

CA - Old Bridge

6/14/84

Exhibit K - Rent Stabilization Ordinance

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CHAPTER XI A

RENT STABILIZATION

11A-1 Definitions.

The following words and phrases shall have, for the purposes of this chapter, meanings as set forth herein:

"Housing space" shall mean and include 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 together with all privileges, services, furnishing, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the property.

"Dwelling space" shall mean and include that portion of a housing space rented or offered for rent for living purposes to an individual or family unit. Recreation rooms in the basement shall not be considered living space for the purpose of determining surcharges or rebates.

"Capital improvement" shall mean a permanent improvement that is reasonably expected to last more than one year. Improvement may benefit the dwelling and must be subject to an allowance for depreciation under federal income tax provisions. The term "capital improvement" shall not be applicable if the improvement is merely for replacement, repair, rehabilitation or mandated by law.

"CPI - Price Index" shall mean the Consumer Price Index, (all items), for that region of the New York - Northeastern New Jersey area in which the Township of Old Bridge is included, which index is periodically published by the Bureau of Labor Statistics of the United States Department of Labor.

"Available for rent to tenant" shall mean fit for habitation as defined by the statutes, codes and ordinances in full force and effect in the State of New Jersey, County of Middlesex, Township of Old Bridge and occupied or unoccupied and offered for rent or rented.

"Landlord" shall mean and include any person, firm, partnership, association, corporation or other entity and any officer, agent or employee, or any of the foregoing, which is the owner, rental agent, manager of, or otherwise has authority to rent any rental unit to a tenant.

*The power to control rent is part of the general police power contained in R.S. 40:69A-29,30.

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11A-1 TOWNSHIP OF OLD BRIDGE ORDINANCES

"*Rent*" shall mean the amount of valuable consideration payable by the tenant to the landlord for letting or subletting of a dwelling unit.

"*Just cause*" for eviction shall mean that the landlord recovered possession of a housing space or dwelling for one of the reasons outlined in R. S. 2A: 18-S3 as amended.

"*Service*" shall mean the provision of light, heat, hot water, maintenance, bathing, elevator service, air conditioning, storm windows, screens, superintendent service and any other benefit, privilege or facility connected with the use or occupancy of any living space or covered under state and municipal code.

"*Periodic tenancy*" shall mean a tenancy that continues from month to month or other recurring period until terminated by the landlord or tenant as provided by law. Month-to-month tenants are included under this ordinance and shall be entitled to the same protection as tenants under written leases.

"*Complex*" shall mean and includes all housing units advertised as available for rent to tenants under the same management and trading under the same name.

"*Senior citizen*" shall mean a person 60 years of age or older as defined under the Title III Americans Act of 1965.

"*Fair rental*" shall mean the prevailing rental applicable to each dwelling unit in the township as of October 18, 1976 and as may be increased in accordance with this chapter.

For those tenants who received a rent increase during the first six months of 1976, the fair rental shall be the prevailing rate on October 18, 1976 and may be increased in accordance with this chapter.

For those tenants who did not receive a rent increase during the first nine months of 1976, but who received a rent increase after October 18, 1976 and before March 2, 1977, the fair rental shall be the prevailing rate on October 18, 1976 plus the average rent increase given during the first nine months of 1976 for that type of dwelling unit, and may be increased in accordance with the provisions of this chapter.

For all other tenants, the fair rental shall be the prevailing rental on October 18, 1976 and may be increased in accordance with this chapter.

"*Energy emergency*" shall mean that any month in which the increase of the energy portion of the C. P. I. constitutes over 50 percent of the total increase in the C. P. I. for that month, an energy emergency shall be declared.

11A-2 Establishment of Rents.

11A-2.1 *Percentage of Increase.* [Amended 12-11-78 by Ord. No. D-254; 4-24-80 by Ord. No. D-304]

a. The fair rental, as defined above, may not be increased at the expiration of a lease or at the termination of a periodic tenancy of not less than one (1) year [twelve (12) months], except as set forth herein. A landlord shall not request or receive from a tenant nor increase rents a percentage increase in rent which is greater than six percent (6%) of the existing rent. Any real estate taxes being passed on to a tenant shall not be included in the above increase. A landlord shall not request or receive the percentage increase more than once in every twelve-month period for any dwelling unit. [Amended 3-21-83 by Ord. No. 10-83]

b. Any rental increase at a time other than at the expiration of a lease or the termination of a period tenancy of not less than one (1) year [twelve (12) months] shall be void.

11A-2.2 *Discontinuance of Services.* Any rental increase in excess of the sum authorized by the provisions of this chapter shall be void. During the time of this chapter, every landlord shall maintain the same standard of service, maintenance, furniture, furnishings or equipment in the housing spaces and dwelling units the landlord provided or was requested to provide by law or lease, as of the date of this chapter. A discontinuance of any service shall be considered a rental increase by the Board. [Amended 4-24-80 by Ord. No. D-304]

11A-2.3 *Applications for Increases.* There shall be a separate application for each type of dwelling unit by complex. In support of an application to the Rent Board, the owner or landlord shall make all books and records applicable to the operation of the dwelling unit available to the Board and the specific tenant affected.

11A-2.4 *Notices to Tenants.* Prior to any application under this section, the landlord shall serve upon each tenant, by registered or certified mail or personal service, a notice of application filing setting forth the basis for said application, the amount of the allowable rental increase, the allowable percentage increase applied for with respect to that tenant and the calculations involved in computing the increase, including the consumer price index, one hundred twenty (120) days before the expiration of the lease. A sample copy of such notice shall be

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filed with the application of the landlord, together with an affidavit or certifications or service of notice of application upon each tenant in the event the certified or registered mail is not received in ten (10) days. Notice by regular mail or personal service shall be made by the landlord or his agent. [Amended 12-11-78 by Ord. No. D-254]

11A-2A Fees on Washing Machines. [Added 9-15-80 by Ord. No. D-318]

No landlord shall charge a fee to any tenant for each washing machine and drier which said tenant has in his apartment.

