

**CITY COUNCIL**

**The City of Orange Township, New Jersey**

**DATE** November 8, 2023

**NUMBER** 436-2023

**TITLE: A RESOLUTION REAPPOINTING EMANUEL KLEIN AS A LANDLORD REPRESENTATIVE TO THE RENT LEVELING BOARD IN THE CITY OF ORANGE TOWNSHIP, NEW JERSEY.**

**(Sponsored by Council Member Tency A. Eason)**

**WHEREAS**, in accordance with Orange Municipal Code section 166.2 titled Establishment of the Rent Leveling Board, the Board shall be consist of seven (7) members who shall serve without compensation; and

**WHEREAS**, the seven (7) members shall consist of the following: two (2) members shall be landlords owning multi-dwelling property of four (4) units or more which is located within the city; two (2) members must be tenants living within the city; and three (3) members shall be homeowners living within and owning property located within the city, which property shall not be the subject of the provisions of this chapter. The Chairperson of the Board shall be selected by a majority of the members; and

**WHEREAS**, Emanuel Klein term as a Landlord Representative expires on September 6, 2023.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP**, hereby reappoints Emanuel Klein as a Landlord Representative to the Rent Leveling Board for a two (2) year term commencing September 6, 2023 through September 5, 2025.


**APPOINTMENT: LANDLORD REPRESENTATIVE**

**APPOINTED BY: COUNCIL MEMBER TENCY A. EASON**

**Adopted: November 8, 2023**

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**Joyce L. Lanier**  
City Clerk

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**Tency A. Eason**  
Council President

  
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**A. MIZRAHI**  
CITY ATTORNEY



**JUST CAUSE FOR EVICTION** — The landlord recovered possession of the housing space or dwelling for one of the reasons outlined in the New Jersey Statutes, N.J.S.A. 2A:18-53 and 2A:18-61.1 et seq., its amendments and supplements thereto.

**LIVING AREA** — The amount of total rentable space applicable to any given housing space, measured either in terms of rooms or square footage.

**PARKING SPACES** — Includes all spaces used for the parking of motor vehicles, whether indoor or outdoor, when rented by a tenant from his landlord, or its agent, located separate and apart from the rented housing space.

**PERIODIC TENANT** — Any tenancy for less than a year, whether evidenced by writing or oral, including, but not limited to, a month-to-month tenant, a week-to-week tenant or a tenant-at-will.

**PRECONVERSION RIGHTS OF TENANTS (CONDOMINIUM UNITS)** — Those tenants whose occupancies have commenced prior to the conversion of any building, structure or unit to condominium ownership, whether or not the building or structure consists of two housing units or less, or whether the ownership is by one or more individuals or persons or entities, and the fixing of rents shall be subject to the provisions of this chapter and those rights afforded tenants pursuant to N.J.S.A. 2A:18-61.1 et seq.

**QUALIFIED SENIOR TENANT** — One shall be deemed a qualified senior tenant if they are 65 years of age or older.

**RENT** — Any price for the use of housing space. It includes any charge, no matter how it is set forth, paid by the tenant for the use of any service in connection with the housing space. Security deposits and charges for accessories, such as boats, mobile homes and automobiles not used in connection with the housing space, shall not be construed as "rent." The definition of "rent" shall not be considered violated for the purpose of collecting late fees, legal fees, court costs or damages which are outlined in a landlord's written lease.

**RENTAL STATEMENT** — A statement that the landlord or its authorized agent is required to execute and certify and submit to the Office of Rent Leveling as of March 1 of each year, or upon commencement of a new tenancy, which shall provide an accurate list of rents charged as of the date of said tenant filing, the name and apartment number of each tenant, and whether said tenant is on a lease term or is a periodic tenant, and whether the tenancy is created under a written or oral lease or agreement, and the annual renewal date for said unit and the commencement date of the tenancy. The Rent Leveling Board is authorized to promulgate such rules, regulations and forms necessary to carry out the provisions of this requirement.

**REPRISAL** — Any action of a landlord, its agents or representatives as defined in N.J.S.A. 2A:42-10.10, its amendments and supplements thereto.

**SERVICE** — The provision of light, heat, hot water, maintenance, painting, elevator service, air conditioning, storm windows, screens, superintendent service and any other benefit, privilege or facility connected with the use or occupancy of any dwelling or housing space.

**SERVICE SURCHARGE** — Refers to an additional charge or surcharge over and above the rental which is due to new or additional services. Existing services may be subject to a surcharge under extenuating circumstances as may be determined pursuant to procedures set forth in this chapter.

**SUBSTANTIAL COMPLIANCE** — That the housing space and dwelling are free from all heat, hot-water, elevator and all health, safety and fire hazards as well as 90% qualitatively free of all other violations of the Orange Property Maintenance Code<sup>3</sup> and the Regulations for Construction and Maintenance of Hotels and Multiple Dwellings promulgated by the State Department of Community Affairs, N.J.S.A. 5:10-1.1 et seq., and other applicable ordinances of the City of Orange Township.

**SUBSTANTIAL REHABILITATION** — That new base rents may be established for substantially rehabilitated dwellings or housing space which has been determined to be uninhabitable for reasons such as, but not limited to, substantial destruction, damage, vandalism, Fire or Housing Code violations affecting the health, welfare, safety and sanitary conditions for which extensive renovation and repairs are required. In addition thereto, for dwellings or housing space or units which are vacant, or as a result of the need for repairs and renovation may become vacant, no application for exemption of the annual percentage increase and the establishment of a base rent may be approved unless the landlord spends an amount equal to 50% of the dwelling (building) or housing space (unit) assessed value multiplied by the average ratio of assessed to true value of real property (N.J.S.A. 54:3-17 to 54:3-19), commonly known as "Section 123." Both the assessment and the Section 123 ratio shall be those figures promulgated and fixed according to the law as of the date of the landlord's application. Debt service finance charges and interest shall be excluded in calculating and determining the expenditures made by the applicant. Regular maintenance, painting and cosmetic repairs or normal wear and tear resulting in appliance replacement shall not be considered a "substantial rehabilitation," except as otherwise provided for in this chapter.

**TAX APPEAL REFUNDS** — That in the event a tax appeal is taken by the landlord as of and continuing from the effective date of this chapter, in which a landlord is successful in said appeal and the taxes/assessment is reduced, the tenant shall, within 90 days of the final adjudication, receive 50% of said reduction after deducting all reasonable expenses incurred by the landlord in prosecuting the appeal. The reduction may be paid directly to the tenant or as a credit off of future rent and shall be calculated based upon the tenant's percentage of housing space within the building or structure in which the reduction is applied. The landlord shall provide documentation of said refund to the Office of Rent Leveling within 120 days of the final adjudication. The documentation can either be a copy of the check issued to the tenant or a notarized affidavit by the landlord articulating the amount and date of the direct payment or credit issued to the tenant.

#### **§ 166-2. Establishment of Rent Leveling Board.**

- A. There is hereby created a Rent Leveling Board within the City of Orange Township, which shall be constituted of seven (7) members who shall serve without compensation, and at least two (2) members shall be landlords owning multi-dwelling property of four (4) units or more which is located within the city; two (2) members must be tenants living within the city; and three (3) members shall be homeowners living within and owning property located within the city, which property shall not be the subject of the provisions of this chapter. The Chairperson of the Board shall be selected by a majority of the members.

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3. Editor's Note: See Ch. 156, Property Maintenance.

- B. The City Council shall appoint each of the members constituting the Rent Leveling Board for a term of two (2) years. Three (3) alternates, one (1) from each of the above categories, shall be appointed to the Board by the Mayor, each for a two-year term. Said alternates shall serve in rotation during the absence or disqualification of any regular member or members. An alternate member shall be entitled to sit with and participate as a member in any meeting of or hearing before the Board. An alternate member who has attended the full hearing or hearings and all pertinent meetings may participate in the Board's determination during the absence or disqualification of any regular member.
- C. No member or alternate member of the Board shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Members and alternate members may be removed for inefficiency, neglect of duty or malfeasance in office by the City Council, and any Board member who is absent, without excuse, from three (3) or more conference meetings or public hearings during the course of a calendar year may be subject to removal from the Board by the City Council.
- D. Nothing in this chapter shall abrogate, dissolve or affect any of the powers, rent restrictions, authority or actions heretofore held or taken by the Rent Leveling Board as established in Article XIV, § 4-60, as further amended by Ordinance No. 2776, and Ordinance No. 16-78, and Ordinance No. 42-79 and any ordinances which the above ordinances amended or supplemented; and all actions and opinions heretofore taken or made shall remain in full force and effect. The fixing of rents and judgments, findings and conclusions with respect to the control of rents within the City of Orange Township shall remain unimpaired under this chapter and shall be subject to this chapter in future determinations.

#### **§ 166-3. Powers of Rent Leveling Board.**

- A. The Rent Leveling 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 following:
- (1) To issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this act, 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. The City Council may reject any rule of the Board within thirty (30) days of the filing of such rule with the City Clerk, and such rejected rule shall be deemed null and void and of no force. This provision shall not limit the right of the City Council to promulgate and issue procedural rules and regulations as it may deem necessary to implement the purposes of this chapter.
  - (2) To supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter.
  - (3) To hold hearings and adjudicate applications not otherwise resolved between the landlord and tenant pertaining to rollback of rent due to diminution of services, deterioration of housing space or failure to perform ordinary repairs, replacements

and maintenance, and excessive rental increases, all in accordance with the provisions of this chapter.

- B. The Board shall give both landlord and tenant reasonable opportunity to be heard before making any determination. All determinations of the Board must be approved as to law and form by legal counsel, and all determinations must be in writing in the form of a resolution.

#### § 166-4. Establishment of Office of Rent Leveling.

It is hereby established pursuant to § 4-82.1 and as further implemented by this chapter in the administration herein an Office of Rent Leveling. The Office of Rent Leveling shall come within the jurisdiction of the Department of Community and Economic Development and shall consist of the position of Rent Leveling Administrator, in the unclassified position, and a Secretary, a Housing Inspector and such other staff members, in classified positions, as may be required or as otherwise provided for by ordinance. The Office of Rent Leveling shall have the following powers and functions:

- A. To obtain, keep and maintain all relevant records and other data and information.
- B. To supply information and assistance to landlords and tenants and to bring together tenants and landlords in informal conferences and suggest resolutions of conflicts between them in order to assist them in complying with the provision of this chapter. These informal conferences and resolutions that may be achieved shall refer only to matters regarding rent decontrol and rent rollback as a result of diminution of services and maintenance. Any resolution hereafter determined by the parties with the assistance of the Office of Rent Leveling shall be in the form of a written agreement and referred to the Rent Leveling Board as the basis of a legal and binding resolution. No disposition of any conflict, however, shall be violative of the provisions of this chapter as it pertains to rent increases.
- C. To notify landlords that there is no record of compliance by the landlord of the annual recording and registering of a rent roll or any periodic modification of the rent roll.
- D. To accept and process complaints from tenants concerning illegal rent increases, diminution of services or excessive rental increases and to investigate, when applicable, the complaints prior to forwarding them for a hearing before the Rent Leveling Board.
- E. To accept complaints or applications from tenants and landlords, provided that all claims are sworn to and acknowledged by a person authorized by law to administer oaths, or certified in lieu of oath, pursuant to the Rules of Court.
- F. To accept, process, review and investigate, where applicable, applications from landlords for rental increases pursuant to a hardship or capital improvement and surcharges for increased services or exemption from rent control or any other applications with respect to the adjustment and modification of rent as to a unit or as to a multiresidential dwelling.
- G. To accept and forward to the Hearing Officer applications for hardship rental increases, capital improvement, service surcharge increases or petition to be exempt from the provisions of this chapter.