

[HISTORY: Adopted by the Borough of Rutherford Council 8-6-1974 by Ord. No. 2150-74; amended in its entirety 8-24-1976 by Ord. No. 2194-76. Amendments noted where applicable.]

GENERAL REFERENCES

Boardinghouses and lodging houses — See Ch. 14.

Housing Code — See Ch. 47.

Unfit dwellings — See Ch. 123.

§ 83A-1 Definitions; notice procedure.

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

BOOKS AND RECORDS

The books and records of the owner or landlord, with the Rent Board having the power to subpoena such books and records without the necessity of obtaining a court order.

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

DWELLING UNIT

One or more rooms providing living facilities designed or used for one household. Rooms shall consist of living rooms, full kitchens with windows, dining rooms and bedrooms. Not to be considered rooms are half rooms, bathrooms, windowless rooms, foyers, alcoves, kitchenettes and dinettes that are part of kitchens and terraces.

FAIR RENTAL

The prevailing rental applicable to each dwelling unit in the Borough as of December 30, 1973, and as may be increased by Ord. No. 2150-74, Chapter 83A of the Code, its supplements and amendments thereto.^[1]

[Amended 8-2-77 by Ord. No. 2211-77]

GOVERNING BODY

The Mayor and Council of the Borough of Rutherford.

[Added 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

MULTIPLE DWELLING

Any building, or group of adjoining buildings or row houses having the same ownership, containing four or more dwellings.

[Amended 8-7-79 by Ord. No. 2262-79^[2]]

RENT

Any and all charges made by the landlord to the tenant in consideration of the tenant's occupancy of the dwelling unit, and includes parking charges, garage charges or any other charges relating to any automobile owned or maintained or used by a tenant, and also includes utility charges imposed on or required by the landlord to be paid by a tenant respecting a dwelling unit, together with all privileges, services, furnishings, furniture, equipment and facilities in common areas in connection with the use or occupancy of such portion of the property.^[3]

SECURITY DEPOSIT

Any form of security which shall be deposited or advanced by a tenant on a contract, lease or license agreement for the use or rental of a dwelling unit in a multiple dwelling as defined above, which shall be deposited or advanced in accordance with N.J.S.A. 46:8-19 et seq. Such security deposit shall not exceed 1 1/2 times one month's rental as provided in N.J.S.A. 46:8-21.2; however, any tax surcharge or tax pass-through assessed against a tenant shall not be included as rent for the purpose of calculating the amount of the security deposit.

[Added 10-2-1990 by Ord. No. 2584-90]

SERVICES

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 unit.

[1] Editor's Note: Prior to the adoption of Ord. No. 2194-76 appearing in this chapter, Ord. No. 2150-74 was amended 12-19-1974 by Ord. No. 2163-74 and 1-28-1975 by Ord. No. 2164-75; the duration provisions of § 83A-11 were extended on 8-5-1975 by Ord. No.

2177-75; and it was amended in its entirety 8-25-1975 by Ord. No. 2178-75.

- [2] *Editor's Note: Section 6 of Ord. No. 2262-79 provided for the readoption of all provisions of this chapter except those revised by said ordinance.*
- [3] *Editor's Note: The former definition of 'Rent Board,' as amended, and which immediately followed this definition, was repealed 12-11-2012 by Ord. No. 3278-12. See now the definition of "governing body."*

- B. Any landlord seeking a rent increase shall notify the tenant, in writing, at least one month prior to the effective date of said increase as required by law, and shall likewise notify the Rent Board, simultaneously, in writing, of the landlord's intention to seek said increase.

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

§ 83A-2 Rent increases.

- A. No owner or landlord shall increase the rent of any dwelling unit in a multiple dwelling more than once in any twelve-month period. The fair rental, as defined above, may be increased only after said rent has been in effect for a period of 12 consecutive months commencing from the date the same was established, but not computed earlier than 12 months prior to January 1, 1973.

[Amended 8-2-1977 by Ord. No. 2211-77]

- B. Rent increase percentages.

