a preliminary approval. The applicant shall also submit a certificate of vacancy, indicating that the building is and has been completely vacant for at least six (6) months and that said vacancy did not occur through unlawful means attributable to the applicant.
- D. Upon a determination that the applicant satisfies the requirements of this Article, the Board shall grant the exemption as the same is defined in § 155-2H.

ARTICLE III

Rent Leveling and Stabilization Board and Office

Section 155-18 Creation; compensation; terms; alternate members.

There is hereby created a Rent Leveling and Stabilization Board to administer this chapter under the direction and supervision of the Department of Administration of the City of Hoboken. The Board shall consist of seven (7) members appointed by the Mayor with the consent of the Municipal Council. Said members of said Leveling and Stabilization Board shall serve during the term of the Mayor appointing them and shall serve without compensation but shall be allowed reasonable expenses. A quorum for hearing shall consist of at least four (4) members (a majority) of the whole Board and shall be authorized to issue orders relating to the powers and functions of the Rent Leveling and Stabilization Board. Two (2) alternate members shall also be appointed by the Mayor with the consent of the Council.

Section 155-19 Rights and authority of Board.

The Rent Leveling and Stabilization Board is hereby granted and 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 the chapter, including but not limited to the following:

- A. To issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this chapter, which 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, provided that such rules are filed with the Municipal Clerk.
- B. To supply information and assistance to landlords and tenants to help them comply with the provision of this chapter.
- C. To hold hearings and adjudicate applications from landlord/tenants pursuant to this chapter.
- D. Said Board shall give both landlord and tenant reasonable opportunity to be heard before making any determination, with or without counsel. All determinations shall be in writing with copies to any parties of record.
- E. Both landlord and tenant may appeal the findings of the Board to a court of competent jurisdiction according to law.
- F. To issue subpoenas for the production of information which the Rent Control Board deems necessary and proper to determine the application.
- G. To require the production of books, records, tax returns, balance sheets, profit and loss statements and such other records as the Board may require and deem necessary for its determination.

Section 155-20 Fees for application and proceedings.

- A. The following fees shall apply to all applications or other proceedings of the Rent Leveling and Stabilization Board and Rent Regulation Officer:
 - (1) Capital improvement surcharge: seventy-five dollars (\$75.).
 - (2) Completely vacant and deteriorated buildings: seventy-five dollars (\$75.).

- (3) (Reserved)²¹
- (4) All requests for updating legal base rents; applications contesting imposition of rent increases under Section 155-5 or applications for reduction in rent pursuant to Section 155-15 shall have a fee of ten dollars (\$10.) per unit. [Amended 10-19-2005 by Ord. No. DR-208]
- (5) Registration and reregistration of dwellings: twenty-five dollars (\$25.) per building (§155-30). [Amended 3-16-1994 by Ord. No. R-37]
- (6) Inspection and/or issuance of certificates of substantial compliance by the office of the Construction Officer (per apartment unit): ten dollars (\$10.).
- (7) Building vacant since January 1, 1984: twenty dollars (\$20.).
- (8) Hardship increase application: fifty dollars (\$50.).
- (9) Appeal from Rent Regulation Officer to Board: twenty dollars (\$20.).

B. A single application may be filed for several apartments in the same building for which similar or substantially identical facts are involved. Fees shall be paid only by check or money order, payable to the City of Hoboken. No cash shall be accepted.

Section 155-21 Violations and penalties.

A violation of any provisions of this chapter, including but not limited to the filing with the Rent Leveling and Stabilization Board or Officer or any material misstatement of fact or determination by the Rent Control Board that a landlord has, by his wrongful actions of harassment or otherwise, caused dwelling unit to become vacant in order to have the unit become decontrolled pursuant to §§ 155-1, 155-16B and C and Article VII, the Rent Control Board shall rescind the decontrol, if the wrongful actions are attributable to the

²¹ Editor's Note Former Subsection A(3), dealing with vacancy control, added 12-21-1988 by Ord. No. P-27, was repealed 2-15-1989 by Ord. No. P-42.

landlord, and the violator shall be subject to a fine not to exceed three thousand dollars (\$3,000.) per dwelling unit.

Section 155-22 Enforcement authority.