11A-2B Fees on Keeping Dogs. [Added 9-15-80 by Ord. No. D-318]

No landlord shall charge a fee to any tenant in excess of ten dollars (\$10.) for each dog kept by said tenant.

11A-2C Security Deposits. [Added 2-16-82 by Ord. No. 2-82]

Whenever money is collected by the landlord as a security deposit for the performance of anything, or to be held as a security against the happening of any event, even though said deposit is not of the type referred to in N.J.R.S. 46:8-19 et seq., said deposit shall be treated by the landlord as though it were a deposit provided for under N.J.R.S. 46:8-19 et seq., and all provisions of N.J.R.S. 46:8-19 et seq. shall apply to said deposits as though they were set forth at length in this section.

11A-2D Fees on Keys. [Added 11-15-82 by Ord. No. 23-82]

No landlord shall charge a separate key deposit to any tenant.

11A-3 Tax Surcharge.

11A-3.1 *Notification of Tenant.* The landlord shall annually be entitled to automatically pass through as a surcharge real property tax increases by notifying the tenant by registered or certified mail, return

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receipt requested, at least thirty (30) days prior to such surcharge, the amount of the surcharge and the calculation involved in computing the tax surcharge, including:

- a. The present property tax for the dwelling.
- b. The property tax on the dwelling for the previous year.
- c. The number of square feet in the dwelling space, building or combination of buildings.
- d. The tax increase computed on a per-square-foot basis.
- e. The number of square feet of dwelling space leased to the tenant.
- f. The maximum allowable surcharge.

11A-3.2 *Record of Notice.* A copy of such notice, plus a certification verifying the calculations, shall be filed with the Rent

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Stabilization Board. No tax surcharge shall be permitted until such notice and certification have been so filed.

11A-3.3 *Review; Approval by the Rent Stabilization Board.* All such tax surcharges shall be reviewed and examined by the Rent Stabilization Board within thirty (30) days. The tax surcharge shall remain in effect unless the Rent Stabilization Board disapproves or modifies such tax surcharge within the period or notifies within such time the landlord of the necessity of a hearing before it. The Rent Stabilization Board may approve, disapprove, require refunds, modify such surcharge or require additional information from the landlord and may extend the thirty-day period if additional information is required or a hearing is scheduled.

11A-4 Real Estate Tax Rebate.

11A-4.1 *Rebates on Tax Appeals.*

a. In the event that a tax appeal is taken by the landlord and the landlord is successful in the appeal and taxes are reduced and a rebate made to the landlord, fifty percent (50%) of the total rebate after deducting all expenses incurred by the landlord in prosecuting the appeal shall be deemed to be held by the landlord in trust for the tenants who were charged with a tax surcharge and paid it, and a pro rata amount of such fifty percent (50%) of the net rebate shall be credited to the account of each such tenant and returned to him by cash payment or rent or tax surcharge reduction within three (3) months following the landlord's rebate receipt.

b. The landlord shall be deemed to have received such rebate upon his receipt thereof in cash from the receiver of taxes or upon the execution of any agreement with the receiver of taxes to credit the amount of the rebate to any outstanding tax bill of the landlord.

11A-4.2 *Rebates on Other Real Estate Tax Reductions.* In the event that real estate taxes are reduced for any other reason, then the tenant shall receive one hundred percent (100%) of the reduction as applied pro rata to the tenant's dwelling space so leased, commencing thirty (30) days after such reduction and spread over a twelve-month period consistent with tax surcharge.

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11A-5 Rent Stabilization Board.

11A-5.1 *Composition of Board; Terms.*

a. There is hereby created a Rent Stabilization Board within the township. The Board shall consist of two (2) landlords owning apartment rental property within the township, two (2) tenants residing with the township and three (3) other persons who reside in the township who shall be neither landlord nor tenant. The members of the Board shall be appointed by the Council.

b. The initial terms of office of the members shall be as follows:

1. One (1) landlord, homeowner and tenant: three (3) years.
2. One (1) landlord, homeowner and tenant: two (2) years.
3. One (1) homeowner.

c. The terms of office of all new members appointed or all members reappointed after initial terms as outlined above shall thereafter be three-year terms.

d. *Alternate Members.* Three (3) alternate members shall be appointed to the Board for three-year terms, consisting of one (1) homeowner alternate, one (1) tenant alternate and one (1) landlord alternate. [Added 4-20-80 by Ord. No. 11-81]

11A-5.2 *Meetings; Quorum; Officers; Compensation.*

a. Four (4) members shall constitute a quorum. [Amended 12-11-78 by Ord. No. D-254]

b. The Board shall meet on a monthly basis and whenever necessary. [Amended 4-20-81 by Ord. No. 11-81]

c. They shall reorganize no later than January 15 and shall submit a quarterly report to the Council. They shall elect a Chairman and Secretary.

d. Members of the Board shall serve without compensation.

11A-5.3 *Vacancies.* Vacancies occurring on the Rent Stabilization Board shall be filled by the Council for the unexpired term only. A member of the Board shall be removable for cause by the Council upon written charges and after public hearing thereon. Reasons for such

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action shall be missing more than fifty percent (50%) of the meetings or other just cause. A removed member shall be replaced by another member of the same category.

