



City of East Orange, N.J.

Mayor Ted R. Green

## RENT LEVELING DIVISION

### 218-27 RENTAL DECONTROL REQUIREMENTS

#### **Rental Decontrol application Fee \$125**

- (1) The landlord shall be eligible for Decontrol only under the following
  - a. The tenant vacates the apartment voluntarily, and there is no unreasonable pressure from the landlord or his agent.
  - b. The tenant vacates the apartment as a result of a court order from a court of competent jurisdiction. This ground shall not be available to a landlord who receives a court order to dispossess a tenant based upon a tenant holding over and continuing in possession of the premises after the expiration of his/her term.
- (2) The Rent Regulation Officer shall investigate the circumstances under which the tenant vacated the apartment. Issues concerning circumstances of the vacation of a unit by a tenant which are deemed contrary to the provisions of this section by the administrator shall be reviewable by the Rent Leveling Board.

In the event that the Board determines that a landlord is seeking to decontrol or has decontrolled a dwelling unit under circumstances other than those set forth in this section, the Rent Leveling Board may:

- (a) Rescind the Decontrol of the dwelling unit, and the rent shall revert to that rental on the dwelling unit prior to the unit; being vacated
- (b) Prosecute the landlord for violation of this chapter.

C. In those situations where tenants move to different units within the same building or complex, the apartment into which the tenant moves will not be decontrolled. The unit vacated will be eligible for decontrol.

D. When a landlord seeks to decontrol a dwelling unit under this section, the landlord shall file a Rental Decontrol application, with applicable fee and the new lease agreement with the Rent Regulation Officer prior to the effective date of the new tenancy.



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### 218-27 RENTAL DECONTROL INSPECTION REQUIREMENTS

- (1) Before the dwelling unit is approved for decontrol Certificate of Decontrol, the landlord shall meet the following inspection requirement:
  - a. There must be standard locks on all doors of ingress and egress in accordance with the applicable code provision in the building and the subject dwelling unit.
  - b. Floors if wood shall be sanded and refinished to its original color and condition or wall-to-wall carpet shall be installed throughout the unit.
  - c. Kitchen and bathroom floors shall be tiled or of water resistant material and reflect its original color and condition.
  - d. All walls and ceilings shall be painted, covered or decorated to reflect original or modern styles.
  - e. Kitchen shall contain a minimum of four electrical outlets for appliances and other kitchen usage. The sink, stove and refrigerator shall be operable and reflect original or modern styles. If the sink is not cleanable, it shall be replaced.
  - f. Bathroom shall contain tub/and/ or a shower, commode and face basin reflecting original or modern styles. If any of the foregoing fixtures are not operable and cleanable, they shall be replaced.
  - g. All windows shall be weather tight and workable. All windows shall be properly glazed and free of cracks or breaks. Screens shall be available during the required time of the year.
  - h. All tenant facilities shall be in proper working order and clean, which shall include bells, buzzers, intercoms, elevators, laundry rooms, garbage rooms and storage rooms, where necessary.
  - i. All common areas throughout the building shall reflect original or modern styles and be free from any damage, cracks, peeling paint, dirt debris.
  - j. Garages shall be maintained in accordance with applicable code provisions. Driveways and parking areas shall be properly lit and marked for parking and free from breaks and holes or any other ground hazard which may exist in the parking area.
  - k. All utilities shall be operational at the time of inspection. A functioning stove and refrigerator shall be in the unit at the time of inspection.
  - l. At the time of inspection, there shall be no open code violations throughout the common areas of the building or premises where the unit is located.**

## 218-27 RENTAL DECONTROL INSPECTION REQUIREMENTS

m. At the time of inspection, the exterior of the premises shall be free of peeling paint on the building and building trim. All painting shall be in reasonable condition.

(2) After the foregoing inspection, requirements are met; the Director of Property Maintenance and Revitalization shall issue a **Certificate of Decontrol** to be issued for the dwelling unit.

(3) Any dwelling unit decontrolled pursuant to the foregoing shall be subject to the provisions of this chapter for rent controlled dwelling units. After the Certificate of Habitability/Decontrol is issued, the landlord shall register his rents pursuant to 218-14 of this chapter. All dwelling units Decontrolled prior to the effective date of this section shall also be registered pursuant to 218-14 and be subject to the provisions of this chapter for rent controlled dwelling units. In addition, any dwelling unit decontrolled in accordance with the foregoing provisions shall not be eligible for decontrol for 10 years from the issuance of the Certificate of Habitability/Decontrol for the unit.

**(4) Notwithstanding the foregoing, should inspection requirements not be met, any subsequent inspection shall include an additional \$50.00 fee for each inspection.**

E. The landlord of a newly constructed dwelling or housing unit which is rented for the first time and the landlord of a substantially reconstructed or rehabilitated dwelling or housing unit shall not be restricted in any way in the setting of the rent he/she charges. "Substantially rehabilitated" means that the cost of capital improvements exceeds 50% of the current equalized assessed value or the fair market value, which is higher, prior to the improvements adjusted to 100% (as determined by the local Tax Assessor's office) and is in compliance with all city housing maintenance codes. Further, all work done on the structure must have been with appropriate local approval as evidenced by permits, and the complete construction must be in accord with building, fire and other code regulations. Both a certificate of habitability and a certificate of code compliance must be produced as evidence.

