

**BOROUGH OF BERGENFIELD
PUBLIC NOTICE**

**ORDINANCE 24-2633 - AN ORDINANCE OF THE BOROUGH OF
BERGENFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY,
TO AMEND CHAPTER 240 ENTITLED "RENT CONTROL"**

was introduced at a meeting of the Mayor and Council of the Borough of Bergenfield held on Tuesday, October 1, 2024 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Council Chambers in the Borough Hall 3rd Floor, at 198 North Washington Avenue in Bergenfield, New Jersey on Tuesday, October 15, 2024 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement for this ordinance is amend definitions, membership and powers of the Rent Leveling Board, establishment of rents, adjust the cost-of-living increase, add surcharges, amend how complaints are filed, amend filing fees for applications, as well as violations and penalties, as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quiñones-Wilson, RMC
Borough Clerk
October 7, 2024

**BOROUGH OF BERGENFIELD
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE #24-2633

**AN ORDINANCE OF THE BOROUGH OF BERGENFIELD, COUNTY OF
BERGEN, STATE OF NEW JERSEY, TO AMEND CHAPTER 240
ENTITLED “RENT CONTROL”**

WHEREAS, the power to control rent is part of the general police power afforded to municipalities by N.J.S.A. 40:48-2; and

WHEREAS, the governing body of the Borough of Bergenfield has determined that it is in its best interest to evaluate the Borough’s rent control laws every so often to ensure that the laws are meeting the needs of its residents in an ever-changing rental market; and

WHEREAS, the governing body of the Borough of Bergenfield has requested that the Borough’s Rent Leveling Board review Chapter 240 of the Borough Code, along with its legal counsel, and prepare any necessary amendments for the governing body’s consideration; and;

WHEREAS, the Borough’s Rent Leveling Board reviewed Chapter 240 at its meetings on February 7, 2024; March 13, 2024; April 3, 2024; May 1, 2024; June 12, 2024; and July 10, 2024; and

WHEREAS, during said meetings, the Borough’s Rent Leveling Board considered a number of amendments to Chapter 240; and

WHEREAS, these suggested amendments were finalized by the Board on July 10, 2024 and in the same meeting, the Borough’s Rent Leveling Board voted to recommend the amendments to the governing body; and

WHEREAS, having thoughtfully reviewed the Borough’s Rent Leveling Board’s suggestions, the governing body desires to amend Chapter 240 accordingly.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Bergenfield, County of Bergen, State of New Jersey, that the portions of the Borough Code set forth below are hereby amended and those portions of the Borough Code not set forth below shall remain unchanged.

SECTION 1. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, “Rent Control” Subsection 240-1 currently entitled “Definitions” shall be **deleted** and **replaced** with the following section “Definitions”:

§ 240-1. Definitions.

As used in this Chapter, the following words and terms shall have the following

meanings unless otherwise specifically provided:

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 Bergen and Borough of Bergenfield and occupied or unoccupied and offered for rent.

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:

- (1) Motels, hotels, and similar type buildings;
- (2) Housing units of two units or less; when the building is non-owner-occupied; and
- (3) Housing units of three units or less, when one of the units is being occupied by the owner of the building.

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, with improvements connected with the use or occupancy of such portion of the property.

SECTION 2. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-2 currently entitled "Establishment of rents" shall be **deleted** and **replaced** with the following section entitled "Rent Leveling Board and Office":

§ 240-2. Rent Leveling Board and Office.

A. Creation.

- (1) There is hereby created a Rent Leveling Board within the Borough. The Board shall consist of two landlords owning apartment rental property within the Borough, two tenants residing within the Borough, and three homeowners who reside in the Borough. The members of the Board shall be nominated by the Mayor and with the advice and consent of the Council, appointed by the Mayor. If the Mayor fails to nominate within 30 days of vacancy or if the Council fails to confirm any nomination made by the Mayor, then, after the expiration of 30 days, the Council shall appoint the members. The initial terms of office of the members shall be as follows:
 - (a) One landlord and one tenant: one-year term.
 - (b) One landlord and one tenant: two-year term.
 - (c) One homeowner: three-year term.
 - (d) One homeowner: two-year term.
 - (e) One homeowner: one-year term.