11A-5.4 Powers of the Board. The Rent Stabilization Board is hereby granted and shall have and exercise, in addition to other powers

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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:

a. To issue and promulgate such rules and regulations as it deems necessary to implement the purpose of this act, 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, providing that such rules are filed with the Township Clerk.

b. To supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter.

c. To hold hearings and adjudicate applications from landlords for additional rental as herein provided.

d. To hold hearings and adjudicate applications from tenants for reduced rental as herein provided.

e. To retain independent experts which the Board in its discretion shall deem necessary, provided that expenditures for such experts do not exceed amounts budgeted therefore.

f. The Rental Stabilization Board shall have the power to enforce this chapter by issuing notices of violations to any person, firm or corporation violating this chapter. The notice shall grant to the violating party ten (10) days within which to cure the violation. In the event that the violation is not cured within the ten-day period set forth herein, the Rent Stabilization Board shall have the power to issue a complaint in the Municipal Court for violation of this chapter.

g. The Board shall give both landlord and tenant reasonable opportunity to be heard before making any determination.

h. To issue subpoenas to compel the attendance of witnesses and the production of books and records in connection with the hearings held in pursuant to the provisions of this chapter.

i. To obtain, keep and maintain all available records, data and information regarding the consumer price index, municipal tax rates, municipal real estate assessments, tax appeals filed by landlords and all other data and information necessary to the enforcement, construction and application of this chapter.

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11A-5.5 *Powers to Grant Increases.* The Rent Stabilization Board is granted and shall have and exercise, in addition to the specific powers enumerated above, the following powers:

a. *Hardship Rent Increase.* In the event that a landlord cannot meet his mortgage payments, energy payments and maintenance, he may apply to the Rent Stabilization Board for increased rental. The Board may grant the landlord a hardship rent increase to meet these payments. The landlord must provide individual notification to each tenant by mail prior to any such application to the Board setting forth the basis for this application. This notice must be received by the tenant at least five (5) days prior to the proposed date of hearing.

b. *Energy Surcharge.* [Repealed 12-11-78 by Ord. No. D-254]

c. *Capital Improvement.* A landlord may apply to the Rent Stabilization Board for a rental surcharge for capital improvements or for increases for improved services. The landlord shall compute the average cost of the improvement of service per year of useful life by dividing the cost of the computed capital improvement or service by the number of years of useful life of the improvement as claimed by the landlord for federal income tax depreciation purposes. The landlord shall propose to apportion the average cost of the completed improvement of service per year of useful life among the tenants in the dwelling in accordance with one of the following methods:

1. If the capital improvement benefits dwelling spaces only, then the cost of these improvements shall be surcharged to only those tenants.

2. If the capital improvement benefits all dwelling spaces, but in varying degrees according to the amount of living area of each dwelling space, then the cost of the improvement shall be surcharged to the total dwelling space.

3. If the capital improvement is equally beneficial to all dwelling spaces regardless of the living area within any dwelling space, then the cost of the improvements shall be surcharged according to the amount of dwelling space within the housing space. Permits as required by law are to be secured from all agencies having control and jurisdiction, for alterations, repairs, replacements, extensions and new buildings. All work shall adhere to appropriate code standards and shall be inspected

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by all agencies having control and jurisdiction and their approval obtained. A certificate of occupancy shall be secured if required by law.

4. Any applications under the provisions of this section of the chapter shall prove prior to the application acceptance that the dwelling is in compliance with the housing, maintenance, building, fire and other applicable township codes; not subject to a township-held title lien for the nonpayment of real estate taxes, nor Old Bridge Township Municipal Utility Authority, water or sewer charges.

5. The Board may grant the landlord a rental surcharge under the provisions of this section. Except for the above tax and energy surcharge provisions, no landlord shall impose upon any tenant a rental surcharge under this section without first obtaining approval of the Rent Stabilization Board. It shall be within the discretion of the Board to fix the effective date of any approved rental surcharge to or after determination. A surcharge granted under the provisions of this section shall not be considered rent for purpose of computing rental increase.

11A-5.6 [Added 4-24-80 by Ord. No. D-304] *Application for Hardship Rent Increase.* In the event a landlord, due to circumstances beyond the landlord's control, which, in the determination of the Rent Stabilization Board are both reasonable and necessary in order for the landlord to receive and maintain a just and reasonable return on his investment, or in the event a landlord experiences an increase in costs over the past three (3) years in assessments and utility costs in the excess of the increase permitted herein, a landlord may submit an application for a hearing and review to the Rent Stabilization Board for a hardship rental increase, which application shall include the following information:

1. The address of the building.
2. The name and address of all persons with an ownership interest, whether legal or equitable.
 - (a) Date of purchase.
 - (b) From whom was property purchased.
 - (c) What the relationship between the present and past owner is.
3. The name and address of the managing agent.

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4. What is the form of ownership?
5. The total number of apartment units.
 - (a) The number of apartment units presently occupied.
 - (b) The reason for vacancies.
6. The name and address of the mortgage holder.
 - (a) When was the mortgage given?
 - (b) What was the amount of principal borrowed?
 - (c) What is the term (years) of mortgage?
 - (d) What is the interest rate?
 - (e) What is the mortgage payment plan, i.e., standing, balloon, fully amortized level payment or constant principal?
 - (f) What are the monthly payments?
7. What was the owner's original investment?
8. What is the present owners investment, and how is the figure arrived at?
9. What is the amount of real estate taxes for the current tax year? How much of these real estate taxes were passed on as a surcharge to tenants during the past three (3) years?
10. Is there any property tax exemption? Explain in detail.
11. Have there been any tax abatements or homestead tax rebates over the past three (3) years? Explain.
12. Are there any outstanding real estate taxes due?
13. What is the amount of depreciation or federal income tax deduction over the past three (3) years? For each year, what method of depreciation was used in calculating this deduction?
14. How much depreciation?
15. What is the assessed valuation?
16. Where there has been refinancing, what was the amount of the loan? How much, if any, was reinvested in the building? Where else was the money spent?