The Rent Regulation Officer is hereby granted and shall have the right to exercise, in addition to other powers herein granted, all powers set forth under § 155-19, except the power to promulgate rules and regulations. Such powers include but are not limited to:

- A. At the request of either the Landlord or Tenant to calculate the legal base rent, and any applicable surcharge that can be charged for an unit subject to this ordinance. In making such calculations the Officer shall consider any and all reliable evidence of the actual rental and occupancy history of the subject unit, any and all vacancy decontrols that the Landlord would be entitled to pursuant to this Ordinance, and the current registration status of the subject property;
- B. Take any and all enforcement action to compel compliance with the requirement to file annual registration statements in accordance with this ordinance, including filing complaints and penalty proceedings in the Municipal Court;
- C. Keep and maintain records of the properties subject to this ordinance and provide access to such records in accordance with the Open Public Records Act.

Section 155-23 Determination appealable.

All determinations made by the Rent Regulation Officer are appealable to the Board. The burden of said appeal is on the appellant who must demonstrate that the Officer's determination was in error or arbitrary, capricious and unreasonable. Said appeal must be filed with the Board within twenty (20) days of the Rent Regulation Officer's decision.

ARTICLE IV

Maintenance of Standards

Section 155-24

Duty of landlord to maintain standards.

During the term of this chapter, the landlord shall maintain the same standards of service, maintenance, furniture furnishings and equipment on the housing space and dwelling as he provided or was required to do by law or lease at the date the lease was entered into.

Section 155-25

Rent control.

No landlord shall, after the effective date of this chapter, charge any rents in excess of what he was receiving from the effective date of this chapter; nor shall such landlord charge any rents in excess of what he was receiving on January ~~11, 1973, 1, 2007,~~ if such excess is in excess of the rental which is authorized by this chapter.

Section 155-26

Certificate of compliance to accompany applications for increase.

Any landlord seeking a regular increase in rent pursuant to § 155-5 of this chapter must include in the notice of said increase a certification signed by either the landlord or a qualified inspector within the Division of Health to the effect that the dwelling is in substantial compliance with the Hoboken Building Code, Hoboken Housing Code, the Hoboken Fire Prevention Code and Property Maintenance Code of the State of New Jersey. The landlord may not charge or collect such rental increase if he has failed to provide any such certification, and, in such instance, the tenant may refuse to pay such rental increase without Board proceedings, though the tenant may file the notice with the Board for information. If a notice of rental increase should be served without a certificate of substantial compliance, then that notice shall be invalid. The landlord may serve a second notice of rental increase containing a certificate of substantial compliance or a Landlord certification of compliance, and the rental increase shall be effective no earlier than the date of increase contained in said second notice. If the tenant is served with a certificate of substantial compliance, as part of a notice of increase, and he wishes to challenge the accuracy of that certificate, he may file a complaint with the Rent Leveling Board, and said increase shall be paid by the tenant during the pendency of case. If the Board should determine, at hearing regarding the accuracy of such a certificate, that the dwelling is not in substantial compliance with the aforesaid codes, then the Board may order that the rental increase be rescinded and order that

amounts previously paid towards said increase be withheld from future rent. [Amended 7-12-2000 by Ord. No. R-449]

Section 155-27

Capital improvement or hardship increase. [Amended 4-19-1995 by Ord No. R-122; 7-12-2000 by Ord. No. R-449]

Any landlord who seeks a capital improvement or hardship increase from the Board, pursuant to § 155-8 through 155-13 or 155-14, must file with his application a certification from a qualified inspector within the Division of Health to the effect that the building and grounds are in substantial compliance with the aforesaid codes, which certification shall be based on an application made by the landlord not more than one (1) month before the filing of his application with the Board's Division Chief of the Office of Rent Leveling and Stabilization. No such increase may be granted until said certification has been filed. If a tenant contests the accuracy of said certification, he may file a complaint with the Board. If the Board determines that the certification is not accurate, then the Board may deny the application and rescind any increase granted thereunder. If the landlord fails to file a certificate of substantial compliance with his application for hardship or capital improvement increase, but he later does so, then the Board may process the application, but any increase granted by this Board shall be retroactive to the date of the certificate.

Section 155-28

Determination of compliance.

Whenever there is an issue as to whether or not a landlord is in substantial compliance, that issue shall be determined by the Rent Leveling Board after hearing based on the evidence adduced at hearing. At that hearing, any certification or inspection a qualified inspector within the Division of Health regarding substantial compliance shall be evidential but shall not be determinative. [Amended 7-12-2000 by Ord. No. R-449]

ARTICLE V

Construction

Section 155-29

Construal provisions.

