

Hoboken Housing Improvement Initiative Ordinance Amendment

WHEREAS: the residents of the City of Hoboken will benefit from the continuation of rent control that protects tenants from unreasonable annual rental increases; and

WHEREAS: it is important to provide incentive to property owners within the City of Hoboken to maintain and improve their property so that stable property values may be fostered; and

WHEREAS: the adoption of this amendment to the City of Hoboken's Rent Control Ordinance will protect the interests of both tenants and landlords;

BE IT ADOPTED that Chapter 155 of the Ordinances of the City of Hoboken are amended:

1) Upon the voluntary, uncoerced vacation or court ordered eviction of any tenant in occupancy in a condominium unit, or in a building containing four or less rental units, such condominium unit, or unit within a four or less rental unit structure, shall be permanently exempt from further application of the Hoboken Rent Leveling Ordinance.

2) a. *Vacancy Decontrol.* Upon the voluntary, uncoerced vacation or court ordered eviction of any other tenant for which rent increases are controlled by the terms of the City of Hoboken's Rent Leveling Ordinance a landlord may negotiate a rental with the proposed new tenant at a mutually agreeable level between the landlord and the proposed tenant.

b. The landlord must file with the Rent Leveling Office, and provide a copy to the tenant in occupancy, if any, a "Vacancy Decontrol Certification" within fifteen (15) days after entering into a lease agreement and accepting a deposit from a new tenant, which shall include the following information:

1. Property address;
2. Apartment number;
3. Vacating tenant's monthly base rent;
4. New tenant's monthly rent;
5. Name of landlord;
6. Address of landlord;
7. Telephone number of landlord;
8. A statement of the owner or manager certifying that the vacancy was uncoerced or as a result of court ordered eviction.

c. Vacancy Decontrol Certifications and the statement provided to any tenant then in occupancy, shall be deemed approved by the Rent Leveling Office unless a written objection is filed by the tenant with the Rent Leveling Office and served upon the landlord, within ten (10) days of the landlord filing a complete certification. In the event an objection is filed, a hearing shall be conducted by the Rent Leveling Board within thirty days. At such hearing the burden shall be on the person filing the objection to establish that the landlord has not complied with the provisions of Section 2(b) herein.

d. Once a unit has been rented to a new tenant, it shall be subject to the remaining provisions of the chapter and any future rental increases for the duration of the tenants' occupancy are limited to those increases permitted under this chapter.

e. Notwithstanding the provisions of the ordinance that require the filing of an annual registration statement, the filing of a Vacancy Decontrol Certification at the beginning of a lease term shall be deemed sufficient registration of the rental amounts for the given lease term.

f. *Anti-Harassment Provision.* It shall be unlawful for a landlord, or his agents, to willfully do or commit or cause to be done or committed any of the following: any harassment, intimidation or other similar action to a tenant with the intent to have a tenant vacate the rental unit; any reduction by the landlord in services which causes the tenant to vacate the premises; and any vacation of the premises which is coerced; provided, however, that this provision shall not limit a landlord, or his agents, from any act specifically authorized under the laws of the State of New Jersey.

g. *Violation Anti-Harassment Provision.* A willful violation of this subsection shall subject the landlord to: (i) on the first offense, loss of privilege to apply for vacancy decontrol at the subject property for a period of not less than one (1) year; (ii) on the second offense, loss of privilege to apply for vacancy decontrol at the subject property for a period of not less than two (2) years; (iii) upon a finding of any further offenses, loss of privilege to apply for vacancy decontrol at the subject property for a period of five (5) years. The complaint for violation of this provision shall be brought in the Municipal Court for the City of Hoboken.

(Ord. No. _____)

Committee of Petitioners

Petitioner 1 Anne-Marie Pelletier
Petitioner 2 Mary Alexandra Vaughan
Petitioner 3 Julia MacDermott

Petitioner 4 Connie Coppola
Petitioner 5 Joseph E. Murray