17. What is the percentage rate of return? [Divide sixteen (16) by the actual cash investment.]

18. Is the property in substantial compliance with the local Property Maintenance or Building Code and Health Code?

19. Attach copies of the inspection report. Was there an energy efficiency audit by the Department of Energy? (Attach copies of the report.)

20. The applicant's estimate of the rate of return for the period in question, plus the rate of return the applicant requests and the method used to calculate said return. List the rate of return for last three (3) years and the rate of return for 1976 (fiscal year or calendar year may be used).

b. *Cash Basis Statement of Past Three Years.*

Income

- 1. Apartment rent.
- 2. Laundry facility.
- 3. Parking.
- 4. Vending machines.
- 5. Other
- Total (1 - 5)

Expenses

- 6. Mortgage principal.
- 7. Mortgage interest.
- 8. Late charges.
- Total (6 - 8)
- 9. Real estate taxes.
- 10. Other taxes
- Total (9 - 10)
- 11. Heat (fuel).
- 12. Water and sewage.

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- 13. Insurance premiums.
- 14. Professional fees.
- 15. Gas and electric.
- 16. Management fees
- 17. Other fees
- Total (11 - 17)
- 18. Exterminator expenses.
- 19. Outside contractors.
 - (a) Plumbing.
 - (b) Electrical.
 - (c) Painting.
 - (d) Plastering/tile.
 - (e) Carpentry.
- 20. Custodial supplies.
- 21. Maintenance.
 - (a) Supplies.
 - (b) Equipment purchases.
- 22. Superintendent's wages.
- 23. Superintendent's housing.
- 24. Other wages and salaries.
- 25. Other service contracts.
- 26. Other
- Total income (1 - 5)
- Total expenses (6 - 26)
- Surplus (deficit)

I have read the completed questionnaire and cash basis statements and find them to be true and correct to the best of my knowledge and

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belief. I further state that the figures contained in this application pertain only and exclusively to the property for which this application is being submitted.

Dated:
(Signature of Owner or Managing Agent)

Sworn to and subscribed before
me this day of

Required Documentation: Please submit copies of signed statements for the past three (3) completed fiscal years. Please submit photocopies of cancelled checks for the current fiscal year to date expenses.

The Rent Stabilization Board shall hold a public hearing on the landlord's application. At least thirty (30) days prior to the public hearing, the landlord shall notify each tenant by regular mail or by personal service. The notification shall include the date, place and time of the hearing and the substance of the landlord's application. The Rent Stabilization Board shall either grant or deny a hardship rental increase within forty-five (45) days from the date that the landlord's application is completed and filed unless this time period is extended at the request of the landlord. An affidavit of service shall be filed with the Board showing compliance with the notice provision above.

11A-6 Registration.

Every owner of a complex shall be required to register with the Township Clerk and to furnish a copy to the Rent Stabilization Board a statement showing the amount of rentals charged for each rental unit as of October 18, and as of October 18 of each succeeding year, while this chapter remains in effect. Such statement shall be filed on November 15 of each year and shall remain on file with the Township Clerk as a matter of public record. An annual registration fee of two dollars (\$2.) per rental unit shall be payable as of January 1 of each year to the Township Clerk for the purpose of defraying costs of the Rent Stabilization Board.

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11A-7 Exempt Dwellings.

11A-7.1 *Exempt Buildings.* Exempt from this chapter are motels, hotels and similar type buildings and buildings in which up to one-third (1/3) of the occupied floor space is commercial, also housing units of two (2) units or less. [Amended 12-28-78 by Ord. No. D-255; 4-24-80 by Ord. No. D-304]

11A-7.2 *New Construction.* New construction shall be exempt for a period of eighteen (18) months. The period for each separate building shall begin running upon the issuance of the first certificate of occupancy in the building.

11A-7.3 *Vacancy Decontrol.* A tenant who has continuously resided in an apartment complex subject to this chapter for a period of at least three (3) years and who seeks to move into another apartment within the same complex shall have a priority to a vacant apartment. The rent charged to the tenant for the new apartment shall not exceed the maximum rent then being charged for a rent-controlled apartment of equal size in that complex, and said new apartment shall not be considered as a vacancy-decontrolled apartment for purposes of this provision. The tenant shall register his or her dated application with the landlord and with the Secretary of the Rent Stabilization Board. [Amended 12-11-78 by Ord. No. D-254; 6-4-79 by Ord. No. D-271; 4-24-80 by Ord. No. 304; 5-3-82 by Ord. No. 6-82]

11A-8 Maintenance of Standards.

11A-8.1 *Maintenance of Standards Required.* The landlord shall maintain the same standards of service, maintenance, furniture, furnishings, recreational facilities, landscaping as he was required to do by law or by the terms of the lease. Any fraudulent inducement by the landlord which results in the signing of the lease by the tenant shall be considered by the Rent Stabilization Board in its determination.

11A-8.2 *Procedure for Appeals.* Any individual tenant or class of tenants who are not receiving substantially the same standards of service, maintenance, furniture, furnishings, recreational facilities or landscaping which existed at the signing of the lease may have the Rent Stabilization Board determine the reasonable value of the dwelling in view of the deficiency. Any reductions of services or standards in violation of this chapter or statute shall be referred to the landlord first.