This chapter, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effectuate the purposes thereof as set forth in its preamble.

ARTICLE VI

Registration Requirements

Section 155-30 Registration statement; fee. [Amended 3-16-1994 by Ord. No. R-37; 10-18-1995 by Ord. No. R-153]

- A. All dwellings which are subject to the provisions of this chapter shall file, within sixty (60) days of the final adoption of this section, a registration statement and a filing fee of fifty- dollars (\$50) per building plus twenty-five dollars (\$25.) per unit with the Division of Rent Leveling and Stabilization. This registration statement shall include the following information to be provided on a form provided by the Division of Rent Leveling and Stabilization; the name of each tenant ~~and~~currently occupying the apartment; apartment number; the number of rooms for each apartment; the ~~current~~actual base rent being charged for each apartment; ~~the amount of the last increase for each apartment unit; the date of the last increase for each apartment unit;~~ the date of lease expiration for each apartment unit; if applicable, services provided to the building and telephone number; the address of the owner of the building and his or her telephone number; and the superintendent's name, address and phone number, if applicable. This statement must be maintained on a yearly basis by filing with the Division of Rent Leveling and Stabilization, with a filing fee of fifty- dollars (\$50) per building plus twenty-five dollars (\$25.) ~~as set forth under § 155-20, an annual registration statement on October 1, 1985, and each anniversary date thereafter~~per unit. Failure to register or reregister or false registrations shall be punishable by a fine pursuant to § 155-21. A copy of the annual registration statement shall be presented to any tenant upon demand.
- B. For the purpose of disclosure, the registration statement shall be considered a public document which shall be made available for inspection pursuant to reasonable regulations established by the Division of Rent Leveling and Stabilization.

- C. A violation of any provision of § 155-20A(1) through (9) inclusive shall be subject to a penalty of ~~five hundred~~two thousand dollars (~~\$500-2000.~~).

ARTICLE VII

Vacancy Decontrol

Section 155-31

Dwelling decontrolled and exempted.

~~Provided that a dwelling is registered in accordance with § 155-30 upon~~Upon the vacation of a residential apartment unit by ~~at~~the tenant(s) in possession as of the effective date, the apartment unit shall become automatically decontrolled and ~~exempt from the provisions of this chapter for the new tenant's initial rental;~~ provided, however, that said rental shall be limited to an increase of twenty five percent (25%) over the last rental paid by the tenant who voluntarily vacated the rental unit, exclusive of any capital improvement surcharge that is a component of said last rental. ~~However, any~~the base rent to be charged shall be subject to negotiation between the Landlord and new Tenant. Any additional rental increase beyond the initial rental of the new tenant shall be subject to the provisions of this chapter. For the purpose of any computations under this chapter, the initial base rent charged to the new tenant under this section shall be considered the base rent.

Section 155-32

Circumstances entitling decontrol.

The landlord shall be entitled to decontrol the apartment unit under this Article, only under the following circumstances:

- A. If the tenant vacates the apartment voluntarily without harassment, duress or unreasonable pressure from the landlord or his agents or if the tenant is legally evicted.
- B. The tenant vacates the apartment as a result of a court order from a court of competent jurisdiction. This ground shall not be available to a landlord who receives a court order to dispossess a tenant based upon the tenant holding over and continuing in possession of the premises after the expiration of his term. Whenever there is an issue as to the circumstances under which a tenant has vacated an apartment unit, that issue shall be determined by the Rent Control Board after a hearing. If the Board finds that a landlord is seeking to decontrol or has decontrolled an

apartment unit and the tenant has vacated the unit under circumstances other than those set forth in this section, the Rent Board may rescind the decontrol of the apartment unit, and the rent shall revert to that rental on the apartment unit prior to the vacation of the apartment; and prosecute the landlord for violation of the chapter under § 155-21. In the event of subsequent violations of this section by the same Landlord the Board may suspend the right of the Landlord to vacancy decontrol increases in their rental units for a period of up to two years.

Section 155-33 Filing of certificate for decontrolled units.

