

## Chapter 134

### RENT STABILIZATION

#### GENERAL REFERENCES

Housing Authority — See Ch. 24.

Housing and property maintenance — See Ch. 100.

Boarding and rooming houses and nursing homes — See Ch. 66.

Tourist lodges and camps — See Ch. 158.

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#### § 134-1. Purpose.

It is hereby declared to be in the interest of the health, safety and general welfare of all the people of the City of Hackensack, tenants, landlords and homeowners, to create a fair and equitable system for determining an appropriate relationship between landlords and tenants. It is specifically the purpose of this chapter to secure the following objectives:

- A. To prevent unwarranted and unreasonable increase in rents and harassment of tenants.
- B. To alleviate the effects of a critical rental housing shortage in any particular area in the City of Hackensack and to protect persons living therein from undue impairment of their standard of living.
- C. To promote an atmosphere that is conducive to business investment for the construction of rental units, in the City of Hackensack.
- D. To promote a fair and equitable tax relationship between landlords, tenants, homeowners and other property owners in the City of Hackensack.
- E. To maintain affordable rental housing in the City of Hackensack while permitting landlords to receive a fair and reasonable financial return from their properties. **[Added 7-21-1997 by Ord. No. 10-97]**

#### § 134-2. Definitions.

As used herein, the following terms shall have the meanings indicated:

**ADDITION** — Any extension or increase in floor area or height of a building or structure.

**ALTERATION** — As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**ARM'S LENGTH TRANSACTION** — A standard by which unrelated parties, each acting in his or her best interest, would carry out a particular transaction.

**CAPITAL IMPROVEMENT** — A substantial improvement, addition or alteration to a dwelling that adds services or amenities to the dwelling for the benefit of its tenant(s) not previously provided. Specifically included in this definition are the purchase and installation of safety devices or systems mandated by any government agency.

**CONSUMER PRICE INDEX** — That which is published periodically by the Bureau of Labor Statistics, United States Department of Labor, for Urban Wage Earners and Clerical Workers, New York - Northeastern New Jersey.

**DWELLING** — Excepting those tenancies in rental units protected by operation of N.J.S.A. 2A:18-61.31:

- A. Any building or structure containing three or more rental units which are rented or offered for rent to tenants or family units for residential purposes, other than hotels, motels or licensed boarding and rooming houses.
- B. Any rental unit located in a building or group of buildings comprising a single condominium or cooperative entity, provided that:
  - (1) The rental unit is one of three or more such rental units located in the condominium or cooperative entity simultaneously owned by the same person, directly or indirectly, in whole or in part, on or after October 15, 1990. "Person" shall mean a natural person, a corporation, a partnership or any other entity. "Indirect ownership" shall be presumed to exist when a rental unit is owned by a person's spouse, child or parent.
  - (2) Divestiture of one or more such simultaneously owned rental units, on or after October 15, 1990, shall not serve to remove the rental unit(s) divested, nor the rental unit(s) retained, from the applicability of this definition or the operation of this chapter so long as the tenancy existing at the time of the divestiture(s) shall continue.
- C. Tenancies in any one-family house, two-family house which is not owner-occupied, owner-occupied three-family house or in any rental unit located in a building or series of buildings comprising a single condominium or cooperative entity (other than those described in Subsection B of this definition) where the tenancy therein began prior to December 31, 1990, so long as the particular tenancy shall continue.

**FAIR NET OPERATING INCOME** — Gross maximized annual income, less reasonable and necessary operating expenses. These expenses shall not exceed 60% of the gross maximized annual income.

**GROSS MAXIMIZED ANNUAL INCOME** — All income resulting directly or indirectly from the operation of such dwelling(s), including but not limited to the following:

- A. All rent received or collectible.

- B. Any reasonable rental, as determined by the Rent Stabilization Board, from a less than arm's length transaction.
- C. The landlord's share of interest on security deposits.
- D. All earnings from commissions, vending machines, deductions from security deposits, late fees, pet fees, parking fees, pool fees, key charges and finder's fees.
- E. The amount received from successful tax appeals.
- F. Income from rebates and surcharges.

HABITABLE ROOMS — Rooms in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage, including garages, or utility spaces and similar areas are not considered "habitable rooms."

LANDLORD — The owner of a dwelling.

PUBLIC MEMBER — A person owning and occupying a one-family dwelling.

QUALIFIED SENIOR TENANT — A tenant who is at least 62 years of age or the surviving spouse of such a tenant if the tenant should die and the surviving spouse is at least 50 years of age at the date of death, provided that the rental unit has been or was the principal residence of the tenant for at least one year. The term "qualified senior tenant" shall only apply to senior citizens whose total household income from all sources, whether earned or unearned, and whether or not taxable, does not exceed the most recent per capita annual income figure for Bergen County residents published by the New Jersey Department of Community Affairs. **[Added 7-21-1997 by Ord. No. 10-97]**

REASONABLE AND NECESSARY OPERATING EXPENSES — All valid expenses incurred and paid by the landlord in the operation of such dwelling(s) during the period reflected in the income computation for the gross maximized annual income.

RENT — The basic consideration paid for use or occupancy of a rental unit, including increases in rent pursuant to § 134-3, excluding surcharges.

RENTAL UNITS — That portion of a dwelling rented or offered for rent to one or more tenants or family units for residential purposes. A rental unit shall include all privileges, services, furnishings, furniture, equipment or improvements connected with the use or occupancy of a dwelling. Also included in a definition of a "rental unit" are garages and parking spaces, whether an additional charge is collected or not. Specifically excluded from the definition of a "rental unit" are coin-operated vending or laundry machines.

REPAIR — The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

ROOM — Any space enclosed by four walls, including doorways and windows, containing an area equal to or greater than 70 square feet measured from the insides of the walls.

SURCHARGES — Additional consideration other than rent granted to a landlord of a dwelling in recognition of additional costs or needs.

TENANTS — A person or persons who rents a rental unit from a landlord.

USEFUL LIFE — That period of time, to be determined by the Rent Stabilization Board on the basis of the relevant evidence before it, during which a capital improvement, major repair, alteration, addition, reconstruction or rehabilitation to a dwelling may reasonably be expected to remain serviceable.

### § 134-3. Increases in rents.

- A. Increases in rent for all rental units shall be determined solely by the provisions of this chapter.
- B. Calculating increase; notification of tenant.
  - (1) At the expiration of a period of not less than 12 consecutive calendar months following the effective date of the last previous rental increase of any rental unit subject to rent regulation under the terms of this chapter, a landlord may demand, receive or collect an increase in the rent for such rental unit which shall not exceed:
    - (a) Five percent where the landlord provides heat to the rental unit;
    - (b) Four and one-half percent where the tenant is obliged to pay for the heating of the rental unit; or
    - (c) Four percent for a qualified senior tenant where the landlord provides heat to the rental unit; or **[Added 7-21-1997 by Ord. No. 10-97]**
    - (d) Three and one-half percent for a qualified senior tenant where the tenant is obliged to pay for the heating of the rental unit. **[Added 7-21-1997 by Ord. No. 10-97]**
  - (2) Any landlord seeking an increase in rent pursuant to the provisions of Subsection B hereof shall notify the tenant, in writing, by certified mail, return receipt requested, addressed to the tenant at the rented premises not less than 30 days in advance of the proposed effective date of the rent increase. Said notice shall set forth the mathematical calculations involved in computing the new rent.
- C. Except as provided in this chapter, any rental increase at a time other than as provided for above shall be void, and any rental increase in excess of that authorized by the provisions of this section shall be void. A reduction, removal or cessation of or in the privileges, services,

furnishings, furniture, equipment or improvements provided to the tenant as part of the rental unit without a commensurate reduction in the rent shall be deemed to be an increase in rent in an amount to be determined by the Rent Stabilization Board. **[Amended 7-21-1997 by Ord. No. 10-97]**

- D. In the event of a dispute between the landlord and the tenant with regard to the amount of rent increase, either the tenant or the landlord will have the right to present his complaint to the Rent Stabilization Board for a hearing by that Board.

**§ 134-4. Hardship increases.**

- A. Whenever a landlord shall determine that the reasonable and necessary operating expenses of a dwelling(s) subject to rent regulations are greater than 60% of the gross maximized annual income of such dwelling(s), said landlord may apply to the Rent Stabilization Board for a hardship increase; said landlord must meet the criteria set forth in this chapter. Prior to any hearing of such application, notice shall be given in accordance with § 134-9C(3).
- B. When a landlord shall file an application before the Rent Stabilization Board for a hardship rental increase, the Board shall review said application to determine the eligibility of the landlord for said hardship increase pursuant to this chapter. The Board shall also determine that the facts set forth in said application comply with the provisions governing the payment of the net operating expenses and receipt of gross maximized annual income as set forth in this chapter. The Board shall make such modifications necessary in order to have the application conform to the provisions governing net operating expenses and gross maximized annual income as set forth in this chapter.
- C. Calculations.
  - (1) Upon the satisfaction of the Rent Stabilization Board that the landlord/applicant has complied with this chapter, then the Board shall compute the fair net operating income in the following manner. The Board shall divide the landlord's reasonable and necessary operating expenses (as finally determined by the Board) by 60% and subtract from the resulting quotient the amount shown on the landlord's application (as modified by the Board) representing the current gross maximized annual income. The result shall be the fair net operating income. The resulting fair net operating income shall represent the amount that the landlord is entitled to as a hardship increase. The concept is illustrated by the following mathematical formula:

$$\frac{\text{Reasonable and necessary operating expenses}}{60\%} = \text{Resulting quotient}$$

Resulting quotient — Current gross maximized annual income = Fair net operating income

(2) Hardship increase.

- (a) The hardship increase shall be prepared over all rental units affected by the application. The formula for prorating shall be the ratio that the number of habitable rooms contained in the rental unit bears to the total number of habitable rooms contained in the dwelling(s).

Formula:

$$\begin{array}{rcl}
 \text{Number of habitable rooms} & \times & \text{Amount of hardship increase} \\
 \text{occupied by tenant} & & \text{Amount of increase for rental} \\
 & = & \text{unit} \\
 \\
 \text{Total numbers of habitable rooms} & & \\
 \text{in dwelling(s)} & & 
 \end{array}$$

- (b) Subject to the provisions of Subsection C(2)(c), a hardship increase shall be considered a surcharge and shall be made in equal monthly payments for a period of one year and shall be paid on the same date as the payment of the rent. Such a hardship increase surcharge shall not be considered rent for purposes of computing rent under § 134-3. A hardship increase surcharge shall not be granted for a period greater than one year. Only one hardship increase surcharge shall be granted in any year.

(c) Grant of hardship surcharge for more than two years.

[1] If a hardship increase surcharge is granted by the Board in two or more consecutive years and the same dwelling is the subject of a hardship application in the next consecutive year, the Board shall determine, from all of the evidence presented at the hearing, whether or not the hardship proven by the landlord is attributable to temporary circumstances not likely to recur, such as the cost of major repairs, replacements, alterations or expenditures which do not qualify for capital improvement surcharges under the definition of the same contained in this chapter. In such case, the hardship increase shall continue to be deemed to be a surcharge.

[2] If, however, the Board shall determine that the hardship proven by the landlord is of an ongoing nature which was not brought about by temporary conditions and circumstances and the hardship cannot be reasonably relieved by an additional one-year hardship surcharge, the Board may permanently adjust the rent for the subject rental units. Such an increase shall be considered rent for purposes of rent computation under § 134-3 thereafter.

- (d) The application of the landlord for a hardship rental increase shall include all facts and figures on an annualized basis for three years showing the gross maximized income and the reasonable and necessary operating expenses. These facts and figures shall be duly certified by the landlord or by the landlord's agent and shall be supported by a statement by a certified public accountant as to the accuracy of said facts and figures.
- (e) No hardship increase shall be granted to any landlord if:
- [1] The dwelling or any part thereof is subject to violations issued by any governmental agency prior to or subsequent to the filing of the application seeking the increase. However, the Rent Stabilization Board may waive this provision upon the showing by the landlord that he has attempted to clear the violation but has been unable to do so due to conditions beyond the landlord's reasonable control.
  - [2] There is an inadequate level of quality of service rendered by the landlord in maintaining and operating the dwelling(s).
  - [3] There exists or existed an absence of reasonably efficient and economical management or business judgment in the purchase, operation or financing of the dwelling.
- (f) In computing fair net operating income under this section, the following considerations shall apply in all cases:
- [1] Allowance shall be permitted for a vacancy, as may be adequately demonstrated to be the result of market conditions or rents uncollected due to eviction proceedings, and/or deteriorated physical conditions of the rental unit which the landlord/applicant may show as to be unavailable for rental due to said deteriorated conditions.
  - [2] Income and expenses arising out of a nonresidential use, including that for professional or commercial space, shall result from arm's length transactions, and, provided further that no loss caused by a nonresidential use may be considered.
  - [3] All income expense(s) shall result from an arm's length transaction.
- (g) In computing reasonable and necessary operating expenses under this section, the following limitations shall apply in all cases:

- [1] Taxes shall be limited to amounts actually paid for the amount against the property for the current year, including those in escrow for appeal, and the landlord shall further demonstrate that taxes assessed against the property were reasonable and, if not, have been appealed.
- [2] Repairs and maintenance shall be limited to arm's length transactions and shall be reasonable and necessary so as not to cause unnecessary maintenance of the premises. Cost of service contracts shall be prorated over the period covered. Painting costs shall be prorated over the number of years of actual painting cycle in the building, but in no event shall painting be prorated over a period of less than three years for the interior of a rental unit or five years for the exterior and common areas. Expenses incurred in undertaking major repairs, replacements and rehabilitation, alterations or reconstructions which do not qualify as capital improvements as defined by this chapter shall be prorated over the useful life of the same.
- [3] Purchase of new equipment shall be reflected and prorated over the useful life of the term.
- [4] Legal and auditing expenses shall be limited to reasonable and necessary costs of the operation of the dwelling(s). No legal expenses or audit expenses shall be allowed as deductions that do not directly relate to the premises which are the subject matter of the application. A landlord may not deduct expenses incurred in litigating any declaratory or injunctive relief as to his rights under any state, local or federal law. All costs should be itemized on the application.
- [5] Management fees shall be limited to actual services performed, including a resident manager's salary, telephone expenses, postage, office supplies, stationery and the rental or market value of the apartment provided for the superintendent if the apartment is included in income. In no event shall management fees exceed 4% of the gross maximized annual income.
- [6] Salaries not included in the management fees shall be limited to actual services performed and amounts for similar positions in the area, including rental value of the superintendent's apartment if included in income, and expenses, wages and benefits paid.
- [7] Advertising shall be limited to actual costs that are reasonable to ensure occupancy only. Where a waiting list exists, advertising expenses shall not be allowed.
- [8] Utility expenses shall exclude all reimbursements.



- [9] Insurance premiums shall be prorated over the terms of the policies and shall not include the landlord's life, medical or other personal policies.
- [10] Operating expenses shall not include depreciation, amortization, debt service or capital improvements as defined by this chapter.
- [11] No penalties or fines shall be allowed.
- [12] The history of the income and expenses shall be accurately reflected in the application. If any modifications are made, said modifications must be fully and clearly documented.
- [13] All expenses and proof of payment of the same must be proved by the submission of original bills for services rendered, specifying the service rendered, the amount charged for said service and the addresses or premises benefited as a result of said service.
- [14] Costs or expenses which are solely the result of a conversion of the dwelling to a condominium or cooperative form of ownership shall not be included in the calculation of reasonable and necessary operating expenses.
- (h) If at any time during the course of consideration of a hardship increase pursuant to these provisions the Rent Stabilization Board shall determine that the landlord is not in substantial compliance with any or all of the above, the Board may temporarily withhold further consideration of the application for a hardship increase until such time as the landlord has corrected such deficiency.

**§ 134-5. Capital improvement increases.**

- A. A landlord may seek an increase from a tenant(s) because of the cost of capital improvements. The landlord shall calculate the increase by dividing the same by the useful life of said capital improvement. The landlord shall then apportion said increase among all rental units in the dwelling. Each tenant shall pay an increase in accordance with the ratio that the number of habitable rooms of his rental unit bears to the total number of habitable rooms in the dwelling.
- B. All such requests by the landlord for a capital improvement increase shall be made to the Rent Stabilization Board.
- C. The cost of a capital improvement each tenant is liable for shall be paid in equal monthly payments on the same date as payment of the rental charge for the length of the useful life of the capital improvement.

- D. The landlord is not limited to any number of capital improvement increase requests in any period of time.
- E. No capital improvement increase shall be considered rent for purposes of computing rental under § 134-3.
- F. Other than tenants who have been granted protected tenancy status:
  - (1) No capital improvement increase shall be imposed upon tenants who have been served with a demand for possession of the rental unit based upon the conversion of the dwelling to a condominium or cooperative form of ownership; and
  - (2) Any capital improvement surcharge imposed upon a tenant on or after the effective date of this chapter and any capital expenditure increase imposed upon a tenant prior to the effective date of this chapter shall be deemed to be of no further force or effect as of the date of service upon the tenant of a demand for possession of the rental unit based upon the conversion of the dwelling to a condominium or cooperative form of ownership.

**§ 134-6. Vacancy decontrol.**

- A. All dwellings and rental units subject to this chapter shall be subject to the terms of this section as set forth herein.
- B. In the event that any rental unit, as defined by this chapter, shall become vacant for any reason whatsoever, the same shall not be subject to the Rent Stabilization provisions of this chapter, except that a landlord may not charge a tenant for the balance of any hardship, capital expenditure, capital improvement or tax surcharge increase obtained by the landlord prior to the occupancy of the rental unit by a new tenant.
- C. Whenever any vacant rental unit is occupied or reoccupied, it shall then become fully subject to the Rent Stabilization provisions of this chapter, including Subsection B herein.
- D. If after the effective date of this chapter, a rental unit becomes subject to vacancy decontrol, the landlord may not seek nor charge a tax surcharge pertaining to that rental unit thereafter.

**§ 134-7. Tax surcharges.**

- A. Subject to the provisions of § 134-6D, a landlord may seek a tax surcharge from a tenant because of any increase in municipal property taxes. The tax surcharge shall not exceed that amount authorized by the following provisions. The landlord shall first calculate the increase in present property tax over the property tax of the previous year. "Previous year" is defined as being the year immediately preceding the year for which the tax surcharge is sought. The landlord shall then apportion said property tax increase among all rental units in the

dwelling(s). Each tenant shall pay an increase in accordance with the ratio that the number of habitable rooms occupied by the tenant bears to the total number of habitable rooms in the dwelling(s).

- B. A landlord may not seek a tax surcharge from a tenant for that portion of a property tax increase that resulted from a change in assessment of the rental unit caused by a change in the form of ownership of the rental unit.
- C. Any landlord seeking a tax surcharge shall notify the tenant by certified mail, return receipt requested, of the calculations involved in computing the tax surcharge in accordance with Subsection A.
- D. The tax surcharge each tenant is liable for shall be paid in 12 monthly payments on the same date as payment of the rental charge.
- E. The tax surcharge shall not be considered rent for purposes of computing rental under § 134-3.
- F. Tax appeal.
  - (1) In the event of a property tax appeal, the portion of the tenants tax surcharge not being paid by the landlord to the City of Hackensack will be held in escrow in an interest-bearing account.
  - (2) In the event that the property tax appeal is successful and the property taxes are reduced, the tenant will receive 75% or any amount consistent with state law of the money held in escrow or otherwise refunded to the landlord which is attributable to the payment of the tax surcharge by the tenant. Payment will be made within 60 days of the filing of the order or judgment in the form of a credit against the monthly rent or a rebate check made payable to the tenant. In order to receive a credit or a rebate check, a tenant must have been a tenant in the same rental unit at both the time the tax surcharge was paid and at the time the landlord shall have obtained payment or credit on the property tax appeal.
  - (3) In the event that the property tax appeal is successful, the landlord may retain the accrued interest in the escrow account and all funds not credited or rebated under Subsection F(2).

**§ 134-8. Applicability; surcharges not to be considered rent; duties of landlord.**

- A. The legal classification of a particular tenancy or subtenancy as "a tenancy for a term of years," "a periodic tenancy," "a tenancy from year-to-year," "a month-to-month tenancy," "a tenancy-at-will" or "a tenancy at sufferance" or any other similar terminology shall have no affect upon the operation and applicability of this chapter. All rent increases shall be in accordance with § 134-3.

- B. The existence or nonexistence of a written lease between the landlord and the tenant shall have no affect upon the operation or applicability of this chapter.
- C. Surcharges authorized by this chapter shall not be considered rent for the purpose of computing rental under § 134-3.
- D. If, at the inception of a tenancy, the landlord shall claim that the rental unit is not subject to the operation of this chapter, the landlord shall deliver to the tenant a signed, written statement setting forth the basis of the exempt status of the rental unit. If at any time during an existing tenancy a rental unit, previously exempt from the operation of this chapter, shall become subject to the operation of this chapter, the landlord shall be under an affirmative duty to so notify the tenant in writing.