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Ten (10) days after referral to the landlord by the tenant, if the problem still exists, the matter shall next be referred by the tenant to the appropriate township official or office for an additional thirty (30) days. Said time limits shall be waived for matters of emergency affecting health, safety or welfare. [Amended 4-24-80 by Ord. No. D-304]

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11A-8.3 *Determinants of Reasonable Rental.*

a. The tenant or class of tenants shall pay the reasonable rental value as determined by the Rent Stabilization Board as the full payment of rent until the landlord proves that the deficiency has been corrected. The Rent Stabilization Board shall determine the reasonable rental value by using the following suggestive, but not exhaustive, guidelines:

1. Violation of applicable housing, building or sanitary code.
2. Nature of the deficiency or defect as it affects a vital facility.
3. The potential actual effect upon safety and sanitation.
4. Length of time of the existence of the condition.
5. Age of structure.
6. Amount of the rent.

b. A landlord shall only be entitled to rental increases provided herein if it maintains the premises in accordance with the Maintenance Code of Old Bridge Township and the State Code of New Jersey with no decrease in services.

11A-9 Tenant Protection.

No landlord shall take retaliatory action against any tenant who exercises any rights conferred upon him by this chapter. For the purpose of this section, "retaliatory action" shall mean any action taken by the landlord, directly or indirectly, including undue or unusual inconvenience, violation of privacy, harassment, reduction in quality or quantity of services, the institution of dispossess proceedings or any other form of threat or coercion.

11A-10 Substantial Reduction in Privileges or Services.

A landlord shall not substantially reduce the privileges, services, furnishings, furniture, equipment, facilities or improvements which had been included in or associated with rental paid for any dwelling unit. For the purpose of this chapter, any such reduction shall be deemed an increase in the rental charged for the dwelling unit.

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11A-11 Violations; Penalties.

A willful violation of any provisions of this chapter, including but not limited to the willful filing with the Rent Stabilization Board of any material misstatement of fact, shall be punishable by a fine of not more than five hundred dollars (\$500.) and imprisonment for not more than ninety (90) days, or both. A violation affecting more than one (1) leasehold shall be considered a separate violation as to each leasehold.

11A-12 Review of Ordinances.

This chapter shall come under administrative review by Council and administration one (1) year from date of passage.

11A-13 Care and keeping of Animals. [Added 2-2-81 by Ord. No. D-331]

a. Tenants may, at their option, elect to keep up to three (3) dogs and three (3) cats per each dwelling space in conformance with the standards of Section 4-12 of the Code. Any provision, rule or regulation by any landlord prohibiting or regulating the number or maintaining of animals contrary to the provision of this section is void and of no effect for each new lease or renewal of an existing lease. The total number of dogs and cats shall not exceed three (3) animals per dwelling unit. [Amended 7-20-81 by Ord. No. 20-81]

b. Tenants shall notify their landlords of their maintaining or possessing of an animal in their dwelling unit within five (5) days of executing their initial lease or within five (5) days of acquiring, possessing or maintaining an animal in their dwelling unit. Any tenant not so notifying his landlord shall be considered to be in default of his lease.

c. Tenants shall be responsible for any and all damage caused by their animals, and it shall be presumed by any competent court of jurisdiction that their acquiring, possessing or maintaining said animals serves as their consent to said liability.

d. "Animal" is herein defined as a dog or cat.

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e. Each tenant acquiring, possessing or keeping a dog shall be responsible to ensure that all defecation of said animals outside of said dwelling unit is forthwith removed by said tenant and placed in a

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sealed garbage container or refuse collector. Each landlord shall additionally designate and mark an area adjacent to each housing space as an animal discharge area and ensure that at least one (1) garbage or refuse container is available and located at said area.

f. The fee collected for animals as set elsewhere in this chapter shall be used to maintain animal and dog walk areas adjacent to housing space locations.

g. Any tenant who does not ensure that his animal's defecation is properly removed shall be issued a warning for a first violation. A second violation shall be considered a default of the lease. A tenant may, however, request a hearing before the Rent Stabilization Board to contest the validity of any warning by filing said request with a copy to the landlord within seven (7) days of receipt of said notice. If the Board determines the warning was improper, it shall void said notice.

h. Each tenant shall be given a copy of the provision of this chapter by the landlord upon executing a new lease or renewing an existing lease.

i. A landlord may elect to prohibit new leasees from keeping any dogs or cats within their units, provided that said regulation is uniform and applies to all new residents leasing within said complex.

11A-14 Miscellaneous. [Added 4-20-80 by Ord. No. 11-81]

a. *Certificate of Occupancy.* A copy of any certificate of occupancy issued for each dwelling rented as required elsewhere in this chapter shall be forwarded to the Rent Stabilization Board; said certificate shall include the apartment number, complex and effective rent on the date of issuance.

b. *Complex Personnel; Security.* All personnel or employees of a landlord at said complex are to register with the Old Bridge Police Department by giving their age, address, recent photo and any criminal convictions. No unregistered personnel or employee shall be allowed to enter nor shall enter any dwelling unit unless accompanied by a registered employee or representative of the landlord. The Building Department shall have authority to ensure compliance with this section. Each landlord shall additionally be responsible to ensure

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that a proper number of adequately trained personnel are assigned to each complex as per applicable state codes.

c. *Disabled Vehicles.* Landlords shall have the authority to remove unlicensed and/or disabled vehicles from their complex, provided that reasonable notice has been given to the owner or a reasonable attempt has been made to give said notice.

11A-15 Appeal. [Added 5-18-81 by Ord. No. 16-81]

a. Any aggrieved party from a decision of the Rent Stabilization Board concerning maintenance of service or capital improvement surcharges may file an appeal of said decision as it relates to said matters before the Township Council by filing a notice of appeal with the Township Clerk within thirty (30) days of said decision and serving a copy of said appeal upon all parties who appeared before the Rent Stabilization Board. The appeal shall be based upon the record below, and the Township Council shall render its decision within thirty (30) days of the filing of said appeal. No decision within that time shall affirm the action below unless all parties consent to an extension of time.

b. The landlord shall be required to give reasonable notice of all intended capital improvements to its tenants within a reasonable time.