When any apartment unit is decontrolled under this Article, the landlord shall file a ~~certificate~~certification, provided by the Rent Leveling Board, indicating ~~that~~that the vacating tenant left the premises voluntarily or pursuant to a court order of possession, and providing the Rent Leveling Board with the name of the vacating tenant, the existing rental, the circumstances under which the tenant vacated the apartment unit, the name of the new tenant, the new rental and the effective date of the new rental. This certification must be filed within 30 days of the landlords' receipt of any rental amount paid by the new tenant. In the event that the Landlord fails to file this certification, the Landlord shall be subject to a penalty of two thousand dollars (\$2000) in an action filed by the Rent Regulation Officer in the Municipal Court. In addition to the penalty imposed by the Municipal Court the Landlord must forthwith supply the certification required by this section in order for the decontrolled rent to be approved as the legal rent for the unit.

Section 155-34 Number of times for dwelling units to be decontrolled limited.

No dwelling unit shall be decontrolled pursuant to this Article more than once in any three-year period.²³⁴

² Editor's Note: Former § 155-35, Vacancy decontrol, added 12-21-1988 by Ord. No. P.27, was repealed 2-15-1989 by Ord. No. P-42.

³ Editor's Note: Former § 155-35, Vacancy decontrol, added 12-21-1988 by Ord. No. P.27, was repealed 2-15-1989 by Ord. No. P-42.

⁴³ Editor's Note: Former Art. VIII, Condominiums and Family Owner Occupied Residential Units, added 9-7-1994 by Ord. No. R.65, which consisted of § § 155-35 through 155-36, was repealed 12-7-1994 by Ord. No. R.91.

Regulation 10:54(A)

01 - The Rent Board Administrator shall have the jurisdiction to calculate legal rents. A tenant may request a legal rent calculation when the tenant's rent is believed to be in excess of the legal rent as established pursuant to the ordinance Section 1.8:56(B). The tenant shall provide the Administrator with a statement explaining the reason for the calculation request and shall supply any supporting materials deemed necessary to the resolution of the matter. Likewise, a landlord may request a legal rent calculation where it has insufficient information upon which to establish the legal rent for one of its rental units.

02 - Subsequent to receipt of the tenant's request for a legal rent calculation, the Rent Board Administrator shall serve upon the landlord, by registered or certified mail, return receipt requested, a notice of the application for a rent calculation. An additional copy of such notice shall be sent to the landlord through the regular mail. The landlord shall have thirty (30) days from service of the said notice to supply whatever information it deems necessary to support the rent billing charged to the tenant. After receipt of the landlord's information, or after the time for supplying same has expired, the Rent Board Administrator shall make a determination of the legal rent. If, however, the Rent Board Administrator concludes that the information supplied requires a hearing or either the landlord or tenant request a hearing and demonstrates a need for same, then a hearing shall be promptly scheduled at the Rent Control Office to be conducted by the Rent Board Administrator. After the hearing, the Rent Board Administrator shall make a determination of the legal rent and provide a written statement of any findings of or conclusions of law with respect to same. If circumstances so require, this initial hearing may be conducted by the Rent Leveling and Stabilization Board.

Adopted: November 11, 1987

Regulation 18:54(H) - 01 -

If the conditions exist which constitute the deterioration of services, care or maintenance (the "services") at the time of the tenant's application for a rent reduction pursuant to 18:54(H), or if said conditions existed within sixty days of filing the application, then the Rent Leveling and Stabilization Board (the "Board") shall determine the value of deteriorated services for the period commencing no earlier than one year prior to the filing of the application and continuing until the date of the Board's determination, and reduce the tenant's rent in an amount equal to this value over a period of rental payments the Board determines appropriate. If the deteriorated services continue to exist at the time of the Board's determination, the Board may, in addition to the above, set an amount future rental payments are to be reduced until the landlord demonstrates to the Rent Regulation Officer that the deteriorated services have been corrected. Action taken by the Rent Regulation Officer pursuant to this Regulation shall be appealable to the Board.

Regulation 10:55 (1)-01

With respect to any application filed for a Capital Improvement Surcharge, or a Hardship Increase, the landlord shall file with the Rent Board Administrator, ten (10) copies of the completed application; along with ten (10) copies of any and all underlying documentation submitted in support of said application. The application shall be submitted in a form and manner approved by the Rent Board Administrator, and, shall ensure that the application is submitted in a manner to the Board; which enables the Board to quickly and efficiently locate the underlying data submitted in support of the application. This regulation shall take effect thirty days from the date of adoption.

