

ORDINANCE #2021-22

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XII, ENTITLED, "OPEN HOUSING PRACTICES; RENT CONTROL; PROTECTED TENANCY" SECTION 12-2, ENTITLED, "RENT CONTROL" SUBSECTION 12-2.1 ENTITLED, "DEFINITIONS"

BE IT ORDAINED, by the governing body of the Borough of Red Bank that Chapter XII, of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, State of New Jersey, entitled, "Open Housing Practices; Rent Control; Protected Tenancy" is hereby amended and supplemented as follows:

§12-2 Rent Control.

§12-2.1 Definitions.

Is hereby amended and supplemented as follows:

Housing Space, Dwelling or Apartment shall mean and include the portion of a structure rented or offered for rent for living and dwelling purposes to one individual or family unit; together with all privileges, services, furnishings, furniture, equipment, facilities, parking and garage facilities (whether optional or mandatory), and improvements connected with the use or occupancy of such portion of the property. Included are any building, structure, mobile home or land used as a mobile home park, rented or offered for rent to one or more tenants or family units. Exempt from this Chapter are: Motels, hotels and similar type buildings; commercial buildings; two or less housing units and housing structures of 2 units or less. Housing units newly constructed and rented for the first time are exempt under State Statute, N.J.S.A. 2A:42-84.2, which may provide a temporary exemption for newly constructed multiple dwelling for a period of time not to exceed the time of amortization of any initial mortgage loan obtained for the multiple-dwelling or for 30 years following completion of construction; whichever is less. The new construction exemption shall be in accordance and per the requirements of N.J.S.A. 2A:42-84.1 et seq., as amended, with new construction defined per the Act under the phrase, "Constructed" to mean constructed, erected or converted, but excludes rehabilitation of premises rented previously for residential purposes without an intervening use for other purposes for a period of at least 2 years prior to conversion. Mere vacancy shall not be considered an intervening use for the purposes of this Chapter. Further exemption may exist by the preemption or partial preemption by Federal and State Statutes regulating residential rents, such as, but not limited to, dwellings owned by HUD, financed under the Federal Programs and subject to regulations promulgated by the Department of Housing and Urban Development and housing regulated and provided under the New Jersey Housing Finance Agency Law of 1967. (N.J.S.A. 55:14J).

Any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

If any provision of this Ordinance or the application of such provision to any person or

If any provision of this Ordinance or the applicable application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, provisions of this Ordinance are declared to be severable.

This Ordinance shall take effect immediately upon passage and adoption according to law.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin	Second	X			
Councilwoman Triggiano		X			
Councilman Ballard		X			
Councilman Yngstrom		X			
Councilman Zipprich		X			
Councilwoman Horgan	Motion	X			

Introduction: November 10, 2021

Public Hearing/Adoption: November 23, 2021