- (2) The terms of office of all new members appointed or all members reappointed after initial terms as outlined above shall hereafter be three-year terms.
 - (3) There shall be appointed three alternates in the same manner as the members of the Board are appointed, one alternate to be a tenant residing within the Borough, one alternate to be a landlord at apartment rental property within the Borough, and one alternate to be a homeowner. Such alternates shall serve one-year terms.
- B. Powers of Board. The Rent Leveling Board is hereby granted and shall have and exercise, in addition to other powers herein granted, all the 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 Borough 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 applications from landlords as herein provided.
 - (4) To hold hearings and adjudicate applications from tenants as herein provided.
- C. Enforcement officer.
- (1) The Rent Leveling Secretary shall serve as an enforcement officer. Should the property be of interest to the enforcement officer, the Board shall act as a whole and the Rent Leveling Secretary shall recuse. The enforcement officer shall have the power to enforce this Chapter by issuing complaints in the Municipal Court for violation of this Chapter.

SECTION 3. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-3 currently entitled "Vacancy decontrol" shall be **deleted and replaced** with the following section "Meetings of Rent Leveling Board; hearings; decisions":

§ 240-3. Meetings of Rent Leveling Board; hearings; decisions.

- A. A quorum is the majority of the full authorized membership of the Rent Leveling Board.
- B. All actions by the Rent Leveling Board shall be taken by a majority vote of the members present at the meeting.
- C. Testimony of all witnesses relating to a hearing shall be taken under oath or

- affirmation by the presiding officer.
- D. The decision of the Rent Leveling Board shall be in the form of a written resolution containing findings and conclusions which shall be adopted either on the date of the meeting at which said Board granted or denied an application or within 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and findings and conclusion of said Board. The 45 days may be extended with the consent of applicant. The date of the adoption of memorialization shall constitute the date of decision.
 - E. The Rent Leveling Secretary or the Borough Clerk shall cause notice of the Board's action to be published once in the official newspaper of the municipality. Within three days of the decision, the landlord shall post a copy of the resolution in a prominent location in the building and shall provide a copy to any tenant who has made a written request for same.

SECTION 4. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-4 entitled "Expiration of lease" shall be **deleted** and **replaced** with the following section entitled "Establishment of rents":

§ 240-4. Establishment of rents.

Establishment of rents between a landlord and tenant, to whom this act is applicable, shall be limited to what is authorized by the provisions of this Chapter. The following are dwellings or rental units that are exempt from this Chapter:

- A. Dwellings owned or operated by the United States or the State of New Jersey, any political subdivision, agency or instrumentality thereof, any municipality or any public housing authority.
- B. Dwellings subject to federal or state preemption.
- C. Rental units subject to federal or state preemption and whose rent is subsidized by federal or state law or regulation.
- D. Exemptions applicable to property owners eligible under N.J.S.A. 2A:42-84.1 through 2A:42-84.6 (Newly Constructed Multiple Dwellings).

Any property owner(s) eligible for exemption under or pursuant to § 240-4(A-D) must notify the Rent Leveling Secretary in writing of their potential eligibility. The Rent Leveling Secretary may thereafter, on the advice and consent of the Rent Leveling Board, request that the property owner fill out an Application for Exemption to Rent Control Ordinance and pay the requisite filing fee established in § 240-12. Thereafter, the Board may consider the Application for Exemption to Rent Control Ordinance at a hearing pursuant to § 240-3. Property owner(s) must notify any prospective tenant in writing of potential or adjudicated exemption to Rent Control status.

Any rental increase in excess of what is authorized by the provisions of this Chapter shall be voidable upon application of the tenant.

SECTION 5. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, “Rent Control” Section 240-5 currently entitled “Notification of increase; hearing” shall be **deleted** and **replaced** with the following section entitled “Cost of Living Increase”:

§ 240-5. Cost of Living Increase.

- A. At the expiration of a lease, a landlord may be allowed a 4% increase in base rent. For tenancies without a lease, a landlord may be allowed a 4% increase in base rent, every year, on the anniversary of when the tenancy began.
- B. Any landlord seeking an increase in rent shall notify the tenant by certified mail of the calculations involved in computing the increase, including the current rent, the allowable percentage increase, and the allowable rental increase. Such landlord, no later than twenty (20) days after the date the increase in rent has taken effect, shall submit an updated monthly report pursuant to § 240-7. In the event the Rent Leveling Board determines that such increase shall be in violation of this section, it shall notify the landlord and the tenant in writing of its determination and fix a date for a hearing with reference to this issue. The rent increase in question shall be frozen upon issuance of said notice and shall remain frozen until the conclusion of such hearing.
- C. Any rental increase at a time other than at the expiration of a lease, or the anniversary of the tenancy without a lease, shall be void upon the adjudication of a successful complaint pursuant to § 240-9. Any rental increase in excess of 4% shall be void upon the adjudication of a successful complaint pursuant to § 240-9.