Regulation 18:55(1)

03 The Rent Board Administrator's notice of determination shall indicate therein that they have ten (10); days from the date of the notice to request a rehearing and indicate in their application for rehearing, the basis for the application and specify what information they want to submit to the. Rent Board Administrator, that was not considered in her original determination. Such request for rehearing shall be on notice to the other party.

04 Any appeal from the determination of the Rent Leveling Officer on a legal rent calculation to the Board, shall include an original and nine (9) copies of the following:

(1) all documents submitted to the Rent Regulation Officer;

(2) a statement of reasons as to the basis for their appeal:

(3) a copy of the transcript of any hearing before the Rent Regulation Officer;

(4) Copies of Rent Regulation Officer's determination;

(5) A copy of this Notice of Appeal and all underlying documentation shall be sent to the other party(s) by the appealing party;

AND;

Any other documentation which appellant will rely on at the hearing;

AND;

Appellant has thirty (30) days from the date of the Request for Appeal to comply or Appeal will be dismissed for lack of prosecution.

Regulation 18:61 (E)
to Multiple

Vacancy Decontrol as

Tenants; Original

Tenant Designation

01- For purposes of establishing a vacancy decontrol for an apartment unit in accordance with Section 18:61 of the Rent Leveling and Stabilization ordinance, a landlord who rents a residential apartment unit to multiple tenants may designate an original tenant category which shall consist of all the members of the original group of tenants to which the unit is rented.

02 - The designation under this regulation shall stipulate that a vacancy will be deemed to have occurred at the time that the last original tenant vacates the apartment unit and that the landlord will be fully entitled at such time to obtain whatever vacancy decontrol relief is available under the Ordinance in the same manner as if the unit had become completely vacant of all tenants. At such time, the tenants then in possession may be designated as original tenants as set forth herein.

03 - The designation under this regulation shall be signed by the landlord and the original tenants and a copy thereof shall be filed with the Rent Leveling Office within 30 days of the commencement of the tenancy. In the event that the tenants fail or refuse to sign the designation, the landlord may nevertheless sign and file same along with proof of service on each and all of the tenants in the unit. The designation shall set forth the names of the original tenants and the date of the designation along with a statement that for purposes of vacancy decontrol, a vacancy shall be declared to exist upon the last original tenant vacating the dwelling unit. The date of the vacancy shall be determined by the vacation of the last original tenant. It shall likewise state that the original tenants in possession or occupancy of the unit at the time of the designation.

04 In the event a written agreement exists which substantially contains the information specified above, and which has been entered into prior to the effective date of this regulation, then provided that this agreement is submitted by the landlord to the Rent Leveling Office upon a request for vacancy decontrol, it shall be given the same force and effect as a designation under this regulation even though the written agreement had not been filed within 30 days of the commencement of the tenancy.

Regulation No 7

Procedure Regarding Request for Adjournment

In order to have the prompt and efficient administration of pending matters before the Rent Board and to provide due notice to all parties in interest, the following procedure shall be followed by the Rent Leveling Officer with respect to request for adjournment which have been scheduled for hearing before the Rent Control Board..

1. No request for an adjournment shall be granted unless requested at least 72 hours in advance of the hearing, the party must appear before the Board to request the adjournment and the party requesting the adjournment shall notify the opposing party of their intent to seek this adjournment.

If the request for an adjournment is requested at least 72 hours in advance of the hearing and the party requesting same receives a consent of the opponent to said application to this request, the Rent Board Secretary shall grant the request for the adjournment. In the event the party cannot obtain the consent of the opponent to said request, the party shall appear before the Board to request said adjournment, which request shall be heard at the commencement of the meeting. This procedure shall only apply to applications for adjournments for the first time the matter is listed for hearing before the Rent Board. Any subsequent requests for adjournment shall not be granted by the Rent Leveling Officer unless extreme hardship and/or emergency is demonstrated to the Rent Leveling Officer.

In no event shall the Rent Leveling Officer grant more than three adjournments.