[Amended 8-2-1977 by Ord. No. 2211-77; 8-7-1979 by Ord. No. 2262-79; 9-3-1980 by Ord. No. 2286-80; 6-27-1983 by Ord. No. 2344-83; 12-17-2002 by Ord. No. 3018-02; 10-10-2003 by Ord. No. 3033-03]

- (1) The fair rental may be increased by only a maximum of 4% in each twelve-month period, said annual increases to be compounded annually, except as stated in § 83A-2B(2).

- (2) The fair rental may be increased by only a maximum of 2.5% in each twelve-month period, said annual increases to be compounded annually, whenever a rental unit is rented to a tenant who is age 65 or older and who has annual adjusted gross income of \$50,000 or less. If there is more than one tenant per rental unit, to qualify for only a maximum of 2.5% rental increase, both such tenants must be age 65 or older, and both such tenants must have a combined annual adjusted gross income of \$50,000 or less.

- (3) The fair rental may be increased by only a maximum of 2.5% in each twelve-month period, said annual increases to be compounded annually, whenever a rental unit is rented to a tenant who is permanently disabled and has been declared as such and has received an award by the Federal Social Security Administration and who has annual adjusted gross income of \$50,000 or less. If there is more than one tenant per rental unit, to qualify for only a maximum of 2.5% rental increases, at least one tenant must be permanently disabled, and all such tenants must have a combined annual adjusted gross income of \$50,000 or less.

- C. The fair rental shall be applied to each dwelling unit, rather than to the tenant thereof. It shall be unlawful for any person to demand or receive any rent in excess of the maximum rent established by the Rent Board or to demand possession of the space or to evict a tenant because of failure of a tenant to pay rent in excess of the established maximum rent. The owner or other person entitled to receive said rents shall not be prevented, however, from exercising his rights to obtain possession of housing space as a tenant as a result of the tenant's violation of law or contract and the owner or other person entitled to receive said rents shall be provided reasonable grounds to obtain possession of the premises for his own personal use and occupancy or for the purpose of substantial altering, remodeling or demolishing the dwelling. In the event of substantial altering, the relocated tenant shall have the first option to the reconditioned premises.

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

- D. No landlord may request, demand, receive or obtain any rent increase unless and until the landlord and the tenant are in receipt of a written notification to that effect, issued by the Rent Board, setting forth in detail the amount of the existing fair rent, the percentage of rent increase allowed, the amount of said rent increase in dollar amounts, the new fair rental amount, including the increase, and the effective date of said increase.

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

§ 83A-3 Protected tenants. ^[1]

[Added 12-28-1988 by Ord. No. 2523-88]

Tenants residing in a multiple dwelling as defined by this chapter shall continue to be protected by the provisions of this chapter during the period of their occupancy following conversion of the multiple dwelling to a three-dwelling-unit structure as long as the number of rooms provided in the tenant's dwelling unit is not increased as a result of the conversion. This section shall not be applicable to new tenants taking occupancy in a three-dwelling-unit structure following conversion from a multiple dwelling.

[1] *Editor's Note: Former § 83A-3, Vacancy decontrol, was repealed 8-2-1977 by Ord. No. 2211-77. See § 83A-16 of this chapter.*

§ 83A-4 Leases.

[Amended 8-2-1977 by Ord. No. 2211-77]

- A. Leases between landlords and tenants for periods longer than one year may provide for the annual increment permitted by this chapter.
- B. Every lease shall clearly set forth the rent in effect on December 30, 1973, and the dates and amounts of any increases thereto.
- C. Leases between landlords and subsidized tenants must be renewed by the landlord, by offering a lease to the tenant, who is required to have a lease in order to continue to receive his subsidy.

[Added 10-2-1984 by Ord. No. 2384-84]

§ 83A-5 Rent Board.

[Amended 8-2-1977 by Ord. No. 2211-77; 6-27-1983 by Ord. No. 2344-83; 10-2-1990 by Ord. No. 2584-90; 12-11-2012 by Ord. No. 3278-12; 12-11-2018 by Ord. No. 3484-18; 11-23-2020 by Ord. No. 3538-20]

- 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; 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 \$250 per meeting(s) during which appeals are heard or decisions rendered.
- 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-6 Additional rent increase.

[Amended 8-7-1979 by Ord. No. 2262-79; 9-3-1980 by Ord. No. 2286-80]

- A. An owner or landlord may make application to the Rent Board for a rental increase beyond that permitted herein on the following grounds:
 - [Amended 6-27-1983 by Ord. No. 2344-83; 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]
 - (1) Capital expenditures. Increases shall be granted for any major expense incurred by the landlord which is claimed by the landlord as a capital expenditure under the Internal Revenue Code, but which is not on account of the replacement or repair of a component, furnishing, fixture or the like which was already existing on the premises. Said increase shall be apportioned among the units based upon the total number of rooms and assessed monthly over the length of time allowed by the Internal Revenue Code for depreciating said capital expenditure on a straight-line depreciation basis. Any such increase will commence upon the later occurrence of either payment in full for the expense by the landlord or approval of the increase by the Rent Board. The landlord seeking a capital expenditure increase shall appeal for the same to the Rent Board upon notice to all tenants in accordance with this section, and such increases shall not be considered as rent for the purpose of rental increases under § 83A-2.
 - (2) Extreme hardship. Hardship increases may be granted by the Rent Board upon a finding of economic hardship to the landlord. Said increases shall be limited to those dwelling units where the operating expenses, excluding debt service and depreciation, exceed 60% of the gross rental income.
- B. In support of applications for rent increases under Subsection A above, the landlord shall submit to the Rent Board sworn financial statements and evidence concerning requested increases and, in addition, shall submit a copy of those portions of the landlord's latest filed federal income tax return indicating receipts and expenses concerning said multiple dwelling sworn to by the landlord as being true and accurate or, in the alternative, a financial report of income and expenses

certified to by a certified public accountant. Said applications and supporting documents shall be filed with the Rent Board at least 30 days prior to the date of the hearing, and the applicant shall give notice of said application to affected tenants at least 20 days prior to the date of hearing by mailing notice of said application to each tenant by regular mail and posting a copy of same in the lobby of the multiple dwelling or, if no central lobby exists, then in the landlord's rental office located at or near the premises.

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

- C. Applications for capital expense increases under Subsection A(1) above must be filed with the Rent Board no later than 12 months after the completion of said improvement or the payment of same by the landlord, whichever is the earlier.
[Added 12-29-1981 by Ord. No. 2311-81; amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]
- D. No rent increase otherwise allowable under this section may be charged to a tenant with protected tenancy status pursuant to the Senior Citizen and Disabled Protected Tenancy Act (N.J.S.A. 2A:18-61.22 et seq.) or to a tenant to whom notice of termination has been given pursuant to N.J.S.A. 2A:18-61.2(g), for the period said tenant is protected.
[Added 12-6-1983 by Ord. No. 2358-83]
- E. When major expenses used in support of a hardship increase under Subsection A(2) above are claimed by the landlord as a capital expenditure under the Internal Revenue Code but which do not qualify for a capital expenditure increase under Subsection A(l) above, said major expenses must be apportioned over the length of time allowed by the Internal Revenue Code for depreciating said capital expenditure on a straight-line depreciation basis.
[Added 10-2-1984 by Ord. No. 2384-84]

§ 83A-7 Tax surcharge.

- A. At the expiration or termination of a lease or month-to-month tenancy, the landlord may seek a tax surcharge from the tenant because of an increase in municipal property taxes. The tax surcharge shall not exceed that amount authorized by the following provisions. The landlord shall divide the increase in the present property tax over the property tax of the base year by the number of rented rooms in the multiple dwelling to obtain the tax increase per room. The base year for any apartment receiving a vacancy decontrol increase pursuant to § 83A-16 of this chapter after the effective date of this chapter shall be the year in which said vacancy decontrol increase was granted. The base year for all other apartments shall be 1973. The tenant shall not be liable for a tax surcharge in excess of the tax increase per room multiplied by the number of rooms occupied by the tenant.
[Amended 6-27-1983 by Ord. No. 2344-83]
- B. Any landlord seeking a tax surcharge shall notify the tenant of the calculations involved in computing the tax surcharge, including the present property tax for the dwelling, the property tax for the dwelling for the base year, the number of rooms occupied by the tenant and the maximum allowable surcharge.
- C. The tax surcharge each tenant is liable for shall be paid in 12 monthly installments.
- D. The tax surcharge shall not be considered rent for the purpose of computing rental increases or the amounts of security deposits.
[Amended 10-2-1990 by Ord. No. 2584-90]
- E. Any tax reduction from a tax appeal, if previously charged to the tenant, shall, to the extent of 90%, be refunded to said tenant. Said refund shall be computed in the same manner as the tax surcharge formula.
[Amended 8-7-1979 by Ord. No. 2262-79]
- F. In the event that the landlord received interest on any tax overpayment, such interest shall be deemed to be part of the tax reduction for the purposes of reimbursement under Subsection E above.
- G. A tenant shall be entitled to a tax rebate in the event of a reduction in municipal property taxes. The landlord shall compute the rebate to which the tenant is entitled by the same formula used in computing a tax surcharge. Payment shall be made in the form of a credit against the monthly rent or in the form of a check made payable to the tenant.
- H. Whenever a rental property has been converted to a cooperative or condominium form of ownership and the converted property is reassessed on account of the change in form of ownership or use, that portion of any tax increase which is attributable to the reassessment shall not be passed on, under this section, to any tenant with protected tenancy status pursuant to the Senior Citizen and Disabled Protected Tenancy Act (N.J.S.A. 2A:18-61.22 et seq.) or to a tenant to whom notice of termination has been given pursuant to N.J.S.A. 2A:18-61.2g, for the period said tenant is protected.

[Added 12-6-1983 by Ord. No. 2358-83]

§ 83A-8 (Reserved) ^[1]

[1] *Editor's Note: Former § 83A-8, Maintenance, was repealed 8-2-1977 by Ord. No. 2211-77.*

§ 83A-9 Waiver.

[Amended 8-2-1977 by Ord. No. 2211-77]

There may be no waiver or avoidance of the provisions of this chapter by private agreement, directly or indirectly.

§ 83A-10 Registration.

Every owner of a multiple dwelling shall register the same with the Borough Clerk, on forms to be furnished, giving the information requested, within 30 days of the adoption of this chapter. Owners shall provide the total number of rental units in each multiple dwelling and the amount of rental on each unit as of December 30, 1973. In addition thereto, the landlord must provide the dates and dollar amounts of any rent increases subsequent to December 30, 1973, for each dwelling unit.

§ 83A-11 Duration of provisions.

[Amended 9-3-1980 by Ord. No. 2286-80; 12-29-1981 by Ord. No. 2311-81; 6-27-1983 by Ord. No. 2344-83; 12-18-1984 by Ord. No. 2392-84; 12-2-1986 by Ord. No. 2459-86; 12-28-1988 by Ord. No. 2523-88; 10-2-1990 by Ord. No. 2584-90; 11-1-1994 by Ord. No. 2716-94; 10-1-1996 by Ord. No. 2773-96; 10-6-1998 by Ord. No. 2854-98; 11-21-2000 by Ord. No. 2954-00; 12-17-2002 by Ord. No. 3018-02; 10-10-2003 by Ord. No. 3033-03; 11-23-2004 by Ord. No. 3059-04; 11-28-2006 by Ord. No. 3124-06; 12-16-2008 by Ord. No. 3175-08; 12-28-2010 by Ord. No. 3217-10; 12-11-2012 by Ord. No. 3278-12; 12-22-2014 by Ord. No. 3349-14; 12-27-2016 by Ord. No. 3410-16; 11-23-2020 by Ord. No. 3538-20]

This chapter, being considered emergency legislation, shall expire on December 31, 2022.

