

ORDINANCE NO. 3484-18

AN ORDINANCE EXTENDING CHAPTER 83A, ENTITLED "RENT CONTROL," OF THE CODE OF THE BOROUGH OF RUTHERFORD FOR TWO YEARS FROM JANUARY 1, 2019 THROUGH DECEMBER 31, 2020

BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that Chapter 83A of the Code of the Borough of Rutherford Entitled "Rent Control" is hereby amended and that those portions of the Ordinance set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

Section 1. Purpose. The purpose of this ordinance is to extend rent control in Rutherford for a period of two years through December 31, 2020. In addition, this ordinance is consistent with the prior amendment set forth at Ordinance number 3410-16 which removed the rent control board from the rent control ordinance and replaced it with the governing body. As such, the governing body shall continue to have all powers of the former rent control board and shall hear and determine all contested applications under this chapter. Further, the **Borough Administrator or his/her designee** shall administer non-contested rent control applications under this chapter. This ordinance shall be construed consistent with these purposes.

§ 83A-5 Governing body as Rent Board

A. The governing body shall hear appeals from all aggrieved parties under this chapter. However, the governing body, through the Borough ~~Clerk~~ **Administrator or his/her designee**, may make determinations in a summary manner on noncontested appeals or applications under this chapter. Landlords or tenants may seek rulings from the governing body under this chapter.

B. (Reserved)

C. (Reserved)

D. (Reserved)

E. The governing body shall have all powers of a rent control board and such powers as are reasonably necessary to carry out its duties and functions under this chapter.

F. The governing body shall hold hearings and adjudicate applications from landlords for additional rental as herein and hereinafter provided; however, the governing body is not required to hold such hearings on noncontested applications. Noncontested applications under this chapter may be administered by the Borough ~~Clerk~~ **Administrator or his/her designee**.

G. The governing body shall hold hearings and adjudicate applications from tenants for reduced rental as herein and hereinafter provided. The governing body shall give both the landlord and tenant reasonable opportunity to be heard before making any determination. However, noncontested applications by tenants for reduced rent may be administered by the Borough ~~Clerk~~ **Administrator or his/her designee**.

H. The governing body shall hold hearings and adjudicate applications from tenants for reduction of a tax surcharge as herein and hereinafter provided. However, noncontested applications for a reduction of a tax surcharge may be administered by the Borough ~~Clerk~~ **Administrator or his/her designee**.

I. The governing body shall hold hearings and adjudicate applications from tenants for reduction of the amount of security deposits as herein and hereinafter provided. However, noncontested applications for a reduction of a security deposit may be administered by the Borough ~~Clerk~~ **Administrator or his/her designee**.

J. The governing body shall receive notices from the landlords or owners seeking rent, tax surcharge, and security deposit increases and shall act on and issue orders to tenants and landlords or owners concerning said increases. Where the notices are not contested, the governing body may act through the Borough ~~Clerk~~ **Administrator or his/her designee** and need not hold hearings thereon.

K. The governing body has the power to analyze registration statements and pertinent data, to subpoena the production of witnesses and documents, to initiate and schedule hearings, and to make determinations as to the following: lawful rent and to order retroactive payments where excessive rents have been charged; lawful tax surcharges and to order retroactive payments where excessive tax surcharges have been charged; and lawful security deposits and to order retroactive payments where excessive security deposits have been charged. In default of appearance by any parties, the governing body shall make determinations and issue orders as to rent, tax surcharges, and security deposits. Notices of the governing body's actions shall be sent to the landlord and tenant.

L. The governing body may refer cases involving violations or noncompliance with the provisions of this chapter to the Municipal Prosecutor for legal action.

M. The action of the governing body as Rent Board shall be deemed to be final. Appeals therefrom shall be to the courts.

N. Nothing in this chapter shall require the governing body to hold hearings on noncontested applications or to require monthly governing body meetings under this chapter where there

are no contested applications pending. On all noncontested applications or appeals under this chapter, the governing body may act through the Borough ~~Clerk~~ **Administrator or his/her designee** without a hearing or meeting, whose administrative determination on noncontested issues shall be final. The Borough ~~Clerk~~ **Administrator or his/her designee** may refer non-contested applications to the governing body.

Section 2: Repealer. All prior ordinances that are inconsistent with this ordinance are repealed; any inconsistent portions of the Rutherford Code outside Chapter 83A are hereby amended to be consistent with this ordinance.

Section 3: Two Year Extension. Chapter 83A-11 is amended to extend this ordinance through December 31, 2020.

Section 4: Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed consistent with this purpose. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent.

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Joseph DeSalvo Jr.

Margaret M. Scanlon, Borough Clerk

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on December 11, 2018.

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk