

Ordinance of the City of Paterson, N.J.

No. ...5...1st Reading No. 23-013

Date FEBRUARY 28, 2023

No. ...1...Public Hearing
(2nd Rdg. & Final Passage)

Date to Mayor FEBRUARY 28, 2023

Division

Date Returned

TITLE:

Date Submitted to Council FEBRUARY 14, 2023

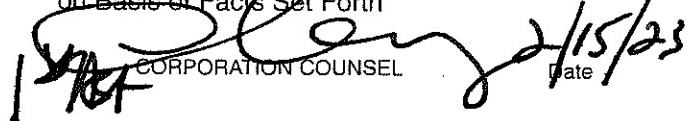
**ORDINANCE AMENDING PATERSON
CODE SECTION 381, ENTITLED "RENT LEVELLING"**

Factual Contents Certified to By

Title Director

2/15/2023
Date

Approved As To Form and Legality
on Basis of Facts Set Forth


CORPORATION COUNSEL
2/15/23
Date

COUNCILPERSON ... DR. LILISA MIMMS ... Moved the Following Ordinance:

WHEREAS, the residents of the City of Paterson will benefit from the continuation of rent control that protects tenants from unreasonable annual rent increases; and

WHEREAS, Chapter 381 of the City of Paterson Code provides for a Rent Levelling Board to ensure rent control and the protection of tenants; and

WHEREAS, the Rent Levelling Board has been compromised by the lack of interest and participation from board members as well the chronic inability to form a quorum due to the consistent failure of board members to attend meetings and an overall lack of public attendance; and

WHEREAS, The Rent Leveling Office has been receiving many concerns from seniors regarding rental increases and these concerns include seniors continually struggling to pay their rents and are not able to afford these increases because their monthly income is not enough to keep up with today's cost of living; and

WHEREAS, the adoption of these amendment to the City of Paterson's Rent Levelling Ordinance are necessary to revitalize the Rent Levelling Board and to address the concerns of tenants who are seniors as well as tenants with disabilities.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL FOR THE CITY OF PATERSON that the Paterson Code shall be amended and supplemented, with additions indicated by underlining and deletions indicated by [brackets], to state as follows:

SECTION I:

§ 381-1. Statement of policy.

UNCHANGED

§ 381-2. Definitions.

UNCHANGED

§ 381-3. Rent leveling established.

- A. UNCHANGED**
- B. UNCHANGED**
- C. All rents for rental of housing space and services in dwellings to which this chapter is applicable are hereby controlled at the base rent level received by the landlord as of [January 11, 1976] December 23, 1999, and no rental increases shall be hereinafter demanded or paid except as provided in this chapter.**
- D. UNCHANGED**
- E. UNCHANGED**

§ 381-4. Rent Leveling Board; membership; terms; meetings; operation; records.

A. There is hereby continued a Rent Leveling Board within the Department of Health and Human Services.

The Board shall consist of 11 members. Nine members shall be appointed by the Council and two members shall be appointed by the Mayor. The composition shall be five tenants, four landlords, and two

homeowners. The terms shall be for periods of two years. All board members shall reside in the city during their tenure.

B. UNCHANGED.

C. UNCHANGED

D. UNCHANGED

E. Compensation. All members of the Rent Levelling Board shall [serve without compensation] be compensated with a stipend of \$75 per meeting per Board member.

F. UNCHANGED

G. Meetings. Pursuant to the Sunshine Law, the [Board] Rent Levelling Administrator shall determine the schedule of meetings and hearings as necessary to carry out the provisions of this chapter. Special meetings may be called as provided by law. All meetings shall be open to the public. Rent adjustments shall be conducted during regularly scheduled meetings and in accordance with the provisions of this chapter. The Board shall hold a minimum of [six] four scheduled meetings per year.

