

**CITY OF HOBOKEN
DEPARTMENT OF HUMAN SERVICES
RENT LEVELING**

EMILY JABBOUR
Mayor



CHRISTOPHER BROWN
Director

**RENT CONTROL ORDINANCE
CHAPTER 155
REGULATIONS**

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Rent Control Ordinance

Preamble

THE GENERAL ORDINANCES **SECTIONS 18:53 TO 18:61**

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO REGULATE CONTROL AND STABILIZE RENTS OF MULTIPLE DWELLINGS AND TO CREATE A RENT CONTROL BOARD AND SUPPLEMENTING CHAPTER 18 OF THE GENERAL ORDINANCES OF THE CITY OF HOBOKEN, ADOPTED JANUARY 1959, AND TO BE KNOWN AS SECTIONS 18:53 TO 18:61 OF THE GENERAL ORDINANCES OF THE CITY OF HOBOKEN."

WHEREAS, the governing body of the City of Hoboken has determined that a critical shortage of housing space exists in the City of Hoboken and, therefore, hereby declare that an emergency exists within the City of Hoboken with respect to the rental housing space by reason of such shortages, undue bargaining power has been obtained by landlords, resulting in numerous increases in rent which are determined by said government body to be exorbitant, speculative and unwarranted and that such increases are causing severe hardships upon tenants and their families and the displacement of tenants and their families from the City and are adversely affecting the health, safety and general welfare of the citizens of the City of Hoboken warranting legislative action by the governing body in the public interest; and

WHEREAS, pursuant to the police powers granted to the Municipal Council in order to protect the health, safety and welfare of the citizens of Hoboken, it is necessary to create a Rent Leveling and Stabilization Board and Officer within the City of Hoboken.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Hoboken as follows:

Sections 18:53 to 18:61 of the General Ordinances of the City of Hoboken, adopted on February 3, 1977 and amended on July 24, 1981, and August 23, 1984 are hereby rescinded and repealed. In their place and stead the Council of the Mayor and Council of the City of Hoboken, hereby adopts the following:

Regulation 10:54(A)

- 01 - The Rent Board Administrator shall have the jurisdiction to calculate legal rents. A tenant may request a legal rent calculation where the tenant's rent is believed to be in excess of the legal rent as established pursuant to the ordinance. Section 18:56(B). The tenant shall provide the Administrator with a statement explaining the reason for the calculation request and shall supply any supporting materials deemed necessary to the resolution of the matter. Likewise, a landlord may request a legal rent calculation where it has insufficient information upon which to establish the legal rent for one of its rental units.
- 02 - Subsequent to receipt of the tenant's request for a legal rent calculation, the Rent Board Administrator shall serve upon the landlord, by registered or certified mail, return receipt requested, a notice of the application for a rent calculation. An additional copy of such notice shall be sent to the landlord through the regular mail. The landlord shall have thirty (30) days from service of the said notice to supply whatever information it deems necessary to support the rent billing charged to the tenant. After receipt of the landlord's information, or after the time for supplying same has expired, the Rent Board Administrator shall make a determination of the legal rent. If, however, the Rent Board Administrator concludes that the information supplied requires a hearing or either the landlord or tenant request a hearing and demonstrates a need for same, then a hearing shall be promptly scheduled at the Rent Control Office to be conducted by the Rent Board Administrator. After the hearing, the Rent Board Administrator shall make a determination of the legal rent and provide a written statement of any findings of fact or conclusions of law with respect to same. If circumstances so require, this initial hearing may be conducted by the Rent Leveling and Stabilization Board.

