

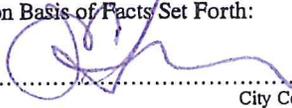
ORDINANCE OF THE CITY OF EAST ORANGE, NEW JERSEY

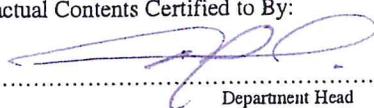
1st Reading ..... OCTOBER 24, 2016  
Public Hearing ..... November 26, 2016  
Final Reading .....

Referred to  
Planning Board .....  
From  
Planning Board .....

Approved as to Form and Legality  
on Basis of Facts Set Forth:

Factual Contents Certified to By:

  
.....  
City Counsel

  
.....  
Department Head

Appropriations:

Removed  
Tabled ..... From Table .....

.....  
Comptroller

Councilman ..... COOPER/JOHNSON ..... Presents the following Ordinance:

ORDINANCE NO. 53 OF 2016

ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 218, § 27  
OF THE CODE OF THE CITY OF EAST ORANGE, ENTITLED  
“RENT CONTROL AND CONVERSIONS, RENT DECONTROL”

WHEREAS, Chapter 218-1 et seq., was enacted in 1980 to create a Rent Control Board and establish the position of the Rent Regulation Officer to regulate, control and stabilize rents and address complaints from tenants within the City of East Orange; and

WHEREAS, Ordinance No.: 9 of 2010 adopted on July 19, 2010 to amend and supplement Chapter 218-1 et seq., is invalid due to untimely publication; and

WHEREAS, Ordinance No.: 9 of 2010 was amended in its entirety 10-13-2015 by Ord. No. 47-2015; and

WHEREAS, The City of East Orange desires to amend and supplement Chapter 218-1 et seq.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of East Orange that:

The Code of the City of East Orange, Chapter 218, §27 entitled “Rent Decontrol” is hereby amended and supplemented as follows:

**SECTION 1:**

**§ 218-27 Rental decontrol.**

A. Upon the vacation of a residential unit by a tenant, the unit shall become eligible for decontrol.

(1) The Rental Decontrol inspection fee for initial inspection of the dwelling unit is \$125.00.

(2) Subsequently, the Rental Decontrol inspection shall include an additional \$50.00 fee.

B. Circumstances under which decontrol shall be considered.

(1) The landlord shall be eligible for decontrol only under the following circumstances:

(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 vacation of the unit; and

(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 notify the new tenant of the landlord's intent to file for decontrol of the dwelling unit and~~ shall file a vacancy decontrol application, with the applicable fee and the new lease agreement, with the Rent Regulation Officer prior to the effective date of the new tenancy.

(1) Before the dwelling unit is approved for ~~decontrol status~~ a Certificate of Decontrol, the landlord shall meet the following inspection requirements:

(a) There must be standard locks on all doors of ingress and egress in accordance with the applicable code provisions in the building and the subject dwelling unit.

(b) Floors, if wood, shall be sanded and refinished to their 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 their original color and condition.

(d) All walls and ceilings shall be painted, covered or decorated to reflect original or modern styles.

(e) Kitchens 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) Bathrooms 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 weathertight 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 and 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.

(m) At the time of inspection, the exterior of the premises shall be free of peeling or ~~alligatoring~~ paint on the building and building trim, ~~fire escapes and garage area~~. All painting shall reflect original or modern styles. be in reasonable condition.

(2) After the foregoing inspection requirements are met, the Director of Property Maintenance and Revitalization shall cause a ~~certificate of habitability/decontrol~~ 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 ~~or should the new tenant fail to move into the dwelling unit on or by the effective date of the new tenancy, the landlord shall forfeit the application fee and have to file a new application and fee for vacancy decontrol with the Rent Regulation Officer.~~ 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, whichever 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 first day of September every year, from the financial or mortgage institution that the first mortgage is still secured.

**SECTION 2. 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 of constitutionality of any other section or parts thereof.

**SECTION 3.** That all ordinances or parts of ordinances and conflicts that are inconsistent with this ordinance are hereby repealed but only to the extent of such conflict or inconsistency.

**SECTION 4.** That this ordinance shall take effect upon final passage upon expiration of twenty (20) days following publication unless otherwise provided.

**FIRST READING**

COUNCILMEMBER	AYE	NAY	N.V.	A. B.	VETO
BULLOCK	X				
BRENT	X				
JOHNSON				X	
LEWIS				X	
COOPER	X				

COUNCILMEMBER	AYE	NAY	N.V.	A.B.	VETO
HOLMAN	X				
GOMEZ	X				
JAMES	X				
TALMADGE	X				
GREEN	X				

**RECORD OF COUNCIL VOTE ON SECOND READING & FINAL PASSAGE**

COUNCILMEMBER	AYE	NAY	N.V.	A. B.	VETO
BULLOCK	X				
BRENT	X				
JOHNSON				X	
LEWIS				X	
COOPER	X				

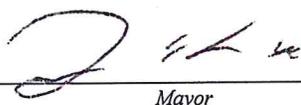
COUNCILMEMBER	AYE	NAY	N.V.	A.B.	VETO
HOLMAN	X				
GOMEZ	X				
JAMES	X				
TALMADGE	X				
GREEN				X	

X- Indicates Vote    A.B.- Absent    N.V. -Not Voting (Abstained or Excused)    ACTION ON VETO: ↓ To Sustain    ↯ To Over-Ride

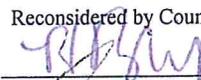
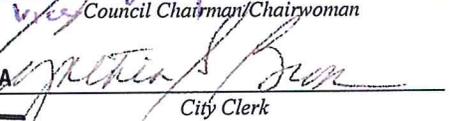
Passed on First Reading: 10 / 24 / 2016  
 Adopted on final Reading: 11 / 21 / 2016  
 Presented to Mayor: 11 / 22 / 2016  
 Approved: 11 / 28 / 2016

Vetoed: \_\_\_\_ / \_\_\_\_ / 2016

Reconsidered by Council: \_\_\_\_ / \_\_\_\_ / 2016

  
 Mayor

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF ORDINANCE NO. 53 ADOPTED BY THE CITY COUNCIL OF EAST ORANGE AT ITS MEETING HELD November 24, 2016  
 CITY CLERK, EAST ORANGE, NJ

  
 Council Chairman/Chairwoman  
  
 City Clerk