H. For the purpose of convening a meeting, six Board members shall constitute a quorum at least one of whom shall be a tenant member, one of whom shall be a landlord and one of whom shall be a homeowner. In the event that a proper quorum is convened at the beginning of a meeting pursuant to this section and Board members later leave said meeting while in progress, any remaining eight members, regardless of appointment designation, shall constitute a quorum.

I. UNCHANGED

J. UNCHANGED

K. UNCHANGED

L. UNCHANGED

[**M**] [Board Members absent from [three] two or more consecutive meetings or [five] three meetings during the course of an appointment year shall be subject to immediate consideration for a request of dismissal by the Board. This recommendation will be forwarded to the City Council for prompt action.]

M. Records. A copy of this registration information shall be kept at the office of the Board.

N. Board Members absent from [three] two or more consecutive meetings or [five] three meetings during the course of an appointment year shall be subject to immediate consideration for a request of dismissal by the Board. This recommendation will be forwarded to the City Council for prompt action.

O. As a condition of their appointment to the Board, all Board members shall attend a mandatory training session provided by the Rent Levelling Administrator, to be offered at a date, time, and location as determined by the Rent Levelling Administrator.

(1) Any Board member who fails to attend the training session will have the opportunity to attend a makeup session. There will be one make-up session per year, at a date and location as determined by the Rent Levelling Administrator.

(2) Failure to attend either of the initial or make-up training session shall be cause for removal from the Board.

§ 381-5 Powers of Rent Leveling Board; hearings; determinations; requests for increases and decreases.

- A. UNCHANGED
- B. UNCHANGED
- C. UNCHANGED

§381-6. Rent Leveling Board Attorney.

- A. UNCHANGED
- B. UNCHANGED
- C. UNCHANGED

§ 381-7. Rent Leveling Board Secretary.

- A. There is hereby the continued position of Secretary to the Rent Levelling Board. [Said position shall be filled by the Rent Leveling Administrator who shall be given compensatory].

[B] [The duties of the Secretary to the Rent Leveling Board shall be as follows:

- (1) To supply information and assistance to landlords and tenants and to help them to comply with the provisions of this chapter.
- (2) To keep an accurate record of the procedures of the Board and to enter the same upon the minutes.
- (3) To receive all applications and to process the same for determination by the Rent Leveling Board.
- (4) To submit a monthly report of the activities of the Rent Leveling Board to the Council.
- (5) To perform such other duties as the Rent Leveling Board may specify].

B. The Department of Health and Human Services shall appoint a Secretary to the Rent Levelling Board.

C. The Secretary shall be appointed to a term of one year and shall receive an annual salary of \$3,125.

D. The duties of the Secretary to the Rent Leveling Board shall be as follows:

- (1) To supply information and assistance to landlords and tenants and to help them to comply with the provisions of this chapter.
- (2) To keep an accurate record of the procedures of the Board and to enter the same upon the minutes.
- (3) To receive all applications and to process the same for determination by the Rent Leveling Board.
- (4) To submit a monthly report of the activities of the Rent Leveling Board to the Council.
- (5) To perform such other duties as the Rent Leveling Board may specify.

§ 381-8. Appeals; fee; transcript of proceeding.

- A. Both the landlord and the tenant may appeal the findings of any determination of the Board to the Council by filing an appeal with the City Clerk within a period of 15 days from the date notification of the determination of the Board is received. The fee for filing said appeal [should] shall be [\$20] \$100, payable to the City Clerk upon the filing of said appeal. The applicant [should] shall also bear the responsibility for the cost of [preparation of] of obtaining the transcript of the Rent Leveling Board proceeding [, which cost shall be a current charge for such transcript as quoted by a certified shorthand reporter]. [The applicant shall arrange with a certified shorthand reporting firm for preparation of the transcript, and the applicant shall be responsible for the deposit and payment for the same directly to said certified shorthand reporting firm]. Upon being notified [by the certified

