

Township of Bloomfield, NJ
Tuesday, September 16, 2014

Chapter 435. RENT CONTROL

[HISTORY: Adopted by the Bloomfield Council 8-19-1985^[1] (Ch. 208 of the 1987 Code).
Amendments noted where applicable.]

GENERAL REFERENCES

Housing standards — See Ch. 307.

Property maintenance — See Ch. 423.

[1]: *Editor's Note: This ordinance was reenacted by an ordinance adopted 10-1-1991, Section 2 of which read as follows:*

"This ordinance is to take effect on adoption and shall remain in full force and effect until the first Public Meeting of the Mayor and Township Council in the month of October 1994, at which time said ordinance shall be reviewed and considered by the governing body and if not extended shall terminate, except, however, Chapter 206-2B (§ 206-2B) herein incorporated by reference, shall be reviewed annually as provided therein."

§ 435-1. Definitions.

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

AVAILABLE FOR RENT TO TENANTS

Fit for habitation, as defined by the statutes, codes and ordinances in full force and effect in the State of New Jersey, County of Essex and Township of Bloomfield, and occupied or unoccupied and offered for rent.

CAPITAL IMPROVEMENT

[Added 11-3-1986]

- A. A service or improvement to property which provides an additional benefit to tenants not previously accorded them and which changes their housing accommodations in a major way.
- B. Not a service or improvement that is required by law or lease.
- C. Not a repair, rehabilitation or a replacement.
- D. In the event that a capital improvement surcharge is granted, the amount shall be paid over the actual life of the capital improvement without regard to income tax codes or artificial schedules of depreciation or useful life for tax

purposes. The burden shall be on the landlord to provide the Rent Control Board with reliable evidence concerning the actual life of the capital improvement, which evidence may be rebutted by the tenants.

DWELLING

Includes any building or structure or trailer or land used as a trailer park, rented or offered for rent to one or more tenants or family units. Exempt from this chapter are motels, hotels and similar-type buildings. Residential structures containing four dwelling units or less are also exempt from the provisions of this chapter. However, this exemption shall not apply to residential structures containing four dwelling units or less in garden apartment complexes. Housing units newly constructed and rented for the first time are exempt, and the initial rent may be determined by the landlord. All subsequent rents will be subject to the provisions of this chapter.

HOUSING SPACE

Includes that portion of a dwelling rented or offered for rent for living and dwelling purposes to one individual or family unit, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the property. Housing space shall also mean and include a garage or carport or parking space, which garage or carport or parking space is included in the agreement for the rental of housing space.

§ 435-2. Applicability; increases; annual review.

- A. Establishment of rents between a landlord and a tenant to whom this chapter is applicable shall hereafter be determined by the provisions of this chapter.
- B. At the expiration of a lease of a periodic tenant or on the anniversary date of a month-to-month tenant, no landlord may request or receive a percentage increase in rent in excess of the yearly increase in the consumer price index (CPI) for the New York Metropolitan Area as calculated 60 days immediately preceding the expiration of the tenancy. Under no circumstances shall a landlord request or receive a percentage increase in rent greater than 3 1/2% of the base rent at the expiration of a lease of a periodic tenant or on the anniversary date of a month-to-month tenant.
[Amended 10-1-1991; 10-20-1992; 10-3-1994; 12-19-1994]
- C. Rental increases may only be given once within a twelve-month period, either on the renewal of the lease or on the anniversary date of a month-to-month tenancy.
- D. The provisions hereinabove of this section shall be reviewed by the Mayor and Township Council of the Township of Bloomfield at such time that the yearly increase in the consumer price index (CPI) for the New York Metropolitan Area, as calculated 60 days immediately preceding the expiration of the tenancy, exceeds 7% or until or unless further action is taken thereon by the Mayor and Township Council.

[Amended 11-3-1986; 10-3-1994; 12-19-1994]

§ 435-3. Garages or rental parking spaces.

All garages or rental parking spaces rented by a tenant, within said tenant's building or complex, shall come under the provisions of this chapter. Garages or parking spaces that are included as part of the original rental agreement shall not be separated until said apartment or garage or rental space has been vacated.

§ 435-4. Certain rent increases to be null and void.

- A. Any rental increase of a time other than at the expiration of a lease or termination of a periodic lease shall be void.
- B. In the event that a rent increase exceeds that authorized by the provisions of this chapter, the excess of the increase shall be null and void. The increase that conforms to this chapter shall be allowed.

§ 435-5. Vacancy of rent-controlled premises.

[Amended 10-3-1994]

Upon the vacancy of an apartment by a tenant, said apartment shall be forever decontrolled; that is to say that the rent for that apartment is decontrolled and no longer subject to the rental constraints of this chapter. Upon the reletting of that apartment, the landlord may charge a rental which is not subject to the limitations of the chapter.