§ 83A-12 New rentals.

The owner of housing space or a dwelling being rented for the first time shall not be restricted in the initial rent he charges. Any subsequent rental increases, however, shall be subject to the provisions of this chapter.

§ 83A-13 Violations and penalties.

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

- A. A willful violation of or noncompliance with any provisions of this chapter, including but not limited to the willful filing with the Rent Board of any material misstatement of fact, shall be punishable by a fine of not more than \$500 or imprisonment for not more than 90 days. A violation affecting more than one leasehold shall be considered a separate violation as to each leasehold.
- B. A willful noncompliance with a determination, decision or order of the Rent Board shall be punishable by a fine of not more than \$500 or imprisonment for not more than 90 days.

§ 83A-14 Purpose.

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

§ 83A-15 Severability; when effective.

- A. If any provision of this chapter shall be held illegal or unconstitutional, such illegality or invalidity shall not be construed as impairing the force or effect of the remaining provisions of the chapter.
- B. This chapter shall take effect after passage and publication as provided by law.

§ 83A-16 Vacancy decontrol.

[Added 8-2-1977 by Ord. No. 2211-77]

- A. Notwithstanding any limitations upon permissible rent increases under any other provision of this chapter of the Code, upon the voluntary, uncoerced vacation of any apartment then controlled by this chapter, the landlord shall have the right to fix the rent for such vacated apartment at such a sum as he deems appropriate; subject, however, to the provisions of this section.
- B. In order for a landlord to qualify for the vacancy decontrol rent increase, the landlord shall first be required to file with the Rent Board a written statement, signed by the vacating tenant, certifying to the Rent Board that the landlord has not, in any way, harassed or pressured the tenant into vacating the dwelling unit and that the vacation of such unit was a voluntary act on the part of the tenant. Such noncoercion certification shall not be required in order for the landlord to qualify for the vacancy decontrol increase, if either:

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

- (1) The increase does not exceed the total of all permissible increases authorized by any other provision of this chapter;
- (2) The tenant has moved from the unit without notice to the landlord;
- (3) The unit has been vacated pursuant to a judicially mandated eviction; or
- (4) The tenant has refused to sign such certification and, upon appeal by the landlord, the Rent Board has found that such refusal was unwarranted and that there was in fact no coercion exerted by the landlord upon the vacating tenant.

A hearing pursuant to Subsection B(4) shall be held before the Rent Board upon at least seven days' notice to the vacating tenant.

- C. The decontrol provisions of this section shall apply only to dwelling units which are physically vacated subsequent to the effective date of this section.
- D. Upon vacation of any apartment hereafter, the landlord shall file a statement with the Rent Board certifying to the Rent Board:

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

- (1) The apartment number and address.
- (2) The rent paid by the vacating tenant.
- (3) The maximum rent increase which would be permissible under the other provisions of this chapter.
- (4) The number of days such apartment remains vacant.
- (5) The rent agreed to by the new tenant for such apartment.
- (6) That the vacation of the apartment was the voluntary act of the vacating tenant and that such vacation was not the result of landlord harassment or pressure upon such vacating tenant.

- E. The Rent Board shall submit quarterly reports to the Mayor and Council summarizing the number of apartments vacated during each such quarter and the differences, if any, between the permissible rent increases under the other provisions of this chapter as compared to the increases in rent due to the application of this section. Such quarterly report shall also include a statement of the number of complaints received by the Rent Board with respect to any alleged coercion by landlords for the purpose of forcing tenants to vacate apartments.

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

- F. No apartment unit shall be permitted a vacancy decontrol increase pursuant to this section within 36 months after a previous vacancy decontrol increase.

[Amended 9-3-1980 by Ord. No. 2286-80; 6-27-1983 by Ord. No. 2344-83]

- G. Any dwelling unit, once having obtained an increased rent under the provisions of § 83A-16, shall be limited to the annual increase provided for in § 83A-2 of the Code.