shorthand reporting firm retained] of an appeal by the applicant, the Secretary to the Rent Leveling Board, [after making a copy of the audiocassette tape(s) of the meeting in question, shall forward the original tape(s) to the certified shorthand reporting firm retained by the applicant] shall make an audio recording of the meeting in question available to the applicant. The above copies of the transcript of the Rent Leveling Board proceedings which form the basis of the appeal shall be received by the City Clerk prior to the matter being heard by the City Council. Such transcripts shall be received by the City Clerk within 90 days of the filing of the appeal or the appeal shall be dismissed by the City Council, subject to being reopened upon a finding of good cause for such late receipt of transcript by the City Council upon a written request by the applicant which is on notice to the opposing party and the Secretary of the Rent Leveling Board.

- B. **UNCHANGED**
- C. **UNCHANGED**
- D. **UNCHANGED**

§ 381-9. Office of Rent Leveling; appointment of Rent Leveling Administrator.

- A. **UNCHANGED**
- B. **UNCHANGED**
- C. **UNCHANGED**

§ 381-10. Powers and functions of Rent Leveling Administrator.

- A. Under the direction of the Rent Leveling Board, the Rent Leveling

Administrator shall have the following powers and functions:

- (1) **UNCHANGED**
- (2) **UNCHANGED**
- (3) **UNCHANGED**
- (4) **UNCHANGED**
- (5) **UNCHANGED**
- (6) **UNCHANGED**
- (7) To schedule board meetings when deemed necessary.
- (8) Attend Rent Levelling Board meetings.

§ 381-11. Exemptions, limitations and prohibitions.

- A. **UNCHANGED**
- B. **UNCHANGED**
- C. **UNCHANGED**
- D. **UNCHANGED**

§ 381-12. Guidelines and qualifications for exemptions for

substantially rehabilitated structures.

- A. UNCHANGED
- B. UNCHANGED
- C. UNCHANGED
- D. UNCHANGED
- E. UNCHANGED
- F. UNCHANGED
- G. UNCHANGED
- H. UNCHANGED
- I. UNCHANGED

§ 381-13. Approval process for exemption from rent leveling for substantially rehabilitated structures.

- A. UNCHANGED
- B. UNCHANGED
- C. UNCHANGED
- D. UNCHANGED
- E. UNCHANGED
- F. UNCHANGED
- G. UNCHANGED
- H. UNCHANGED
- I. UNCHANGED
- J. UNCHANGED

§ 381-14. Rent increase restrictions; cost of housing index.

A.

1. Every landlord without recourse to the Board or Administrator may annually request of a tenant an increase in rent which shall not be greater than 5%, or 3 1/2% for head of household tenants 65 years of age or older or found to be disabled by the Social Security Administration under either the Social Security Disability or Supplemental Security Income Disability Programs, of the existing rent at the time notice of increase is delivered to the tenant. Notwithstanding the aforementioned provisions, head of household tenants who are 65 years of age or older or found to be disabled by the Social Security Administration under either the Social Security Disability or Supplemental Security Income Disability Programs shall be subject to an increase not greater than 2.5% if:

- a. The tenant's monthly income does not exceed \$1,000.00;
and
- b. The tenant's total monthly household income does not exceed \$1,500.00.

A tenant seeking an increase under this provision shall provide proof of income and proof of current rent.

2. Landlords about to execute leases for a term of more than one year may provide in such leases for annual increases not to exceed 5%, 3 1/2% for tenants 65 years of age or older or found to be disabled by the Social Security Administration under either the Social Security Disability or Supplemental Security Income Disability Programs, or 2.5%, pursuant to Subsection A (1), for each year of the lease.

3. **UNCHANGED**

B. **UNCHANGED**

C. **UNCHANGED**

D. **UNCHANGED**

§ 381-15. Procedure for seeking rent increase.

A. **UNCHANGED**

B. **UNCHANGED**

C. **UNCHANGED**

D. Updated property registration for the current year.

§ 381-16. Computation of capital improvements and services rent increase; dwellings to be in compliance with all standards.