§ 435-6. Notice to tenants of proposed increase.

Any landlord seeking an increase in rent shall notify the tenant of the calculation involved in computing the increase. Such notice shall be on forms provided and approved by the Rent Leveling Board of the Township of Bloomfield.

§ 435-7. Rent register.

[Added 3-21-1988]

- A. As of July 1 of each calendar year, each landlord subject to this chapter, except as hereinafter provided, shall file with the Rent Leveling Board a rent register. The rent register shall contain the following information:
 - (1) The apartment designation.
 - (2) The name of the tenant, if any.

- (3) The current rental.
 - (4) The tenant's anniversary date, either by lease or by month, if a periodic tenancy exists.
- B. Residential structures containing nine dwelling units or fewer are exempt from the provisions of this section. However, this exemption shall not apply to residential structures in garden apartment complexes.

§ 435-8. Effect of previous legislation; tax surcharges.

Any tax surcharge for which tenants are presently liable under previous rent-leveling ordinances of the Township shall, upon the effective date of this chapter,^[1] remain and stay as part of the base rent of such tenant. Any increases allowed by this chapter shall be computed on the base rent and surcharge. There shall be no surcharge permitted to be levied by a landlord against a tenant subsequent to the effective date of this chapter.

[1]: *Editor's Note: This chapter became effective 8-24-1965.*

§ 435-9. Tax appeal; notice of rent reduction.

In the event that a landlord perfects a successful tax appeal, the tenant shall receive 75% of all reductions as applied pro rata to the tenant's living space so leased, after deducting all reasonable expenses incurred by the landlord in perfecting the tax appeal. The landlord shall file with the Rent Leveling Board, within 30 days after such reduction in rent becomes effective or within 120 days of receipt of a judgment on a tax appeal favorable to the landlord, whichever occurs first, a statement certifying that said rent reduction has been granted to the tenants.

§ 435-10. Rent Leveling Board.

[Amended 12-18-2006 by Ord. No. 06-48]

- A. There is hereby created a Rent Leveling Board within the Township of Bloomfield.
- B. Said Board shall consist of three members.
- C. The members of said Board shall be appointed by the governing body, and their terms of office shall be for periods of three years each, with each member serving without compensation.
- D. The Rent Leveling Board is hereby granted and shall have and exercise, in addition to other powers therein granted, all powers necessary and appropriate to carry out and execute the purposes of this chapter, including but not limited to the following:

- (1) 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 Township Clerk.
 - (2) To supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter.
 - (3) To hold hearings and adjudicate application from landlords or tenants seeking to avail themselves of the provisions of this chapter. The Rent Leveling Board shall ~~give reasonable opportunity to be heard to both landlord and tenant before~~ making any determination. A clean record for review shall be made of all proceedings.
- E. The governing body shall appoint one alternate member of said Board. Their initial appointment shall be from the dates of appointment for periods of three years or, in the event of a vacancy, for the balance of the unexpired term of their predecessor. They shall serve with the same authority as the members thereof.

§ 435-11. Appeals from actions of Board.

- A. If any person shall be aggrieved by the action of the Rent Leveling Board, an appeal may be taken by such aggrieved person to any court of competent jurisdiction within 45 days after the action of the Rent Leveling Board.
- B. The action of the Rent Leveling Board shall be memorialized by resolution of the Rent Leveling Board and mailed to the landlord and affected tenants within 21 days of said action. The time of appeal to any court of competent jurisdiction shall not begin to run until the mailing of said resolution.

[Added 11-3-1986]

§ 435-12. Hardship rent increases; capital improvement increases; hearings.

- A. Hardship increases.
 - (1) In the event that a landlord's fixed and operating expenses are such that he is being denied or deprived of a just and reasonable return on his investment, he may appeal to the Rent Leveling Board for increased rental. The Board, on credible proof, may grant the landlord a hardship rent increase.
 - (2)

In determining the inability of the landlord to earn a just and reasonable return on his investment, the Rent Leveling Board shall consider all factors it deems relevant, in addition to the following:

- (a) The total assessed value of land and buildings.
 - (b) The minimum rate of return which would be just and reasonable for the property.
 - (c) The gross income of the landlord from the property.
 - (d) The total expense of operating the property.
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- (e) The net return from the property.
 - (f) The difference between the net return in Subsection A(2)(e) above and the minimum return which would be just and reasonable.
 - (g) Application, records and documents requested by it.
 - (h) The value of the property.
 - (i) Such other factors which the Board, through its experience, shall determine to affect the rate of return.
- B. Major capital improvement or major addition in service increase.
- (1) A landlord may seek additional rental for a major capital improvement or a major addition in service.
 - (2) The landlord seeking a major capital improvement or a major addition in service shall appeal to the Rent Leveling Board, which shall determine if said improvement is a major improvement and, if so, shall permit such increases to take place, and the Board may determine an increase other than that sought by the landlord.
- C. Notice of hearing.
- (1) Prior to a hearing on an application of a landlord, the landlord must give notice to all tenants. Such notice shall be given by serving a copy thereof on the tenant or a member of the tenant's household above 14 years of age or by mailing a copy thereof by certified mail to the tenant. A return receipt is not required.
 - (2) The notice shall set forth the basis for said appeal and the date, time and place of the hearing.
 - (3)