Adopted October 25, 1989

Reg. 18:63

Resolution establishing one or more Regulations

Hoboken Rent Leveling & Stabilization Board

WHEREAS the Hoboken Rent Leveling & Stabilization Board is permitted under Chapter 155 of the Hoboken code to issue regulations from time to time, and

WHEREAS the Hoboken Rent Leveling & Stabilization Board recently found itself in need of being able to respond to the Superior Court of the State of New Jersey between meetings, and

WHEREAS there are other reasons why the Board from time to time needs to act between meetings, and

WHEREAS the Hoboken Rent Leveling & Stabilization Board wishes to be able to do so consistent with the Open Public Meetings Act and other applicable statutes and regulations, and

WHEREAS § 155-19. Gives the Hoboken Rent Leveling & Stabilization Board all powers necessary and appropriate, including the power to issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this chapter, which 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, provided that such rules are filed with the Municipal Clerk;

NOW THEREFORE the Board resolves to promulgate the following Rules and Regulations, and directs that the administrator file them with the Municipal Clerk.

A. Voting outside of board meetings.

1.(A) The administrator may submit minutes of the board prepared either by (a) the board attorney or (b) the administrator or NI the secretary to the board if there be one for approval to the Board.

(B) Such minutes shall be sent to the board by e-mail or regular mail or in-hand service after which the board members shall have three working days to respond with corrections. The corrected minutes shall be re-circulated in like manner, and, if directed by the Chair, board members shall then have two working days to vote in favor of the minutes or against them; those voting in the negative shall state the reason therefore. Such minutes shall be deemed adopted if a majority of the board who attended the meeting or listened to it on tape (and so state in their response) that they approve the minutes.

(C) At the next meeting of the Board such action shall be ratified in open session.

2. Any action required or permitted at a meeting of the HOBOKEN RENT LEVELING & STABILIZATION BOARD shall be made by a majority vote of the attending quorum. Any action required to be taken in electronic format shall be accomplished by a majority Board vote. Any vote of the Board shall be considered an act of the Board and duly noted by the Secretary.

3. Meetings of the Board shall be conducted according to Robert's Rules of Order, excepting as herein provided in these rules. The attorney to the board shall be its Parliamentarian.

4. Whenever any notice is required to be given to any Board member, a waiver thereof (via mail or electronic means) signed by the Board member entitled to such notice, whether before or after the meeting to which the waiver pertains, shall be deemed equivalent thereto.

5. (i) The Board shall have the power to vote by mail or electronic means ("mail vote") when requested to do so by the (a) Administrator, (b) counsel to the board, (c) Chairman, or Denies each and every allegation contained in paragraphs) any two members of the board so advising the Administrator in writing.

(ii) The Chairman, the administrator, and the counsel shall have the ability to prepare motions to be sent to the Board by mail without need of a maker of the notion, or a second, and each such person may send such motion to the Board provided that it is sent by first class mail, postage prepaid, to all board members; or e-mail, or by overnight delivery service or same day delivery service or other in-hand delivery, or by facsimile transmission to the telephone number designated by the Board member for such purpose.

(iii) A quorum shall not be required for a vote not made at a regular meeting of the Board, however lot vote to be approved, it shall be approved by a majority of the members of the Board, not those who respond.

(iv) No proposal shall be submitted to the Board for mail vote unless (1) the proposal is in writing, (2) the proponents of the motion, if a member of the Board, are identified, and if by the Administrator or the Counsel, it is so stated, and (3) the rationale for the proposal is explained in sufficient detail for the members of the board to understand the nature of the request.

(v) Voting on any such proposal maybe done by returning the ballot (1) by United States mail in a postage pro-paid

envelope; (2) by overnight delivery service or same-day delivery service or other in-hand delivery, or (3) by facsimile transmission to the Administrator, or (4) by email to the Administrator

(vi) On any mail vote, signatures shall be read cumulatively, and a facsimile signature shall count as an original. A copy of all such ballots shall be retained by the Administrator in accordance with Municipal policy.

(vii) Upon receipt of the vote of the members of the Board the Administrator shall (1) notify the Board that such mail vote has passed; (2) place the nature and contents of the mail vote on the agenda for the next in person meeting of the Board, (3) place a true copy of the Resolution in the minutes of the Hoboken Rent Leveling & Stabilization Board and (4) undertake with dispatch the terms of the Resolution.

6. Notice that a mail vote is taking place shall be provided to the public, and the media, as the Corporation Counsel shall determine from time to time.

