

**ORDINANCE NO. 3706-24**

**AN ORDINANCE TO AMEND CHAPTER 83A OF THE BOROUGH CODE OF THE BOROUGH OF RUTHERFORD ENTITLED "RENT CONTROL"**

**WHEREAS, there is a need to amend the rent control ordinance in order to create more flexibility in membership so that quorums will be more easily attained; and**

**WHEREAS, the current ordinance is set to expire on December 31, 2024 and the Governing Body desires to extend the Rent Control ordinance for two more years, through December 31, 2026;**

**NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen, State of New Jersey as follows:**

**SECTION 1.** § 83A-5 Rent Board and §83A-11 Duration of Provisions is hereby amended and revised as follows:

**§ 83A-5 Rent Board.**

**A.**

~~There is hereby created a Rent Board which shall consist of two resident homeowners or landlords, if possible, two tenants and one member of the governing body and two alternate members~~ **five members, one of whom shall be a member of the Borough Council. There shall also be two alternate members. All members shall be residents of the Borough of Rutherford. The alternates shall be designated as either first alternate or second alternate. An alternate may vote in the absence of a regular member. Three members present shall constitute a quorum;** ~~which alternates shall act only in the absence of a quorum or in the event of the disqualification of any of the permanent members. At least one member of each membership classification must be present at each meeting of the Board during which appeals are heard or decisions rendered. Any vacancy occurring during the term of any Rent Board member shall be filled in the manner provided herein for the unexpired term only. The Rent Board shall hear appeals from all aggrieved parties under this chapter. However, the Rent Board, through the Borough 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 Rent Board under this chapter.

**B.**

All members shall be appointed by the Mayor, at his/her sole discretion, and each will serve for a term of one year from the date of the appointment. Members shall serve without compensation.

**C.**

The Board may, if it chooses, prepare bylaws which will become effective after approval by the Mayor and Council; otherwise, its rules or order shall be determined by the Chair. The Board may call upon the Borough Attorney for legal advice and opinions as, from time to time, it deems necessary.

**D.**

The Board shall organize within 30 days after the appointment of its total membership for the remainder of the then calendar year, and thereafter annually, by the election of one of its members as Chairperson and the appointment of a secretary, who need not be a member. The salary of the secretary, who may be compensated, even if a member of the Board, shall be \$1,500 per year.

**E.**

The Rent Board 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 Rent Board shall hold hearings and adjudicate applications from landlords for additional rental as herein and hereinafter provided; however, the Rent Board is not required to hold such hearings on noncontested applications. The Rent Board shall give both the landlord and tenant reasonable opportunity to be heard before making any determination. Noncontested applications under this chapter may be administered by the Borough Administrator or his/her designee.

**G.**

The Rent Board shall hold hearings and adjudicate applications from tenants for reduced rental as herein and hereinafter provided. The Rent Board 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 Administrator or his/her designee.~~

**H.**

The Rent Board 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 Administrator or his/her designee.~~

**I.**

The Rent Board shall hold hearings and adjudicate applications from tenants for reduction of the amount of security deposits as herein and hereinafter provided. The Rent Board shall give both the landlord and tenant reasonable opportunity to be heard before making any determination. ~~However, noncontested applications for a reduction of a security deposit may be administered by the Borough Administrator or his/her designee.~~

**J.**

The Rent Board 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. The Rent Board shall give both the landlord and tenant reasonable opportunity to be heard before making any determination. ~~Where the notices are not contested, the Rent Board may act through the Borough Administrator or his/her designee and need not hold hearings thereon.~~

**K.**

The Rent Board 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 Rent Board shall make determinations and issue orders as to rent, tax surcharges, and security deposits. Notices of the Rent Board's actions shall be sent to the landlord and tenant.

**L.**

The Rent Board 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 Rent Board shall be deemed to be final. Appeals therefrom shall be to the courts.

**N.**

~~Nothing in this chapter shall require the Rent Board to hold hearings on noncontested applications or to require monthly Rent Board meetings under this chapter where there are no contested applications pending. On all noncontested applications or appeals under this chapter, the Rent Board may act through the Borough Administrator or his/her designee without a hearing or meeting, whose administrative determination on noncontested issues shall be final. The Borough Administrator or his/her designee may refer noncontested applications to the Rent Board.~~

**§ 83A-11 Duration of provisions.**

The purpose of this chapter is to extend rent control in Rutherford for a period of two years through December 31, 2024 ~~2026~~.

**SECTION 2.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 3.** All other provisions of Chapter 83A of the Code of the Borough of Rutherford are not further amended and remain in full force and effect.

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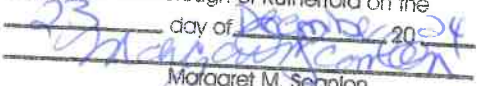
**SECTION 4:** This Ordinance shall take effect on January 1, 2025.

**ATTEST:**

  
Margaret M. Scanlon, Borough Clerk

**BOROUGH OF RUTHERFORD**

  
Frank Nunziato, Mayor

I hereby certify that this is a true and exact copy  
of an ordinance adopted by the Mayor and  
Council of the Borough of Rutherford on the  
23 day of December, 2024  
  
Margaret M. Scanlon  
Borough Clerk