A. **UNCHANGED**

B. **UNCHANGED**

C. **UNCHANGED**

§ 381-17. Notice of capital improvements and services rent increase request; date of increase; fee.

A. **UNCHANGED**

B. **UNCHANGED**

C. **UNCHANGED**

D. **UNCHANGED**

§ 381-18. Criteria for hardship rental increase request; application; dwellings to be in compliance with all standards.

A. **UNCHANGED**

B. **UNCHANGED**

C. **UNCHANGED**

D. **UNCHANGED**

E. **UNCHANGED**

§ 381-19. Notice of hardship rental increase request; date of increase; fee.

A. **UNCHANGED**

B. **UNCHANGED**

C. **UNCHANGED**

D. **UNCHANGED**

E. **UNCHANGED**

§ 381-20. Standards to be maintained; decrease in rent on failure to comply.

- A. **UNCHANGED**
- B. **UNCHANGED**
- C. **UNCHANGED**
- D. **UNCHANGED**
- E. **UNCHANGED**
- F. **UNCHANGED**
- G. **UNCHANGED**
- H. **UNCHANGED**
- I. **UNCHANGED**

§ 381-21. Time for filing complaints and claims; agreed increases.

Any complaint of an illegal increase or failure to maintain standards or claim to lower rentals or any other claim or application brought by either a tenant or a landlord must be filed with the Office of Rent Leveling no later than [24] 12 months after the effective date of the disputed increase or the date of the action or inaction which is the subject of the complaint, unless a different time period is specifically designated by other provisions of the Rent Leveling Ordinance.

§ 381-22. Violations and penalties.

- A. **UNCHANGED**
- B. **UNCHANGED**

§ 381-23. When effective.

UNCHANGED

§ 381-24. Dwellings decontrolled and exempted.

- A. **UNCHANGED**
- B. **UNCHANGED**
- C. **CHANGED**

SECTION II:

This Ordinance shall take effect thirty (30) days from the date of publication.

SECTION III:

All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

SECTION IV:

If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION V:

The City Clerk and Corporation Counsel may change chapter numbers, article numbers and section numbers if codification of this Ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeaters of existing provisions.

SECTION VI:

The City Clerk and the Corporation Counsel may correct any clerical errors in the printing, publication and codification of this Ordinance, provided both concur with the correction being made and both certify in writing to the Municipal Council as to the specifics of the clerical correction no later than seven (7) days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next Regular Meeting. The said certifications shall also be prominently posted no later than the date of the next Regular Meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the City Clerk.

STATEMENT OF PURPOSE

The Purpose of this Ordinance is to amend the Code of Paterson Chapter 381 entitled "Rent Levelling" in order to make changes to the Rent Levelling Board membership and operation and to provide additional rent control relief to seniors and tenants with disabilities.

SECONDED BY COUNCILPERSON ALAA "AL" ABDELAZIZ

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE	AYE	NAY	ABSTAIN	ABSENT
1. ABDELAZIZ, ALAA "AL"	X			
2. COTTON, RUBY N.				X
3. DAVILA, MARITZA				X
4. JACKSON, MICHAEL	X			
5. KHALIQUE, SHAHIN				X
6. MENDEZ, ALEX	X			
7. MIMMS, LILISA	X			
8. UDDIN, MD FORID	X			
9. VELEZ, LUIS	X			

Adopted on first reading at a meeting of the Council of the City of Paterson, N.J., on FEBRUARY 14, 2023 Adopted on second and final reading after hearing on FEBRUARY 28, 2023

Approved _____ Reconsidered _____ Over Ride Vote Aye Nay
 Rejected By _____ By Council _____
 Mayor ANDRE SAYEGH Date JACQUELINE MURRAY
ALEX MENDEZ Council President 8 Deputy City Clerk