Notices shall be given at least 10 days prior to the date fixed for the hearing, and the landlord shall file an affidavit of proof of service with the Board prior to the hearing.

- D. Before any hardship increase can be granted under this section, the landlord must demonstrate to the Rent Leveling Board that the building is in substantial compliance with the Property Maintenance Code of the Township of Bloomfield.^[1]

[1]: *Editor's Note: See Ch. 423, Property Maintenance.*

- E. Before any increases are granted under this section, all outstanding moneys due for water, sewer and taxes to the Township of Bloomfield must be current.

[Added 11-3-1986]

§ 435-13. Fees.

[Added 11-3-1986]

- A. At or before the filing by a landlord for a capital improvement increase, a major addition in service increase or a hardship increase, the landlord shall pay to the Township Clerk a fee for said application or applications in the amount of \$50 for each separate application.
- B. Prior to processing any application for a capital improvement increase, major service increase or hardship increase, the Rent Leveling Board shall be furnished with proof of payment of said application fee.

§ 435-14. Maintenance of premises.

- A. During the term of this chapter, the landlord shall maintain the same standards of service, maintenance, furnishings, furniture or equipment in 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.
- B. An individual tenant or a class of tenants who is not receiving substantially the same standards of service, maintenance, furniture, furnishings or equipment may have the Rent Leveling Board determine the reasonable rental value of the housing unit or dwelling in view of this deficiency. The tenant or class of tenants shall pay the reasonable rental value as full payment for rent until the landlord proves that the deficiency has been corrected.
- C. Compliance with building, health or other code or ordinances.
[Amended 9-17-2002 by Ord. No. 02-30]

(1)

In the event that, upon the expiration of a lease or the anniversary of a month-to-month tenancy, a dwelling unit is not in substantial compliance with the building, health or other code or ordinances of the Township of Bloomfield, no increase shall be permitted to the landlord until such time as the dwelling unit is made substantially compliant.

- (2) A dwelling unit shall be deemed in substantial compliance if the housing space and dwelling are free from all heat, hot water, elevator and all health, safety and fire hazards as well as 90% qualitatively free of all violations of the building, health or other code or ordinances of the Township of Bloomfield.

~~D. A copy of this section, in its entirety, shall be posted by the landlord in a conspicuous location so that the tenants will be aware of the entire contents of this section.~~
[Added 11-3-1986]

§ 435-15. Authorization required for rent increases.

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 except for increases authorized by this chapter.^[1]

[1]: *Editor's Note: Former § 208-15, Premises being rented for first time, was repealed 10-3-1994.*

§ 435-16. Violations and penalties.

[Amended 11-2-1987]

A willful violation of any provision of this chapter, including but not limited to the willful filing with the Rent Leveling Board of any material misstatement of fact, may be punishable by a fine of not more than \$1,000 or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. A violation affecting more than one leasehold shall be considered a separate violation as to each leasehold.

§ 435-17. Construal of provisions.

This chapter, being necessary for the welfare of the Township of Bloomfield and its inhabitants, shall be liberally construed to effectuate the purposes thereof.

§ 435-18. Conversion from fuel oil to other energy source.

In the event that a landlord converts from fuel oil to any other energy source, the fuel oil surcharge provided for herein shall be disallowed commencing the first day of the first month following the conversion. Nothing contained herein shall be construed to disallow

any fuel oil surcharge lawfully collected or charged by a landlord for any month or months prior to the date of disallowance.

§ 435-19. Rental of vacant units.