Adopted: November 11, 1987

Revised by Board 5/27/15

**CITY OF HOBOKEN
DEPARTMENT OF HUMAN SERVICES
RENT LEVELING**

DAWN ZIMMER
Mayor



LEO PELLEGRINI
Director

Regulation 10:54(A) – Legal Rent Calculation

- 01- The Rent Regulation Officer shall have the jurisdiction to calculate legal rents. A tenant may request a legal rent calculation where the tenant's rent is believed to be in excess of the legal rent as established pursuant to the ordinance. Section 155-3, 155-4 and 155-5. The tenant shall provide the Officer with a statement explaining the reason for the calculation request and shall supply any supporting materials deemed necessary to the resolution of the matter. Likewise, a landlord may request a legal rent calculation where it has insufficient information upon which to establish the legal rent for one of its rental units.
- 02- Subsequent to receipt of the tenant's request for a legal rent calculation, the Rent Regulation Officer shall serve upon the landlord, by registered or certified mail, return receipt requested, a notice of the application for a rent calculation. An additional copy of such notice shall be sent to the landlord through the regular mail. The landlord shall have thirty (30) days from service of the said notice to supply whatever information it deems necessary to support the rent billing charged to the tenant. After receipt of the landlord's information, or after the time for supplying same has expired, the Rent Regulation Officer shall make a determination of the legal rent.
- 03- Intentionally omitted
- 04- Any party who is no longer a tenant, but who was a tenant in a rent controlled unit in the City of Hoboken may request a legal rent calculation from the Rent Regulation Officer pursuant to the terms of Regulation 10:54(A). Any such request may be made to the Rent Regulation Officer no later than two (2) years from the date their tenancy expired. In accordance with the limitations imposed under Ordinance 155-4(A) & (C), the calculation is limited to the two (2) year period ending on the date the tenancy expired.
- 05- If, however, the Rent Regulation Officer concludes that the information supplied requires a hearing or either the landlord or tenant request a hearing and demonstrates a need for same, then a hearing shall be promptly scheduled at the Rent Control Office to be conducted by the Rent Regulation Officer. After the hearing, the Rent Regulation Officer shall make a determination of the legal rent and provide a written statement of any findings of fact or conclusions of law with respect to same. If circumstances so require, this initial hearing may be conducted by the Rent Leveling & Stabilization Board.

Approved by Board 5/27/15

Revised by Board: 9/13/23

Submitted to City Clerk 5/28/15

15525-A

RESOLUTION TO AMEND REGULATION 10:54(A) – LEGAL RENT CALCULATION

WHEREAS Regulation 10:54(A) 02, adopted by the Board in 1987 and revised in 2015, stipulates that upon a tenant's request for a legal rent calculation, the Rent Regulation Officer must provide formal notice to the landlord and 30 days within which to supply any additional relevant information in advance of the Officer's determination, and

WHEREAS neither Regulation 10:54(A) nor any other Regulation provides the same notice and opportunity to the tenant when the landlord requests a legal rent calculation, and

WHEREAS the Rent Control Ordinance states that nothing may "prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this chapter" (§155-4 B), and

WHEREAS the landlord and tenant may both be in possession of information or evidence relevant to the Rent Regulation Officer's determination of the legal rent, and

WHEREAS the Rent Control Ordinance states: "All determinations made by the Rent Regulation Officer are appealable to the Board" (§155-23), and it is impossible to appeal a decision that one does not know has been made, and

WHEREAS the Ordinance empowers the Board to exercise its powers in pursuit of fairness (§155-19), and providing one party but not the other with notice and opportunity to supply information is manifestly unfair, and

WHEREAS the Ordinance states that "The Rent Leveling Board may consider regulations as it deems necessary to implement the purposes of this chapter" (§155-19-A), and

WHEREAS following Regulation 10:54 02, section 03 is left "intentionally omitted,"

NOW THEREFORE, the Board hereby resolves to submit, per §155-19 A, " for consideration to the Administration, under its management and supervisory authority over the Board, and for legal review by the Office of the Corporation Counsel prior to being presented for a vote by the Board," the following amendment to Regulation 10:54 (A) 03, in parallel to 10:54 (A) 02:

03 – Subsequent to receipt of the landlord's request for a legal rent calculation, the Rent Regulation Officer shall serve upon the tenant, in the same manner as notice is served to the landlord when the tenant requests a legal rent calculation, a notice of the application for a rent calculation. The tenant shall have thirty (30) days from service of the said notice to supply whatever information it deems necessary to support the rent billing charged to the tenant or any other relevant information and documentation. After receipt of the tenant's information or documentation, or after the time for supplying same has expired, the Rent Regulation Officer shall make a determination of the legal rent. Whether the landlord or tenant requested the legal rent calculation, the Rent Regulation Officer shall notify both parties of the determination.