SECTION 6. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, “Rent Control” Section 240-6 currently entitled “Monthly reports” shall be **deleted** and **replaced** with the following section entitled “Surcharges”:

§ 240-6. Surcharges.

A. Hardship Surcharge.

(1) Policy.

(a) General. In the event that a landlord cannot meet the annual operating expenses of the dwelling with the total potential annual rental income that can be generated from the dwelling whether or not the rental income is actually received by the landlord, the landlord may apply to the Rent Leveling Board for a Hardship Surcharge.

(b) Exception. Notwithstanding the provision of § 240-6(A)(1)(a), a landlord may not be granted a hardship surcharge if the hardship the landlord is experiencing is self-imposed.

(2) Calculation and Formula. A hardship surcharge shall be calculated with the formula below. If, after inputting the landlord’s numbers in the

formula, the final number is in the negative (-) no surcharge will be granted.

$$\left[\frac{[[\text{Annual Operating Expenses}] - [\text{Total Potential Annual Rent Income}]]}{\text{Total Square Feet of the Building}} \right] \times \text{Total Square Feet of Rental Unit}$$

= *Annual Hardship Surcharge Per Rental Unit*

(3) Procedure.

(a) A landlord may apply for a Hardship Surcharge by filing a complete and proper Application for Hardship Surcharge with the Rent Control Office. Thereafter, the Rent Control Office will set a hearing date for the Application. The landlord must then notify each tenant of the Application for Hardship Surcharge and the Hearing Date via certified mail fourteen (14) business days prior to the hearing and attach a complete and proper copy of the Application for Hardship Surcharge to the notice. The landlord must supply the Rent Leveling Board with a Notice Log, indicating when each tenant received notice, five (5) business days prior to the Board's consideration of the Application. If the Rent Leveling Board approves of the Application for Hardship Surcharge, the landlord must notify each affected tenant within seven (7) business days after the approval via certified mail and the landlord shall provide the Board with additional Notice Log indicating the same. A Hardship Surcharge granted by the Board shall be in effect for twelve (12) months.

(4) Cap on Hardship Surcharge. No hardship surcharge authorized by this subsection shall exceed 5% of the tenant's base rent.

B. Major Capital Improvement Surcharge.

(1) General Policy. A landlord may seek a surcharge for major capital improvement work done in and around a dwelling. A "major capital improvement" is defined as 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. A major capital improvement is not: (1) a service or improvement that is required by law or by lease to be made, (2) a repair, rehabilitation, replacement, or upgrade (such as the conversion of a heating or cooling system); or (3) an improvement made solely for cosmetic purposes.

(2) Calculation and Formula. A major capital improvement surcharge shall be calculated with the formula below. If the landlord received any outside financial assistance with the improvement, such as insurance payments or a grant, the amount of the financial assistance shall be subtracted from the total cost of the major capital improvement.

$$\left(\frac{\text{Total Cost of the Major Capital Improvement}}{\text{Useful Life of the Major Capital Improvement (in years)}} \right) \div \text{Total Square Feet in Building} \times \text{Total Square Feet in Rental Unit} = \text{Annual Major Capital Improvement Surcharge per Rental Unit}$$