7. Meetings of the Hoboken Rent Leveling & Stabilization Board may be conducted by telephone, at the direction of the Chairman or any two members of the Board, upon advance notice to all members of the Board as to the time thereof. Such notice will be given at least twelve (12) hours prior to such telephone meeting (unless such time is reduced with the advance approval of three (3) members of the Board) and may be given by telephone, e-mail, mailgram, facsimile transmission or other expeditious means. Administrator shall endeavor to establish a time in which all Board members will be available for said meeting, and if after Administrator's consultation with the Board members it appears that any Board member(s) will not be available at such time, said meeting will be conducted in the absence of such Board member(s).

8. Notice of such telephone meeting shall be given to the public and the media as the Open Public Meetings Act may require, and members of the public shall be entitled to listen to, but not participate in, the conversation.

9. An affirmative vote of the majority of the Board members voting shall be required for all resolutions adopted by telephone vote. No subsequent confirmation by the Board shall be required for any such telephone vote, provided, however, that at the first subsequent meeting of the Board Administrator shall present to the members of the Board, for their edification and information, a copy of the written text of each such resolution passed by such telephone vote.

10. A Board meeting may be conducted or participated in by teleconferencing (voice and/or video) and/or on-line services (Internet, America-on-Line, commercial service, and others) with the same force and effect, and subject to the same requirements, as a telephone vote, provided notice is given and the public has a right to fully participate, and, in the case of a hearing, the Chairman approves. The Chairman may set reasonable terms and conditions for such approval.

11. It shall be the policy of the Association that the Hoboken Rent Leveling & Stabilization Board meetings, other than mail and telephone votes, be conducted in full open session, except for deliberations and/or votes involving legal opinions or contractual matters that merit confidentiality may allow for a closed-session resolution in accordance with the Open Public Meeting Act. Prior to ending an open session for the purpose of going into a closed, executive session, there shall be a vote to that effect by a majority of the quorum present. At the conclusion, the matter shall either go to an open session (resumed) or to adjourn.

12. The board attorney shall take minutes of any telephonic meeting which the board shall approve in the usual fashion.

13. It is not the intention of the Hoboken Rent Leveling & Stabilization Board to conduct public hearings on pending matters other than in a traditional manner, absent exceptionally exigent circumstances, which the Board by majority must find before authorizing same to proceed.

14. At the conclusion of any telephonic meeting or on-line meeting, the Board attorney may be asked to prepare simple resolutions to reflect the actions of the Board which the board may then consider for approval or disapproval with recommended CHANGES.

Approved by Board - 6/14/06

Submitted to City Clerk - 6/19/06

Reg. 18:65

Filing of Certificate for Decontrolled Units

A Landlord of any dwelling subject to the provisions of this chapter may file a Certificate pursuant to Section 155-33 for any year where the landlord legally owned the dwelling, provided the Certificate is filed no later than the later of either one (1) year from when the vacancy occurred or one (1) year from when the apartment was first rented to a replacement Tenant after a vacancy, and the dwelling must have been registered at the time of the filing to comply with Section 155-31. Such filing shall be considered timely under Article VII of this Chapter and may be utilized in any legal rent determination conducted by the Rent Control Office and the Rent Leveling and Stabilization Board, provided said Certificate is filed prior to a request for a legal rent calculation.

A Landlord may not file a Certificate pursuant to Section 155-33 for any year where the Landlord was not the legal owner of the dwelling. Any such filing shall be rejected by the Rent Control Office as untimely and may not be utilized in any legal rent determination conducted by the Rent Control Office and the Rent Leveling and Stabilization Board.

Approval by the Board: 4/22/09

Submitted to City Clerk: 4/23/09

Regulation 18:62
Coop Units

Decontrol of Condominium and/or

01- In order to address condominium and/or coop ownership of a dwelling unit and for the purpose of establishing the requirements to decontrol these units the following procedure shall be followed by the Rent Control Board:

02 - The condominium and/or coop unit must be registered in accordance with 155-30 of the Municipal Ordinance.

03 - The dwelling unit must have been personally occupied by the owner of record for a period of net less than one (1) year and then vacated.

04 - The unit shall be then decontrolled and exempt from the provisions of this Chapter for the new tenants initial rental.

05 - Additional increases beyond the initial rental of the new tenant shall be subject to the provisions of this Chapter.

06 For the purpose of any computation under this chapter the initial rent charged to the new tenant under this section shall be considered the base rent.

