

ORDINANCE NO. 2013-23

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XII "OPEN HOUSING PRACTICES; RENT CONTROL; PROTECTED TENANCY", SECTIONS: 12-2.4 c. "APPEAL BY LANDLORD"; 12-2.5 "RENT LEVELING BOARD ESTABLISHED; AND 12-2.7 "APPEAL", OF THE REVISED GENERAL ORDINANCES OF OF THE BOROUGH OF RED BANK

Ms. Horgan offered the following ordinance and moved its adoption on final reading:

WHEREAS the Attorney for the Borough of Red Bank's Rent Leveling Board has recommended certain changes to the Borough's Rent Control Ordinance to address notice requirements in connection with appeals to the Governing Body and to add alternate member positions to the Rent Leveling Board; and

WHEREAS the Governing Body of the Borough of Red Bank has determined that it is in the best interest of the Borough to adopt the changes recommended by the Rent Leveling Board;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank as follows:

SECTION ONE: The following sections of Section 12-2 Rent Control" (the "Rent Control Ordinance") of Chapter XII of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Open Housing Practices; Rent Control; Protected Tenancy", are hereby amended as follows (stricken text denote deletions, underlined text denote additions):

Section 12-2.4 Appeal by Landlord

- a. No change.
- b. No change.
- c. Prior to any such appeal to the Board provided for in paragraphs a. and b. of this section, a landlord must post in the lobby of each building or if no lobby is present, in a conspicuous place in and about the premises a notice of the appeal setting forth the basis for the appeal. The notice must be posted at least fifteen (15) days prior to the proposed date of the appeal. He The Landlord shall also send a separate notice by certified mail / Return Receipt Requested or personal service to each tenant at least fifteen (15) days prior to the proposed date of the appeal., which notice shall include a copy of the complaint filed or application, including all exhibits supplied in connection with the appeal, and the date, time and place that the appeal will be heard. Landlord must also submit to the Board a certification from the Borough's Construction Official or his/her authorized designee ~~property maintenance department of Red Bank~~ that the building and grounds are in substantial compliance with the municipal property maintenance code. The Landlord must also provide proof to Board that there are no outstanding property taxes and water and sewer charges at the time of the appeal.

12-2.5 Rent Leveling Board Established.

There is hereby created a Rent Leveling Board within the Borough of Red Bank. The Board shall consist of five (5) members plus two (2) alternate members, who shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2" . The members of the Board shall be appointed by the governing body and their terms of office shall be for a period of three (3) years each, with each member serving without compensation. An alternate member may participate in discussions of the proceedings before the Rent Leveling Board but may not vote except in the absence or disqualification of a regular member. A vote

shall not be delayed in order that a regular member may vote instead of an alternate member.
In the event that a choice must be made as to which alternate member is to vote, Alternate No.
1 shall vote first.

Except as provided herein, the powers herein granted to the Rent Leveling Board are advisory powers and its actions shall be subject to the review of the governing body of the Borough as hereinafter provided.

12-2.7 Appeal

Both the Landlord and tenant may appeal in writing the findings of the Board to the governing body within twenty (20) days from the date of the determination. The Council shall hold a hearing on the record before the Board. The Council, through the Borough Clerk, shall provide any appellant written notice of the hearing date at least twenty (20) prior to the hearing date. The Appellant shall provided all interested parties, including in the case of an appeal by the Landlord all affected tenants, with notice of hearing no later than ten (10) day prior to the hearing date set by the Council. Said notice shall be made by certified mail/ return receipt request or by personal service, which notice shall include the date, time and place of the hearing. The notice shall also indicate that any interested party may at their option review the transcript of the Rent Leveling Board hearing (s) and all documentation that is to be presented to the Council on appeal through inspection at a convenient location on the premises that is the subject of the appeal, and upon request provide copies of said transcript and documentation at a cost not to exceed what is charged by the Borough for reproduction costs.

SECTION TWO: 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 Rent Control Ordinance not otherwise amended or supplemented by this Ordinance are hereby ratified and remain in full force and effect

SECTION THREE: If any provision of this Ordinance or the 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, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon final passage and publication according to law.

Seconded by Mr. DuPont and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	()	()	()	(x)
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: November 6, 2013