- (3) Procedure. The landlord seeking a capital improvement surcharge shall apply for the surcharge to the Rent Leveling Board by filing a complete and proper Application for Major Capital Improvement Surcharge with the Rent Control Office. Thereafter, the Rent Control Office will set a hearing date for the Application. The landlord must then notify each tenant of the Application for Major Capital Improvement Surcharge and the Hearing Date via certified mail fourteen (14) business days prior to the hearing and attach a complete and proper copy of the Application for Hardship Surcharge to the notice. The landlord must supply the Rent Leveling Board with a Notice Log, indicating when each tenant received notice, five (5) business days prior to the Board's consideration of the Application. If the Board determines that the improvement is a major capital improvement, then the Board shall grant the application and set the cost of the major capital improvement surcharge per month. After the Application is granted by the Board, the landlord must notify each affected tenant within seven (7) days after the approval via certified mail and the landlord shall provide the Board with additional Notice Log indicating the same. A major capital improvement surcharge granted by the Board shall be in effect for the useful life (in years) of the improvement.
- (4) Cap on Major Capital Improvement Surcharge. In any event, no surcharge authorized by this subsection shall exceed 5% of the tenant's annual base rent. In the event that a newly approved Major Capital Improvement surcharge amount, when combined with the existing Major Capital Improvement surcharges, exceeds the 5% cumulative cap, the Board will modify the newly approved surcharge amount so that it will be decreased to whatever amount would not exceed the 5% cumulative cap. The remainder of the original newly approved Major Capital Improvement surcharge amount will not be stayed under any circumstances, even if the cumulative Major Capital Improvement surcharge amount drops below 5%.

C. Tax Surcharge

- (1) Formula.
- (a) A landlord may seek a tax surcharge from a tenant because of an increase in municipal operating property taxes. A landlord may not seek a tax surcharge from a tenant relating to an added assessment tax on the dwelling. The tax surcharge shall not exceed that amount authorized by the following provisions.

- (b) The landlord shall divide the increase in the present property tax over the property tax of the previous year by the total annual rent for all dwelling units, occupied or unoccupied, and whether or not actually received, on such property for the said year to determine the property tax increase and a fixed percentage of rent for every tenant. The annual rent for each residential unit or apartment shall be multiplied by such fixed percentages to determine the annual amount of property tax surcharge for each unit or apartment.

$$\frac{[\textit{Previous Year's Property Tax} - \textit{Present Property Tax}]}{\textit{Total Annual Rent for All Dwelling Units}} \times \textit{Current Rent Per Unit} = \textit{Tax Surcharge Increase Per Unit}$$

- (2) Notification of surcharge. Any landlord seeking a surcharge shall notify the tenant and Rent Control Office by certified mail 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 previous year, the number of square feet in the dwelling, the tax increase per square foot, the number of square feet occupied by the tenant and the maximum allowable surcharge. In the event the Rent Leveling Board determines that such surcharge shall be in violation of this section, it shall notify the landlord and the tenant in writing of its determination and fix a date for a hearing with reference to this issue. The tax surcharge in question shall be frozen upon issuance of said notice and shall remain frozen until the conclusion of such hearing.
- (3) Cap on Tax Surcharge. No tax surcharge authorized under this section shall exceed 5% of the tenant's base rent.
- (4) Tax appeal for property tax reduction.
- (a) In the event a tax appeal is taken by the landlord and the landlord is successful in the appeal, and the tax is reduced, the tenant shall receive 50% of the reduction as applied to its portion after deducting all expenses incurred by landlord in prosecuting the appeal. In the event real estate taxes are reduced for any other reason, the tenant shall receive 65% of the reduction as applied to its tax portion.
- (b) The property tax rebate for each tenant under this section shall be computed by the landlord in the following manner:
- a. The property tax reduction for the year shall be divided by the total annual rent for all dwelling units or apartments, occupied or unoccupied, and whether or not actually received, on such property for the said year to determine the property tax rebate or credit as a fixed percentage of rent for every tenant. The annual

rent of each apartment unit shall be multiplied by such fixed percentage to determine the annual amount of property tax rebate for each apartment or unit.

D. Policies Applicable to All Surcharges

- (1) Requirements in Order to Apply for Surcharges. A landlord must own the dwelling for at least three (3) years prior to applying for a surcharge.
- (2) Surcharge apportioned among tenants.
 - (a) General. Any surcharge granted pursuant to this section shall be apportioned among all tenants equally, whether or not a landlord actually collects the surcharge from each tenant.
 - (b) Exception. New tenants who occupy a rental unit after an application for any surcharge has been filed with the Rent Control Office, or whose rent already incorporates the surcharge, shall not be liable for the cost of the surcharge.
- (3) Installments. Each tenant shall pay the approved surcharge in twelve (12) equal monthly payments.
- (4) Surcharges are not considered rent. If a surcharge is granted pursuant to this section, it shall not be considered part of the base rent for the purposes of computing cost-of-living increases.
- (5) Cumulative Cap. All surcharges, taken together cumulatively, shall not exceed 15% of the tenant's base rent. In the event that a newly approved surcharge amount, when combined with all the existing surcharges, exceeds the 15% cumulative cap, the Board will modify the newly approved surcharge amount so that it will be decreased to whatever amount would not exceed the 15% cumulative cap. The remainder of the original newly approved surcharge amount will not be stayed under any circumstances, even if the cumulative surcharge amount drops below 15%.