11A-16 Identification of Apartment Complex Personnel. [Added 5-19-80 by Ord. No. D-306]

Maintenance personnel who are servants, agents or employees of any multiunit apartment complex, herein defined as a single apartment building or group of apartment buildings owned, controlled or managed by one (1) individual, association, partnership, entity or corporation, consisting of a total of five (5) dwelling units or more, shall wear, in a conspicuous location, an identification tag or card containing their name, address, by whom employed, date of expiration of the card and a current picture. It shall additionally be the duty of each owner and manager of said apartment complex to provide each employee with said identification.

RENT STABILIZATION

11A-17

11A-17 Tenant Late Charges. [Added 5-19-80 by Ord. No. D-309]

No tenant in any multiple-dwelling complex of four (4) or more dwelling units shall be required to pay late charges of more than four percent (4%) of the amount of the rent due for any period for which the rent due is less than thirty (30) days late.

Mary M. Brown, Clerk of the Township of
Old Bridge of the County of Middlesex and State
of New Jersey, do hereby certify that the above
is a true copy of a ^{RESOLUTION} adopted at a
meeting of the Township Council held on the
day of _____, 19 ____.

Mary M. Brown
Mary M. Brown, Clerk

TOWNSHIP OF OLD BRIDGE
ORDINANCE NO. 29-83

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OLD BRIDGE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, CHAPTER XI-A, RENT STABILIZATION, SECTIONS: 2B, FEES ON KEEPING DOGS; 4.1a, REBATES ON TAX APPEALS; 7.3, VACANCY DECONTROL; 5.1a, COMPOSITION OF BOARD; 15a, APPEAL; 11a.18, STANDING AND INTERVENTION OF OLD BRIDGE TENANT'S ASSOCIATION OR OTHER ASSOCIATIONS OR INTERESTED PARTIES TO PROCEED BEFORE THE RENT STABILIZATION BOARD; 5.5c, CAPITAL IMPROVEMENT; 15b, APPEAL; 13i, CARE AND KEEPING OF ANIMALS.

BE IT ORDAINED by the Township Council of the Township of Old Bridge that Chapter XI-A, Rent Stabilization, Sections: 2B, Fees on Keeping Dogs; 4.1a, Rebate on Tax Appeals; 7.3, Vacancy Decontrol; 5.1a, Composition of Board; 15a, Tenant's Association or other Association's or Interested Parties to Proceed Before the Rent Stabilization Board; 5.5c, Capital Improvement; 15b, Appeal, be amended as follows:

2B. FEES ON KEEPING DOGS

No landlord shall charge a fee to any tenant in excess of ten dollars (\$10.00) per month for each dog kept by a tenant.

4.1a. REBATES ON TAX APPEALS

In the event that a tax appeal is taken and the landlord is successful in the appeal and taxes are reduced and a rebate made to the landlord, the tenants shall receive one hundred percent (100%) of all such reductions as applied pro rata to each tenant's living space so leased. The landlord shall be entitled to deduct from said reduction amount all reasonable and necessary expenses incurred in connection with the appeal; prior to deducting these expenses, the landlord must submit to the Rent Stabilization Board proof of each expense for which a deduction is sought. The net rebate or reduction to be paid to each tenant shall be deemed to be held in trust for the tenants and the full pro rata amount of the rebate or reduction shall be credited to the account of each such tenant and returned to him by cash payment or rent or tax surcharge reduction within three (3) months following the landlord's rebate receipt.

7.3 VACANCY DECONTROL

"A tenant who has continuously resided in an apartment complex subject to this Ordinance for a period of at least three (3) years and who seeks to move into another apartment within the same complex shall have a priority to a vacant apartment. Such priority shall not be conferred or enjoyed if the landlord is contractually bound to provide a vacant apartment to a prospective tenant and it shall be the landlord's burden to prove that such a contractual agreement exists should the issue of priority arise. The rent charge to the tenant for the new apartment shall not exceed the maximum rent then being charged for an apartment of equal size in that complex which has never been decontrolled. However, if the new apartment is the same size as the apartment being vacated by the tenant then the rent charged to the tenant for the new apartment shall be the same as for that which he is vacating. The said new apartment shall not be considered a

vacancy decontrolled apartment for purposes of this provision. The tenant shall register his or her dated application with the landlord and with the Secretary of the Rent Stabilization Board."

5.1a COMPOSITION OF BOARD; TERMS

There is hereby created a Rent Stabilization Board within the township. The Board shall consist of two (2) landlords, or their agents, owning apartment rental property within the township, three (3) tenants residing within the township and three (3) homeowners who reside in the township who shall be neither landlord nor tenant. The members of the Board shall be appointed by the Council.

15a. APPEAL

Any party, not a member of the Board participating in the decision, aggrieved by a final decision of the Rent Stabilization Board may appeal said decision to the Township Council by filing a notice of appeal with the Township Clerk within thirty (30) days of said decision and serving a copy of the said appeal upon all parties who appeared before the Rent Stabilization Board. The appeal shall be based upon the record below and the Township Council shall render its decision within thirty (30) days of the filing of said appeal. Failure of the Township Council to act within the above period, shall be an affirmance of the decision below.

11A.18 STANDING AND INTERVENTION OF OLD BRIDGE TENANT'S ASSOCIATION OR OTHER ASSOCIATION OR INTERESTED PARTIES TO PROCEED BEFORE THE RENT STABILIZATION BOARD.