Approved and adopted: 1/8/97

Regulation No. 7

Procedure Regarding Request for Adjournment

In order to have the prompt and efficient administration of pending matters before the Rent Board and to provide due notice to all parties in interest, the following procedure shall be followed by the Rent Leveling Officer with respect to request for adjournment which have been scheduled for hearing before the Rent Control Board.

1. No request for an adjournment shall be granted unless requested at least 72 hours in advance of the hearing, the party must appear before the Board to request the adjournment and the party requesting the adjournment shall notify the opposing party of their intent to seek this adjournment.

If the request for an adjournment is requested at least 72 hours in advance of the hearing and the party requesting same receives a consent of the opponent to said application to this request, the Rent Board Secretary shall grant the request for the adjournment. In the event the party cannot obtain the consent of the opponent to said request, the party shall appear before the Board to request said adjournment, which request shall be heard at the commencement of the meeting. This procedure shall only apply to applications for adjournments for the first time the matter is listed for hearing before the Rent Board. Any subsequent requests for adjournment shall not be granted by the Rent Leveling Officer unless extreme hardship and/or emergency is demonstrated to the Rent Leveling Officer.

In no event shall the Rent Leveling Officer grant more than three adjournments.

Adopted October 25, 1989

Reg. 18:63

Resolution establishing one or more Regulations

Hoboken Rent Leveling & Stabilization Board

WHEREAS the Hoboken Rent Leveling & Stabilization Board is permitted under Chapter 155 of the Hoboken code to issue regulations from time to time, and

WHEREAS the Hoboken Rent Leveling & Stabilization Board recently found itself in need of being able to respond to the Superior Court of the State of New Jersey between meetings, and

WHEREAS there are other reasons why the Board from time to time needs to act between meetings, and

WHEREAS the Hoboken Rent Leveling & Stabilization Board wishes to be able to do so consistent with the Open Public Meetings Act and other applicable statutes and regulations, and

WHEREAS 155-19. Gives the Hoboken Rent Leveling & Stabilization Board all powers necessary and appropriate, including the power to issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this chapter, which 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, provided that such rules are filed with the Municipal Clerk;

NOW THEREFORE the Board resolves to promulgate the following Rules and Regulations, and directs that the administrator file them with the Municipal Clerk

A. Voting outside of board meetings.

1.(A) The administrator may submit minutes of the board prepared either by (a) the board attorney or (b) the administrator or [c] the secretary to the board if there be one for approval to the Board.

(B) Such minutes shall be sent to the board by e-mail or regular mail or in-hand service after which the board members shall have three working days to respond with corrections. The corrected minutes shall be re-circulated in like manner, and, if directed by the Chair, board members shall then have two working days to vote in favor of the minutes or against them; those voting in the negative shall state the reason therefore. Such minutes shall be deemed adopted if a majority of the board who attended the meeting or listened to it on tape (and so state in their response) that they approve the minutes.

(C) At the next meeting of the Board such action shall be ratified in open session.

2. Any action required or permitted at a meeting of the HOBOKEN RENT LEVELING & STABILIZATION BOARD shall be made by a majority vote of the attending quorum. Any action required to be taken in electronic format shall be accomplished by a majority Board vote. Any vote of the Board shall be considered an act of the Board and duly noted by the Secretary

3. Meetings of the Board shall be conducted according to Robert's Rules of Order, excepting as herein provided in these rules. The attorney to the board shall be its Parliamentarian.

15533

Reg. 18:67

Timing Requirements of Vacancy Decontrol Certificates

A vacancy decontrol certificate filed by a landlord after a tenant requests a legal rent calculation may not be utilized for the purposes of conducting a future rent calculation. Any such vacancy decontrol certificate submitted by a landlord shall be considered untimely in violation of Regulation 18:66, and may not be used to calculate the legal rent of dwelling.

In the event a tenant vacates after a vacancy decontrol certificate was rejected for the reasons described in the preceding paragraph, a landlord may, properly file a vacancy decontrol certificate relating to the departure of that tenant, provided said certificate is filed within six A years of the departure and is otherwise in compliance with the provisions of this Chapter.

Approved by the Board 3/26/08

Submitted to City Clerk 4/3/08

Pg. 15536

Document comparison done by Workshare DeltaView on Monday, February 08, 2010 4:41:27 PM

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Legend:	
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Statistics:	
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Deletions	39
Moved from	0
Moved to	0
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Format changed	0
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