SECTION 7. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-7 currently entitled "Tax surcharge" shall be **deleted** and **replaced** with the following section entitled "Monthly reports":

§ 240-7. Monthly reports.

- A. Any landlord who is the owner of property within the Borough of Bergenfield which is affected by the provisions of this Chapter shall file with the Rent Leveling Board on a monthly basis, no later than the 15th day of each month, a written report on forms to be designated by the Rent Leveling Board, which

report shall contain the following information:

- (1) All changes in occupancy of any rental unit, such as its vacancy or new tenancy, in such property during the previous calendar month.
 - (a) In the event of such changes in occupancy, the name or names of the former tenant, the name or names of the new tenant, the term of the new tenancy, the amount of the former rent on a monthly basis and the amount of the new rent on a monthly basis.
 - (b) In the event of no change in occupancy, a statement to that effect.
- (2) All changes in base rent and surcharges during the previous calendar month pursuant to § 240-5 and § 240-6.

B. In the event a landlord fails to file such report, or in the event the landlord files a report which is knowingly or willfully false, such failure to file or filing of such false report shall be deemed a separate violation of this Chapter, punishable pursuant to the provisions of § 240-13 herein.

SECTION 8. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-8 currently entitled "Rent Leveling Board" shall be **deleted** and **replaced** with the following section entitled "Standard of service to be maintained":

§ 240-8. Standard of service to be maintained.

During the term of this Chapter, the landlord shall maintain the same standards of service, maintenance, furniture, furnishings, and equipment in the housing space and dwelling as provided or was required to provide by law or lease at the date the lease was entered into. Should the landlord fail to maintain the same standards as set forth above, the affected tenants may bring a complaint in front of the Rent Leveling Board pursuant to § 240-9.

SECTION 9. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-9 currently entitled "Standard of service to be maintained" shall be **deleted** and **replaced** with the following section entitled "Complaints":

§ 240-9. Complaints.

- A. Time in which to commence action. Every action cognizable under this Chapter, and subsequent amendments thereto, shall be commenced within 18 months next after the cause of any such action shall have accrued.
 - (1) Definition of "subsequent amendments." The reference to "subsequent amendments thereto" contained in Subsection A above shall include all ordinances that have been enacted into law or will be enacted into law in

the future as to amendments and/or supplements to Bergenfield Ordinance No. 1045.

- B. Commencement of action. The date of commencement of such action, as set forth in Subsection A above, shall be the date on which a written complaint is accepted for filing by the Rent Leveling Board Secretary (or his or her agent), located at the Bergenfield Municipal Building, Bergenfield, New Jersey.
- C. Filing of complaint. The Rent Leveling Board Secretary (or his or her agent) shall accept a written complaint for filing, provided that it complies with the following procedural requirements:
 - (1) The written complaint shall be made on forms provided by the Board, which shall be made available at the office of the Borough Clerk and/or the office of the Rent Leveling Board Secretary.
 - (2) The complainant shall attach to such written complaint all written correspondence and true copies of all relevant leases relating to the complaint.
 - (3) The complainant shall pay any filing fee as may be required for the filing of such complaint.
- D. Amendment to complaint.
 - (1) Subsequent actions. A complaint that has been accepted for filing may be amended to include ongoing or additional actions that accrue subsequent to the filing of the written complaint, provided that the respondent to such complaint is served with written notice by the complainant of such subsequent actions in advance of the final hearing before the Rent Leveling Board. The Board upon application may grant the respondent an adjournment of the final hearing in order to allow the respondent additional time in which to prepare a response to the subsequent actions. The Board shall routinely allow such amendments to the complaint, upon written request by the complainant. The Board shall routinely allow requests for adjournment of a final hearing in order to allow the respondent additional time in which to prepare a response to such amendments, upon written request by the complainant.
 - (2) Prior actions. Any proposed amendments to the complaint that pertain to an action or actions that predate the filing of the original complaint shall not be allowed without the permission of the Bergenfield Rent Leveling Board, and only upon written application to the Board by the complainant after a hearing, and upon written notice of such application and hearing date by the complainant to the respondent at least 20 days in advance of such hearing.
- E. Prospective application of this Chapter. This section shall apply prospectively

only. This section shall not apply to any complaints pending before the Rent Leveling Board as of the effective date of this section. A matter shall be deemed to be pending before the Rent Leveling Board if a written complaint has been accepted for filing by the Secretary (or his or her agent) of the Bergenfield Rent Leveling Board.