(a) Intervention: Any interested person or legal entity may make application before the Rent Stabilization Board to intervene in any matter formally pending before the Board. The Board, upon the exercise of its sound discretion shall make a determination as to whether or not to allow the intervention upon considering and weighing such factors as where the public interest lies, whether there are common questions or law of fact involved, and will allowing the intervention delay the proceedings or prejudice the original parties.

(b) Standing: Any interested person or legal entity may file a formal complaint or application with the Board concerning applicable provisions of this Chapter and such person or legal entity shall have standing to do so if the Board finds and determines, upon the exercise of its sound discretion and weighing conflicting considerations that such person or entity has a sufficient and real stake in the outcome of the controversy, such person or entity has genuine and legitimate interest in the subject matter of the application or complaint and that there is a real adverseness in the proceeding so as to ensure that the Board is not called upon to render advisory opinions but rather to decide actual cases and controversies.

5.5c CAPITAL IMPROVEMENT

4. No rental surcharge shall be granted under this section of the chapter if there is an outstanding violation of the housing, maintenance, building, fire or other applicable township code and the landlord shall obtain and submit to the Rent Stabilization

Board a letter from each of the code officials, respectively, certifying that no such outstanding violations exist as of one (1) week before the first scheduled public hearing date. In addition, no rental surcharge shall be granted if the subject property is subject to any liens for the payment of real estate taxes, water or sewer charges and the landlord shall obtain a letter from the Tax Collector, Old Bridge Township Municipal Utility Authority or other appropriate official that no such liens exist as of one week before the first scheduled public hearing date.

5. No change.

6. The landlord is required to set forth in his application for a capital improvement increase a list of capital improvements for which a surcharge is sought, the anticipated cost of each such proposed improvement including any financing or interest charge that the landlord has to pay and the exact cost to each tenant and the number of years that an approved surcharge would be paid by the tenant.

7. The landlord can only apply for a surcharge and the Board can only approve a surcharge for the actual or anticipated cost of the capital improvement including any financing or interest charge that the landlord has to pay.

8. The Rent Stabilization Board shall hold a hearing on a landlord's application for a capital improvement surcharge. At least sixty (60) days prior to the public hearing the landlord shall notify each tenant to be effected by the surcharge by mail or personal service and the landlord shall submit at the public hearing an Affidavit of Service. The notification shall include the date, time and place of the hearing and the substance of the landlord's application including all information required in this section and by the ordinance. The application must list and describe each capital improvement for which the landlord is seeking a surcharge. No capital improvements installed, constructed, erected or already in place prior to the application shall be listed and no surcharge shall be approved by the Board for said capital improvements.

15b. APPEAL

Section 15b of Chapter XI-A, Rent Stabilization, is repealed.

* 13i. CARE AND KEEPING OF ANIMALS

Section 13i of Chapter XI-A, Rent Stabilization, is repealed.

This ordinance shall take effect within twenty (20) days upon publication according to law.

* Moved by Mayor Bush to table amendment of Section 13i, Care and keeping of animals, seconded by Councilwoman Fineberg and so ordered on the following roll call vote:

#29-83

AYES: Mayor Bush, Councilmen Azzarello, Fineberg, O'Connell, Smith.

NAYS: None.

ABSENT: Councilman Miller.

FIRST READING: November 21, 1983

Moved by Mayor Bush, seconded by Councilman Blackwell and so ordered on the following roll call vote:

AYES: Mayor Bush, Councilmen Azzarello, Blackwell, Fineberg, Miller, O'Connell, Smith.

NAYS: None.

SECOND READING: December 5, 1983

Moved by Mayor Bush, seconded by Councilwoman Fineberg and so ordered on the following roll call vote:

AYES: Mayor Bush, Councilmen Azzarello, Blackwell, Fineberg, O'Connell, Smith.

NAYS: None.

ABSENT: Councilman Miller.

George J. Bush, Mayor

Mary M. Brown
Mary M. Brown, Clerk

Mary M. Brown
~~Mary M. Brown, Clerk~~
I, Clerk of the Township of Middlesex and State of New Jersey, do hereby certify that the above is a true copy of a Resolution adopted at a meeting of the Township Council held on the 5th day of December, 1983.

OLD BRIDGE TOWNSHIP
ORDINANCE NO. 7-84

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OLD BRIDGE, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER XI-A, RENT STABILIZATION, SECTION 11A-13, CARE AND KEEPING OF ANIMALS.

BE IT ORDAINED by the Township Council of the Township of Old Bridge that Chapter 11A-13, Care and Keeping of Animals, is amended as follows:

Subsection "a" is amended to read:

- a. Subject to the provisions of subsections "i" and "j" below, the total number of dogs and cats shall not exceed three (3) animals per dwelling unit.

Subsection "i" is amended to read:

- i. A landlord may elect to prohibit by regulation "new leasees" from keeping any dogs or cats within their units, provided that said regulation applies to all new tenants within the complex and further provided said regulation is uniformly enforced by the landlord. A copy of such regulation prohibiting animals shall be filed with the Secretary of the Rent Stabilization Board within seven (7) days of its effective date for purposes of this subsection. The renewal of a lease shall not constitute a "new leasee".

Subsection "j" is added to read:

- j. Nothing in this section shall prevent the keeping of a specially trained dog by a handicapped person.

This ordinance shall take effect within twenty (20) days upon publication according to law.

FIRST READING: March 5, 1984

Moved by President O'Connell, seconded by Councilman Ingram and so ordered on the following roll call vote:

AYES: President O'Connell, Councilmen Babchin, Cannon, Dunlop, Haney, Ingram, Maher, Mannino, O'Malley.