[Added 12-19-1994]

- A. The owner of any dwelling unit, other than those exempted below, shall be subject to the provisions of this section. Those units exempted shall be:
- (1) Units in owner-occupied buildings.
 - (2) Units in newly constructed buildings which are being rented for the first time. After the first rental, such units will be subject to the provisions of this section.
 - (3) Units in a building whose owner has transmitted his first sixty-day notice of his intentions to convert the building into a condominium or cooperative and his full plan of conversion to the City Clerk, pursuant to N.J.S.A. 2A:18-61.8.
 - (4) Units in motels and hotels.
- B. All such units shall be rented and occupied by a new tenant within two months after the end of the preceding tenancy, which shall be defined as the last day of residence by the preceding tenant or tenants, except where this requirement has been waived by the Rent Leveling Board under the provisions of Subsection C below, in which event the unit shall be rented and occupied within the time period specified in the waiver.
- C. The owner of any such unit still vacant 30 days after the end of the preceding tenancy shall notify the Rent Leveling Board within five days, in writing, of said continuing vacancy. Said notification shall include the following information:
- (1) The address, and locale within the building, of the unit.
 - (2) The rent charged the preceding tenant and rent to be charged the proximate incoming tenant.
 - (3) The name, address and telephone number of the owner.
 - (4) The name, address and telephone number of the owner's agent and/or resident manager, if any.
- D. Within 30 days after submission of the report required under Subsection C above, the landlord shall notify the Rent Leveling Board that the unit has been rented and occupied, with the names of the new tenant or tenants and the terms of the tenancy. Failure to have the unit rented and occupied within 60 days after the end of the

preceding tenancy, except where a waiver has been granted by the Rent Leveling Board, shall be considered a violation of this section and subject to the penalties set forth in Subsection **G(1)** below.

E. Waiver.

- (1) A landlord may seek a waiver of the requirement to rent the unit within 60 days of the end of the preceding tenancy where the condition of the unit or other special circumstances make rental within such time period impossible. In order to obtain a waiver, the landlord shall apply, in writing, to the Rent Leveling Board within 30 days or less from the end of the preceding tenancy, setting forth with specificity:
 - (a) The reasons that the unit cannot be rented within such time period.
 - (b) The steps the landlord shall take to remedy the conditions that make it impossible to rent the unit.
 - (c) The date by which the unit shall be rented and occupied.
- (2) Full documentation, such as code violation reports, engineering or inspection reports, etc., shall be provided by the landlord. Any waiver granted by the Board under this section shall specify a date by which the unit shall be rented and occupied. The Board may extend that date upon written request of the landlord, but may not provide more than two such extensions of not more than 60 days each.
- (3) In no circumstances shall any waiver, including extension, exceed six months from the time of granting of such waiver.
- (4) The following circumstances shall constitute grounds for granting of a waiver by the Rent Leveling Board.
 - (a) An owner wishes to maintain a vacant unit in order to reserve said unit for a family member. The owner shall provide in the waiver request full documentation, such as the name of the future tenant and the date of occupancy.
 - (b) An owner wishes to maintain a vacant unit in order to improve the condition of said unit. The owner shall provide full documentation in the waiver request, such as up-to-date building and housing inspection reports, improvement plans, all related permits and the date by which the unit shall be rented and occupied.
 - (c) An owner maintains a vacant unit in order to correct code violations in said unit. The owner shall provide in the waiver request full documentation, such

as code violations reports, correction plans, permits and the date by which the unit shall be rented and occupied.

- F. Any individual affected by the action or inaction of an owner of a dwelling unit, subject to the provisions of this section, any civic organization and any appropriate municipal agency may file a complaint of violation of this section with the Bloomfield Municipal Court.
- G. Violations and penalties.
- (1) A first violation of Subsection **B** of this section or the conditions upon which a waiver has been granted by the Board shall be punishable by a fine of not more than \$500 for each unit in violation. Subsequent violations shall be punishable by a fine of not less than \$100 nor more than \$500. Each day during which an owner is in violation of Subsection **B** of this section or the conditions upon which a waiver has been granted shall constitute a separate violation hereunder.
- (2) A violation of any other provisions of this section, where there has been no finding of a violation of Subsection **B** of this section, shall be punishable by a fine not to exceed \$100 for each unit found in violation, for each day the owner is found in violation.
- H. Any landlord of any unit which has been vacant 60 days or more from the end of the preceding tenancy, as of the effective date of this section, shall be required to file the notification required under Subsection **D** of this section within 15 days of the effective date of this section.
- [1]: *Editor's Note: Former § 208-19, Rental of vacant units, added 12-19-1988, was repealed 10-3-1994.*

§ 435-20. Advisory Committee.

[Added 7-11-2011 by Ord. No. 11-35]

- A. There is hereby created a Rent Control Advisory Board within the Township of Bloomfield.
- B. Said Board shall consist of seven members: two tenant representatives, two landlord representatives and three members of the general public.
- C. The members of said Board shall not be compensated and shall be appointed by the Mayor and Council and their terms of office shall conclude after they have presented their findings to the Mayor and Council.
- D. The Rent Control Advisory Board shall have no powers and their sole function shall be to study the issue of rent control and to prepare a written report regarding the issue

of rent control, specifically identifying all issues considered and making a recommendation to the Council on whether rent control should be reintroduced in the Township and, if so, under what guidelines.