SECTION 10. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-10 currently entitled "Meetings of Rent Leveling Board; hearing; decisions" shall be **deleted** and **replaced** with the following section entitled "Vacancy decontrol":

§ 240-10. Vacancy decontrol.

Notwithstanding any limitations upon permissible rent increases under any other provisions of this Chapter, upon the voluntary, uncoerced vacation of any apartment, rent increases for which are controlled in this Chapter, the landlord shall have the right to fix the rent for such vacated apartment at such a sum as they deem appropriate for the new tenant's initial rental provided, however, all subsequent rent increases shall conform with the provisions of this Chapter.

- A. In order for a landlord to qualify for the vacancy decontrol rent increase, the landlord shall first be required to file with the Rent Leveling Board a written statement, signed by the vacating tenant, certifying to the Board that the landlord has not, in any way, harassed or pressured the tenant into vacating the housing space 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 (1) the increase does not exceed the total of all permissible increases authorized by any other provisions 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 Leveling 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 (4) above shall be held before the Rent Leveling Board upon at least seven days' notice to the public and the vacating tenant. The decontrol provision of this section shall only apply to dwelling units which are physically vacated subsequent to the effective date of this section.
- B. Upon vacation of any apartment hereafter, the landlord shall file a statement with the Rent Leveling Board, certifying to the Board (1) the apartment and building numbers of such dwelling unit, (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, and (6) that the vacation of such 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. The Rent Leveling Board shall submit monthly reports to the governing body summarizing the number of apartments vacated during each such month and the differences, if any, between the permissible rent increases under the other provisions of this Chapter as compared to the increase in rent due to the application of this section. Such monthly reports shall also include the statement of the number of complaints received by the Board with respect to alleged coercion by landlords for the purpose of forcing tenants to vacate apartments.

SECTION 11. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-11 currently entitled "Appeals" shall remain the same.

SECTION 12. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-12 currently entitled "Exemptions" shall be **deleted** and **replaced** with the following section entitled "Filing Fees":

§ 240-12. Filing Fees

Applications Submitted by Landlord	
Use	Fee
Monthly Reports (§ 240-7)	No initial fee, \$50 for filing late report
Application for Hardship Surcharge (§ 240-6(A))	\$100 per Application
Application for Major Capital Improvement Surcharge (§ 240-6(B))	\$100 per Application
Application for Exemption to Rent Control Ordinance (§ 240-4)	\$100 per Application

Applications/Complaints Submitted by Rent-Controlled Tenant	
Use	Fee
Complaint for an Invalid Rent Increase or Invalid Surcharges (§ 240-5 and § 240-6)	\$10 per Application
Complaint for Withheld Services (§ 240-8)	\$10 per Application

SECTION 13. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-13 currently entitled "Violations and penalties" shall be **deleted** and **replaced** with the following section entitled "Violations and penalties":

§ 240-13. Violations and penalties.

A willful violation of any provisions of this Chapter, including but not limited to the willful filing with the Rent Leveling Board of any material misstatement of fact, shall be punishable by a fine of not more than \$2,000. A violation affecting more

than one leasehold shall be considered a separate violation as to each leasehold.

SECTION 14. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control" Section 240-14 currently entitled "Effective date; termination" shall be **deleted** and **replaced** with the following section entitled "Effective date; termination":

§ 240-14. Effective date; termination.

The provisions of this Chapter shall take effect immediately upon final passage and publication as required by law and shall be continuously reviewed by the Mayor and Council as to the emergency housing situation within the Borough and shall remain in full force and effect until repealed or modified by ordinance.

SECTION 15. This ordinance may be renumbered for the purposes of codification.

SECTION 16. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 17. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 18. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: October 1, 2024

Adopted:

ATTEST

APPROVED