NAYS: None.

SECOND READING: March 19, 1984


Moved by President O'Connell, seconded by Councilman Babchin and so ordered on the following roll call vote:

AYES: President O'Connell, Councilmen Babchin, Cannon, Dunlop,
Haney, Ingram, Maher, Mannino, O'Malley.


NAYS: None.

ATTEST:

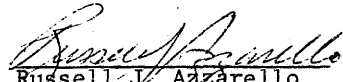

Mary M. Brown
Township Clerk


Edward G. O'Connell
Council President

Approved as to form and sufficiency


DEPARTMENT OF LAW
Jerome J. Convery, Esq

APPROVED:


Russell J. Azzarello
Mayor

Adopted on First Reading:
Published in News Tribune:
Adopted on Second and Final Reading:
Published in News Tribune:
Effective:

March 5, 1984
March 12, 1984
March 19, 1984
March 23, 1984
April 14, 1984

OLD BRIDGE TOWNSHIP
ORDINANCE NO. 8-84

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF OLD BRIDGE, COUNTY OF MIDDLESEX,
NEW JERSEY, CHAPTER XI-A, RENT STABILIZATION,
SECTION 11A-14d, MISCELLANEOUS.

BE IT ORDAINED by the Township Council of the Township
of Old Bridge that Chapter XI-A, Rent Stabilization, Section 11A-14,
Miscellaneous is amended as follows:

SECTION 11A-14 Miscellaneous is amended to add as follows:

d. Severability of Ordinance Provisions.

Each section of this ordinance is an independent
section, and the holding of any section or part
thereof to be unconstitutional, void or ineffective
for any cause shall not be deemed to affect the
validity or constitutionality of any other sections
or parts thereof.

FIRST READING: March 19, 1984

Moved by President O'Connell, seconded by Councilman Babchin
and so ordered on the following roll call vote:

AYES: President O'Connell, Councilmen Babchin, Dunlop, Haney,
Ingram, Maher, O'Malley.

NAYS: None.

ABSTAIN: Councilmen Cannon and Mannino.

SECOND READING: April 2, 1984


Moved by Vice President Babchin, seconded by Councilman
Dunlop and so ordered on the following roll call vote:


AYES: Vice President Babchin, Councilmen Cannon, Dunlop, Haney,
Ingram, Maher, Mannino, O'Malley.

NAYS: None.

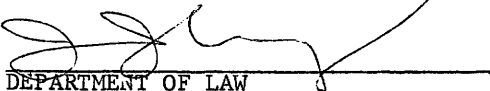
ABSENT: President O'Connell.

ATTEST:


Mary M. Brown
Township Clerk


Edward G. O'Connell
President of Council

Approved as to form and sufficiency


DEPARTMENT OF LAW
Jerome J. Convery, Esq.

APPROVED:

 4/3/84
Russell J. Azzarello
Mayor

Adopted on First Reading:	March 19, 1984
Published in News Tribune:	March 26, 1984
Adopted on Second and Final Reading:	April 2, 1984
Published in News Tribune:	April 7, 1984

OLD BRIDGE TOWNSHIP
ORDINANCE NO. 8B-84

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OLD BRIDGE, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER XI-A, RENT STABILIZATION, SECTION 11A-2.1, PERCENTAGE OF INCREASE.

BE IT ORDAINED by the Township Council of the Township of Old Bridge that Chapter XI-A, Rent Stabilization is amended as follows:

SECTION 11A-2.1 PERCENTAGE OF INCREASE, is amended to read as follows:

- a. The fair rental, as defined above, may not be increased at the expiration of a lease or at the termination of a periodic tenancy of not less than one (1) year (twelve (12) months), except as set forth herein. A landlord shall not request or receive from a tenant nor increase rents a percentage increase in rent which is greater than four (4%) percent of the existing rent. Any real estate taxes being passed on to a tenant shall not be included in the above increase. A landlord shall not request or receive the percentage increase more than once in every twelve month period for any dwelling unit.
- b. Any rental increase at a time other than at the expiration of a lease or the termination of a period tenancy of not less than one (1) year (twelve (12) months) shall be void.

This ordinance shall take effect within twenty (20) days upon publication according to law.

FIRST READING: March 19, 1984

Moved by President O'Connell, seconded by Councilman

Babchin and so ordered on the following roll call vote:

AYES: President O'Connell, Councilmen Babchin, Dunlop, Haney, Ingram, Maher, O'Malley.

NAYS: None.

ABSTAIN: Councilmen Cannon and Mannino.

SECOND READING: April 18, 1984

Moved by President O'Connell, seconded by Councilman Babchin

and so ordered on the following roll call vote:

AYES: President O'Connell, Councilmen Babchin, Cannon, Dunlop, Haney, Ingram, Maher.

NAYS: Councilmen Mannino & O'Malley.

ATTEST:

Mary M. Brown
Mary M. Brown
Township Clerk

Edward G. O'Connell
Edward G. O'Connell
Council President

Approved as to form and sufficiency

APPROVED:

Jerome J. Convery, Esq.
DEPARTMENT OF LAW
Jerome J. Convery, Esq.

Russell J. Azzarello
Russell J. Azzarello
Mayor

Adopted on First Reading:
Published in News Tribune:
Adopted on Second and Final
Reading:
Published in News Tribune:
Effective:

March 19, 1984
March 26, 1984
April 18, 1984
April 23, 1984
May 1, 1984

Handwritten: I, Mary M. Brown, Clerk of the Township of Old Bridge of the County of Middlesex and State of New Jersey, do hereby certify that the above is a true copy of a copy meeting of the Township Council held on the 23rd day of April 1984.
Mary M. Brown
Mary M. Brown, Clerk