Regulation 18:54(H) - 01 -

If the conditions exist which constitute the deterioration of services, care or maintenance (the "services") at the time of the tenant's application for a rent reduction pursuant to 18:54(H), or if said conditions existed within sixty days of filing the application, then the Rent Leveling and Stabilization Board (the "Board") shall determine the value of the deteriorated services for the period commencing no earlier than one year prior to the filing of the application and continuing until the date of the Board's determination, and reduce the tenant's rent in an amount equal to this value over a period of rental payments the Board determines appropriate. If the deteriorated services continue to exist at the time of the Board's determination, the Board may, in addition to the above, set an amount future rental payments are to be reduced until the landlord demonstrates to the Rent Regulation Officer that the deteriorated services have been corrected. Action taken by the Rent Regulation Officer pursuant to this Regulation shall be appealable to the Board.

REGULATION #2: APPLICATIONS, APPEALS, AND EVIDENCE SUBMITTED TO THE BOARD (2/12/2025)

A. Manner of Application and Supporting Documentation Submission:

With respect to any documents submitted for a hearing before the Board, the applicant or appellant shall submit their documents electronically, in one PDF document with a table of contents and sections bookmarked. If the applicant is unable to submit their documents in this form, the applicant shall submit a single hard copy, with a table of contents and sections physically bookmarked. The submission shall include any and all underlying documentation submitted in support of the application or appeal. The applicant or appellant shall be responsible to ensure that the application is submitted in a form and manner which enables the Board to quickly and efficiently locate the underlying data submitted in support of the application. The same rules of submission shall apply to any documentation submitted by an adversary or other party of record in the case.

B. Timing of Submissions

All applications and supporting documentation, and any documentation or evidence to be relied on during the hearing, must be submitted to the Rent Regulation Officer no less than two weeks prior to the hearing date. The Rent Control Secretary shall deliver to all parties of record the complete application and supporting documentation no less than one week prior to the hearing, via certified electronic mail, or if necessary by certified USPS mail. Failure to comply with the timing requirements of this regulation may result in the proposed documents not being considered by the Board.

C. Additional requirements for submissions on appeal of a legal rent calculation

Any appeal to the Board of the determination of the Rent Control Officer of a legal rent calculation shall include all documents that the appellant had submitted to the Rent Regulation Officer; a statement of reasons as to the basis of the appeal; a copy of Rent Regulation Control Officer's determination.

REGULATION #3 VACANCY DECONTROL AS TO MULTIPLE TENANTS (2/12/2025)

For purposes of establishing a vacancy decontrol for an apartment unit in accordance with Article VII of the Rent Control Ordinance, a landlord who rents a residential apartment unit to multiple tenants may designate an original tenant category which shall consist of all the members of the original group of tenants to which the unit is rented.

The designation under this regulation shall stipulate that a vacancy will be deemed to have occurred at the time that the last original tenant vacates the apartment unit and that the landlord will be fully entitled at such time to obtain whatever vacancy decontrol relief is available under the Ordinance in the same manner as if the unit had become completely vacant of all tenants. At such time, the tenants then in possession may be designated as original tenants as set forth herein.

