

BOROUGH OF LEONIA

ORDINANCE #2021-10

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 220 ENTITLED "RENT CONTROL", OF THE CODE OF THE BOROUGH OF LEONIA

BE IT ORDAINED by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, as follows:

Section 1.

Chapter 220 of the Code of the Borough of Leonia, "Rent Control", be and is hereby repealed in its entirety and replaced by the following:

§220-1 Definitions

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

BASE RENT - The rental amount exclusive of any surcharges, supplemental or ancillary charges or fees.

CONSUMER PRICE INDEX - The consumer price index (all items, base year 1982-1984 = 100) for the region of the United States, of which Leonia is part, published periodically by the United States Department of Labor, Bureau of Labor Statistics.

DWELLING - Includes any building or structure or trailer or land used as a trailer park, including garage space, rented or offered for rent, exempting one or two-family homes. Also exempt from this Chapter are motels, hotels and similar type buildings. Housing units rented for the first time are exempt and the initial rental may be determined by the landlord. All subsequent rentals shall be subject to the provisions and conditions of this chapter. New owners or landlords shall be bound by the rentals in existence at the time of transfer of title. Also including in this definition are housing units previously rented and bound by the terms of this chapter and thereafter converted to condominium units for so long as the tenant in possession at the time of the conversion to a condominium remains a tenant pursuant to and as a result of the notice requirements of the New Jersey Condominium Act.

HOUSING SPACE - That portion of a dwelling rented or offered for rent for living and dwelling purposes, together with all privileges, services, furnishings, equipment, facilities and improvements connected with the occupancy or enjoyment of the property to be used by the tenant.

§220-2 Rental Increase

A. Permissible rental increase. The establishment of rents between a landlord and a tenant to whom this chapter is applicable shall hereafter be determined by the following provisions:

- (1) Frequency. No landlord shall request or receive any increase in rental payments from any tenant more often than once in any period of 12 consecutive months.

- (2) Calculation of rent increases. At the expiration of a lease or at the expiration of a periodic tenancy, no landlord of any dwelling may request or receive a percentage increase in rent which is greater than five percent (5%) or the percentage difference between the Consumer Price Index three months prior to the expiration or termination of the lease and three months prior to the commencement of the lease, whichever is less. In no event shall the increase be less than three percent (3%).
 - (3) Maximum rent increase. In no event shall any rent increase exceed 5% of the previous base rent in any twelve-month period.
 - (4) Minimum rent increase. In no event shall any rent increase be less than 3% of the previous base rent in any twelve-month period.
- B. Excessive or unauthorized rental increases. Any rental increase other than the appropriate allowable increase in accordance with §220-2 herein shall be null and void and constitute a violation of this chapter subject to the enforcement provisions of §220-8.
- C. Notification of rental increase.
- (1) Any landlord seeking an increase in rent shall notify the tenant in accordance with §220-6. Said notice shall include a copy of calculations involved in computing the increase, including the monthly base rental amount, percentage increase and the allowable rent increase amount. This notification shall be given not less than 30 days prior to the effective date of such rental increase.

§220-3 Vacancy increase.

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 sum as he deems appropriate.

§220-4 Property maintenance.

- A. The provisions of the Property Maintenance Code will be applied strictly to all rental units. Landlords will comply with all requirements for maintenance of both interiors and exteriors. The Code Enforcement Official will make inspections of rentals to ensure compliance.
- B. The landlord shall be obligated to maintain the same standards of service, maintenance, furniture, fixtures, equipment, appliances and conveniences in or on

the premises as were provided or required by law or lease, at the date the lease was originally entered into or during the term of the tenancy.

§220-5 Required filing.

- A. The landlord of a multiple dwelling subject to the provisions of this chapter shall file with the Borough Clerk, not later than 30 days from the effective date of this chapter, a statement, in the form prescribed by the Borough Clerk, which statement shall contain the following:
- (1) The name and address of the landlord.
 - (2) The street address of the multiple dwelling.
 - (3) The apartment number, floor designation or other designation or other information adequate to identify the housing space for which the report is submitted.
 - (4) The rent in effect as of 30 days from effective date of this chapter.
 - (5) The commencement date and expiration date of any written lease covering the housing space in effect 30 days from the effective date of this chapter.
- B. The landlord of a multiple dwelling subject to the provisions of this chapter shall file with the Borough Clerk not later than 30 days after an increase in rent which becomes effective after 30 days from the effective date of this chapter, a statement, which shall contain the following:
- (1) The name and address of the landlord.
 - (2) The street address of the multiple dwelling.
 - (3) The apartment number, floor designation or other designation or other information adequate to identify the housing space as to which the report is submitted.
 - (4) The rental charge prior to the increase in rent.
 - (5) The new rental charge.
 - (6) The effective date of the rental increase.
 - (7) The expiration date of any written lease covering the housing space as of the effective date of the increase.

§220-6 Method of notification.

Whenever notice is required under any section of this chapter, it shall be accomplished by posting to the person to be served a copy of said notice by certified mail, return receipt requested, or by handing a copy of said notice to said person or his duly authorized agent. "Person" as used in this section shall also include corporations, partnerships and their duly authorized agents or representatives.

§220-7 Interpretation.

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

§220-8 Violations and penalties.

- A. A violation of any provision of this chapter shall be punishable by a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both, and in addition a forfeiture of all allowable increases for all rentals in the property concerned for a one-year period commencing upon the adjudication of a violation of this chapter. A violation affecting more than one leasehold shall be considered a separate violation as to each.

Section 2. Severability

If any article, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3. Effect

This Ordinance will take effect upon publication as required by law.

	Motion	Second	Yes	No	Abstain	Absent
Terrell	✓		✓			
Davis			✓			
Flaim			✓			
Fusco		✓	✓			
Grandelis			✓			
Ziegler			✓			
Mayor Zeigler	---	---				

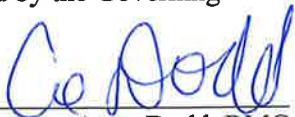


 Judah Zeigler, Mayor

ATTEST:


 Anne Dodd, RMC
 Borough Clerk

I hereby certify the foregoing to be a true copy of Ordinance No. 2021-10 adopted by the Governing Body of the Borough of Leonia on August 16, 2021.



Anne Dodd, RMC
Borough Clerk