[Added 8-1-1978 by Ord. No. 2237-78; amended 8-7-1979 by Ord. No. 2262-79; 9-3-1980 by Ord. No. 2286-80]

§ 83A-17 Tenants' property tax rebate procedure.

[Added 9-7-1977 by Ord. No. 2213-77]

The annual tenants' property tax rebate required to be made to tenants of qualified real rental property under the provisions of Chapter 81 of the Public Laws of 1977 shall be based upon the rentable square feet contained within residential rental units rather than on the basis of annual rent for each residential unit in accordance with the provisions of said statute.

§ 83A-18 Rent decreases authorized.

[Added 11-16-1982 by Ord. No. 2332-82]

- A. During the term of this chapter, rental decreases may be granted by the Rent Board for any decrease in housing space, services, furniture, furnishings or equipment. Such rent decreases may be granted after hearing in accordance with this chapter upon petition of a tenant or group of tenants to the Rent Board.
[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]
- B. A decrease in services, such as to justify a rent decrease under this section, shall include any cessation or inadequate provision of the vital services listed herein, but only where it is the responsibility of the landlord to provide said services. For the following decreases in services, a petitioner or petitioners' rent may be decreased in accordance with the following percentages of the authorized base rent chargeable to said petitioner, prorated on a daily basis, during the period of said decrease in services, in accordance with the provisions of § 83A-19:
- (1) No heat or insufficient heat according to municipal code requirements: 75%.
 - (2) No water: 50%.
 - (3) No hot water: 40%.
 - (4) Nonoperable electric fixtures (such as to constitute a dangerous condition or threat to the health and safety to the tenant), per fixture: 15%.
 - (5) Faulty plumbing (defined as inoperable fixtures, i.e., tub, sink or toilets), per fixture: 15%.
 - (6) Upon finding that the housing unit is totally uninhabitable: 100%.
- C. Petitions for rent decreases under the provisions of Subsection B above shall be limited by the following restrictions:
- (1) No decrease shall be granted for any time period which is either prior to the day in which notice of the service deficiency is found to have been given to the landlord or its agent (orally or written) or earlier than 60 days before the filing date of the petition.
 - (2) No decrease shall be granted in excess of a maximum of 75% of the total monthly rental (prorated on a daily basis) except for periods of uninhabitability under Subsection B(6) above.
 - (3) Petitions alleging a service decrease of 40% or more per unit shall require that said decrease has existed for more than 24 hours from the time of the notice to the landlord under Subsection C(1) above; and for more than six continuous days following the notice where the petition alleges a decrease of less than 40% per unit.

§ 83A-19 Procedure for rent decreases.

[Added 11-16-1982 by Ord. No. 2332-82]

- A. Petitions for rent decreases shall be filed with the Rent Board on forms provided by the Rent Board and shall contain the petitioner's name, the rental unit and landlord involved, the type and duration of the alleged service deficiency, the date, time and form of notice of deficiency provided to the landlord and the authorized base monthly rental during the time of the deficiency.
[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]
- B. Within 10 days of the receipt of a petition, the Rent Board shall affix thereon a notice and date for hearing of said petition before the Rent Board (to be within 60 days of filing) and give notice of said hearing by mailing a copy of the notice and petition to the landlord and petitioner.

[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]

- C. At said hearing the Rent Board shall entertain such written and oral evidence presented by the petitioner, including, if available, any written or oral reports from municipal code officials or others.
[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]
- D. Any written evidence to be used at the hearing must be submitted to the Rent Board no less than 10 days prior to the hearing date and be available for inspection by any party at the Rent Board office.
[Amended 12-11-2012 by Ord. No. 3278-12; 11-23-2020 by Ord. No. 3538-20]
- E. Decision. No rent decrease shall be granted unless supported by the preponderance of the evidence submitted at the hearing, and a copy of said decision shall be sent to each party. Any decrease ordered shall be paid by the landlord within 10 days of the receipt of the decision or deducted by the tenant from the next following rental payment due the landlord.