### **§ 134-9. Rent Stabilization Board.**

- A. There is hereby created a Rent Stabilization Board, which shall consist of seven members and three alternates, all residents of the City of Hackensack. The members of said Board shall be composed of two landlords who own dwellings in Hackensack; two tenants who are not landlords or homeowners and who are not agents or employees of landlords and who rent units in dwellings in Hackensack; and three public members who are neither landlords nor tenants. Said alternates shall consist of one tenant, one landlord and one public member.
  - (1) The members and alternates shall be appointed by the governing body of the municipality for terms of three years.
  - (2) The Chairman, Vice Chairman and Secretary of the Board shall be elected by a majority vote of the regular members of the Rent Stabilization Board.
  - (3) Alternates shall serve only in the absence of and for members of the same category.
  - (4) For the purposes of the conduct of all business of the Board, a quorum shall consist of any four members or alternates of the Board.
  - (5) In the event that any member of the Board shall miss three consecutive meetings, the Board shall report such absences to the Mayor and Council. If the Mayor and Council, after due inquiry, are satisfied that the absences were not occasioned by reasonable cause, the Board member may be removed by resolution of the Mayor and Council.
- B. Powers of the Board. The Rent Stabilization Board is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this chapter, including but not limited to the power to:

- (1) Supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter, including all necessary statistical information and computation of proper rental and tax and other surcharges or increases.
- (2) Issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this chapter, 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, provided that such rules are filed with the City Clerk and are not inconsistent with the provisions of this chapter.
- (3) Hold hearings, which shall be held on the record and transcribed by a certified court reporter, and adjudicate applications from landlords for additional rental and from tenants for reduced rental, and for such relief as may be appropriate under this chapter, as hereinafter provided. Said Board shall give both landlord and tenant reasonable opportunity to be heard before making any determination.

C. Board hearings.

- (1) All applications for hearings shall be made on forms provided by the Board and accompanied by a filing fee of \$25. The form and contents required for the application are incorporated by reference herein. All items and documentation required by the Board must be submitted prior to determination of the application by the Board.
- (2) All applications for hearings before the Board for relief or recovery under this chapter shall be commenced within one year next after the cause for any such relief or recovery shall have accrued.
- (3) The Board shall establish a date for the hearing no later than 90 days from the proper filing of the application. The Board shall notify the applicant of the date of the hearing. No later than 10 days after receipt of the date of hearing, the applicant, if a tenant, shall notify the landlord and all affected tenants. If the applicant is a landlord, he shall notify all the tenants. In both instances said notice shall include a copy of the application and the date for hearing and shall be made by certified mail, return receipt requested. In the case of an application by a landlord, the landlord shall also post a copy of the notice of the date of hearing in the lobby of the dwelling or other appropriate common area. The applicant shall submit to the Board at the time of the hearing an affidavit of mailing and a notice of posting along with appropriate proofs of mailing.
- (4) The Board shall establish rules for the conduct of hearings. Said rules shall include but shall not be limited to provisions governing the following:
  - (a) Submission of evidence.

- (b) Notification to the Board and all parties of witnesses.
  - (c) Submission of legal memoranda and other documentation.
  - (d) Time limitations for presentations by parties.
  - (e) All other rules deemed necessary for the orderly and proper conduct of hearings.
- (5) The Board may compel the parties to submit 13 copies of all documentation, including proof of ownership, it deems necessary to adjudicate the application. The applicant shall also supply one copy of the application and all documentation supporting the application to each group or party who may be affected by the application.
- (6) The Board may, by resolution, determine that the services of an independent auditor are required for the review and rendering of a report on documentation submitted with an application. In that event, the Mayor and Council may, by resolution, authorize the hiring of an auditor and establish a fee for the services to be rendered. In that event, the auditor's fee shall be paid by the person making the application to the Board. No application shall be heard by the Board until the fee shall have been paid.
- (7) All parties appearing before the Rent Stabilization Board in connection with hearings pursuant to the provisions of this chapter are entitled to be represented by counsel admitted to the practice of law in the State of New Jersey. All corporations appearing at such hearings or appeals shall be represented by counsel admitted to the practice of law in the State of New Jersey, as provided for under New Jersey law. Any affected, interested, tenant(s) or groups of tenants or association of tenants who wish to be heard at the public meeting may notify the Board of its intention to be heard. The Rent Board shall permit that tenant, group of tenants or association of tenants to be parties to the hearing. This provision shall be liberally construed so as to afford ample opportunity for all such interested parties to present their views before the Board.
- (8) All findings and determinations of the Board shall be issued in writing no later than 90 days after the conclusion of any hearing. Any increases in rent or other charges authorized by this chapter resulting from an order of the Board shall take effect on the earliest date that the rental payment is due, but no sooner than 30 days after notification of the tenant by the landlord. Said notification shall be by certified mail, return receipt requested.
- (9) No application made pursuant to §§ 134-4 and 134-5 of this chapter may be approved by the Board unless the building and grounds are in substantial compliance with the Hotels and Multiple Dwellings Act, N.J.S.A. 55:13A-1 et seq. and the City of Hackensack Housing and Maintenance Code.<sup>1</sup>