The designation under this regulation shall be signed by the landlord and the original tenants and a copy thereof shall be filed with the Rent Control Office within 30 days of the commencement of the tenancy. In the event that the tenants fail or refuse to sign the designation, the landlord may nevertheless sign and file the same along with proof of service to the tenants and proof of original tenancy and the timeliness of the filing. The designation shall set forth the names of the original tenants and the date of the designation along with a statement that for purposes of vacancy decontrol, a vacancy shall be declared to exist upon the last original tenant vacating the dwelling unit. The date of the vacancy shall be determined by the vacation of the last original tenant. It shall likewise state that the original tenants are in possession or occupancy of the unit at the time of the designation.

In the event a written agreement exists that substantially contains the information specified above, and which has been entered into prior to the effective date of this regulation, then provided that this agreement is submitted by the landlord to the Rent Control Office upon a request for vacancy decontrol, it shall be given the same force and effect as a designation under this regulation even though the written agreement had not been filed within 30 days of the commencement of the tenancy.

REGULATION #3: REQUEST FOR BOARD HEARING ADJOURNMENT (2/12/2025)

In order to have the prompt and efficient administration of pending matters before the Rent Board and to provide due notice to all parties of interest, the following procedure shall be followed by the Rent Leveling and Stabilization Office with respect to request for adjournments of hearings which have been scheduled before the Rent Board.

No request for an adjournment shall be granted unless requested at least 72 hours in advance of the hearing and with the consent of the other party. Exceptions shall only be made in a case where extreme hardship and/or emergency is demonstrated to the Rent Leveling and Stabilization Office.

In no event shall the Rent Leveling and Stabilization Office grant more than three adjournments to the same party.

REG. 18:66 FILING OF CERTIFICATE FOR DECONTROLLED UNITS (4/22/2009)

A Landlord of any dwelling subject to the provisions of this chapter may file a Certificate pursuant to Section 155-33 for any year where the landlord legally owned the dwelling, provided the Certificate is filed no later than the latter of either one (1) year from when the vacancy occurred or one (1) year from when the apartment was first rented to a replacement Tenant after a vacancy, and the dwelling must have been registered at the time of the filing in compliance with Section 155-31. Such filing shall be considered timely under Article VII of this Chapter and may be utilized in any legal rent determination conducted by the Rent Control Office and the Rent Leveling and Stabilization Board, provided said Certificate is filed prior to a request for a legal rent calculation.

A Landlord may not file a Certificate pursuant to Section 155-33 for any year where the Landlord was not the legal owner of the dwelling. Any such filing shall be rejected by the Rent Control Office as untimely and may not be utilized in any legal rent determination conducted by the Rent Control Office and the Rent Leveling and Stabilization Board.

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Reg. 18:66

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Approved by the Board: 4/22/09
Submitted to City Clerk: 4/23/09

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CITY CLERK
HOBOKEN, NJ 07080

Timing Requirements of Vacancy Decontrol Certificates

In the event a tenant vacates after a vacancy decontrol certificate was rejected for the reasons described in the preceding paragraph, a landlord may properly file a vacancy decontrol certificate relating to the departure of that tenant, provided said certificate is filed within six (6) years of the departure and is otherwise in compliance with the provisions of this Chapter.

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REGULATION 18:69: CODIFICATION OF PROCEDURE TO BE FOLLOWED BY THE RENT LEVELING & STABILIZATION BOARD FOR PUBLIC COMMENTS DURING BOARD MEETINGS (4/13/2022)

For the purpose of clarifying the policy and procedure for permitting public comments during Rent Leveling & Stabilization Board meetings, the following policy and procedure has been established.

During the Appeals and Other Matters portion of the meeting, members of the public will be able to speak for five (5) minutes after applicants, respondents, witnesses and/or experts have concluded their presentations. The Board Chair will then open Public Comments for the relevant case. Each person addressing the Board gives their name in an audible tone of voice for the record. All remarks shall be addressed to the Board Chair; no remarks shall be addressed to the other members of the Board without the permission of the Board Chair and the member to be addressed. No person other than members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Board Chair. Applicants, respondents, witnesses, and/or experts cannot enter into discussion with the members of the public that speak without the permission of the Board Chair.