F. The owner of a substantially reconstructed or rehabilitated building shall apply to the Rent Leveling Board for an exemption under this section. Applications must follow the same format and procedure as for a capital improvement application.

G. The landlord of a newly constructed or a substantially reconstructed or rehabilitated dwelling or housing unit shall be exempt from the restrictions for the setting of rent he/she charges during the term of any first mortgage secured from a financial institution or mortgage institution. Said first mortgage shall be an amount not less than 75% of the estimated market value at the completion of the subject construction. The landlord shall submit evidence, the 1<sup>st</sup> day of September every year, from the financial or mortgage institution that the first mortgage is still secured.



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218-27 APPLICATION FOR RENTAL DECONTROL

OWNER \_\_\_\_\_

Address \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE (DAY) \_\_\_\_\_ (EVE) \_\_\_\_\_ (FAX) \_\_\_\_\_

PROPERTY ADDRESS \_\_\_\_\_ APT. NO \_\_\_\_\_

BLOCK NO. \_\_\_\_\_ LOT NO \_\_\_\_\_ WARD. \_\_\_\_\_

BUILDING SUPERINTENDENT \_\_\_\_\_ APT. NO. \_\_\_\_\_

PHONE (HOME) \_\_\_\_\_ (CELL) \_\_\_\_\_

NAME OF OLD TENANT \_\_\_\_\_

RENTAL UNIT \_\_\_\_\_ RENTAL AMOUNT \_\_\_\_\_ DATE VACATING \_\_\_\_\_ #OF BEDROOMS \_\_\_\_\_

REASON FOR VACATING \_\_\_\_\_

WAS THE PREVIOUS RENT REGISTERED? YES \_\_\_ NO \_\_\_ DATE \_\_\_\_\_

NAME OF NEW TENANT \_\_\_\_\_

PROPOSED NEW RENT \$ \_\_\_\_\_ EFFECTIVE DATE \_\_\_\_\_

NOTE: SHOULD THE APARTMENT NOT BE READY ON THE EFFECTIVE DATE, THE OWNER WILL FOREFIT HIS APPLICATION FEE AND HAVE TO REAPPLY EFFECTIVE IMMEDIATELY

THE GAS & ELECTRIC MUST BE ON AT THE TIME OF INSPECTION.

Inspector will phone you for appointment within the next 15 working days.

**AT THE TIME OF INSPECTION, THERE SHALL BE NO OPEN CODE VIOLATIONS THROUGHOUT THE COMMON AREAS OF THE BUILDING OR PREMISES WHERE THE UNIT IS LOCATED.**

At the time of the initial inspection, the unit must be able to pass the inspection requirements for Decontrol. These requirements are listed on the Decontrol Guidelines.

1. If violation exists during the initial inspection, any subsequent inspection shall include an additional \$50.00 fee.
2. If the Unit cannot pass the Decontrol inspection, the applicant has the option of requesting a regular Certificate of Habitability. There would be no reimbursements or credit for the difference in fees between the two certificates.
3. Renting an apartment without a Decontrol Certificate can result in the following penalties:
  - a. Rent Roll Back
  - b. Fines, If Convicted
4. The Decontrol Certificate is issued by the Department Of Property Maintenance.
5. Rent Control Administration keeps a copy of this application on file

**To change the Decontrol request to a Regular Certificate of Habitability request, a notarized letter must be sent to the Division of Rent Leveling, Department of Property Maintenance.**

I hereby certify; that the above statements are true. I am aware that if any of the facts are willfully false, I can be subjected to punishment and/or the effects of the certification can be rescinded.

Date\_\_\_\_\_

Applicant's Name\_\_\_\_\_

Signature\_\_\_\_\_

**ALL FEES MUST BE PAID BY CERTIFIED CHECK OR MONEY ORDER ONLY**

This form must be completed in its entirety. At the time of inspection all utilities must be operational. All inspections must be complete prior to occupancy by the new tenant. It is unlawful to rent or allow occupancy of any dwelling unit without obtaining and returning a properly executed Certificate of Habitability to this office.

_____	_____	_____	_____
Reference No. Initials	Fees	Receipt	Date
_____	_____	_____	_____
Date Assigned	Interviewer	Inspector	

**IN ADDITION, ANY DWELLING UNIT DECONTROLLED IN ACCORDANCE WITH THE FOREGOING PROVISIONS SHALL NOT BE ELIGIBLE FOR DECONTROL FOR 10 YEARS FROM THE ISSUANCE OF THE Certificate OF DECONTROL FOR THE UNIT.**