## D. Protected Tenancy Act.

- (1) All appeals from the determination of the administrative officer of the Rent Stabilization Board on matters relating to the Senior Citizens and the Disabled Protected Tenancy Act,<sup>2</sup> shall be made to the Rent Stabilization Board.
- (2) All procedures governing hearings before the Board under § 134-9C shall apply to hearings conducted on appeals under this subsection.

**§ 134-10. Notice of findings and determinations; appeals.**

- A. The party filing an application before the Rent Stabilization Board shall make the findings and determinations of the Board available to all parties to whom he is required to provide notice of said application. Said notice of findings and determinations shall be forwarded in the same manner as said notice of application. Said findings and determinations shall be forwarded within 10 days of receipt of the same by the applicant.
- B. All appeals of findings and determinations of the Board shall be made to the Superior Court of the State of New Jersey or any other appropriate court.

**§ 134-11. Restrictions on landlords.**

No landlord shall, after the effective date of this chapter, charge any rents in excess of what he was receiving from the effective date of this chapter, except for increases as authorized by this chapter.

**§ 134-12. Determination of qualified senior tenant status.  
[Amended 7-21-1997 by Ord. No. 10-97]**

- A. A tenant seeking status as a qualified senior tenant shall make application to the Rent Stabilization Officer.
- B. Such application shall be submitted, under oath, on a form prepared and provided by the Rent Stabilization Officer.
- C. Such application shall be supplemented with true copies of:
  - (1) Generally accepted proof of identification.
  - (2) Generally accepted proof of age.
  - (3) Copy of last prior year's income tax returns, state and federal, if filed.

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1. Editor's Note: See Ch. 100, Housing and Property Maintenance.

2. Editor's Note: See N.J.S.A. 2A:18-61.22 et seq.

- (4) Generally accepted documents detailing all household income and benefits from all sources, earned and unearned, and whether or not taxable for last prior year.
- D. Upon review of the application and supporting documents submitted, the Rent Stabilization Officer shall issue a written determination which shall be transmitted to the tenant and the landlord.
- E. Any appeal of the determination of the Rent Stabilization Officer shall be filed with the Rent Stabilization Board pursuant to § 134-9C.

### **§ 134-13. Violations and penalties.**

A willful violation of any provision of this chapter, including but not limited to the willful filing with the Rent Stabilization Board of any material misstatement of fact or the failure to file any required document, shall be punishable as provided in Chapter 1, General Provisions, § 1-15, of the Code of the City of Hackensack.

### **§ 134-14. Exemptions.**

- A. All dwellings and rental units therein constructed and offered for rent after August 2, 1982, and all other rental units offered for rent for the first time after August 2, 1982, shall be exempt from the provisions of this chapter.
- B. All public housing, dwelling space in any licensed boarding or rooming house, hotel or motel or any other premises primarily serving transient guests and any other dwellings whose rental rates are otherwise regulated by state or federal law shall be exempt from the provisions of this chapter.

### **§ 134-15. Construal of provisions.**

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

### **§ 134-16. Effective date; effect on prior provisions; repealer, severability.**

- A. This chapter shall become effective on January 1, 1991, after passage and publication as provided by law and shall continue until amended, superseded or repealed.
- B. The Rent Stabilization Board created hereunder is hereby empowered to hear and adjudicate any disputes arising by reason of the application of any prior ordinance or ordinances covering the same subject matter as this chapter pursuant to the provisions of such prior ordinance or ordinances.



- C. All ordinances, amendments to ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- D. If any part or parts of this chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.