N.J. Stat. § 2A:42-74

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

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§ 2A:42-74. Legislative findings

The Legislature finds:

(a) Many citizens of the State of New Jersey are required to reside in multiple dwelling units which fail to meet minimum standards of safety and sanitation and are compelled to pay rents disproportionate to the value of the facilities and services received;

(b) It is essential to the health, safety and general welfare of the people of the State that owners of substandard multiple dwelling units be encouraged to provide safe and sanitary housing accommodations for the public to whom such accommodations are offered;

(c) It is necessary, in order to insure the improvement of substandard multiple dwelling units, to authorize the governing bodies of municipalities to enact and impose rent controls on substandard multiple dwelling units until such dwelling units satisfy minimum standards of safety and sanitation.

History

L. 1966, c. 168, 1, eff. June 18, 1966.

Annotations

Research References & Practice Aids

Cross References:

Definitions, see *2A:42-86*.

Applicability of municipal rent control ordinances, see *2A:42-84.2*.

Exemptions from rent control, leveling, stabilization; legislative intent, see *2A:42-84.5*.

Rules, regulations concerning admissions to housing project, see *40A:12A-20*.

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N.J. Stat. § 2A:42-75

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§ 2A:42-75. Definitions

The following terms whenever used or referred to in this act shall have the following respective meanings for the purposes of this act, unless a different meaning clearly appears from the context.

(a)"Public officer" shall mean the officer, officers, board or body who is or are authorized by ordinances adopted hereunder to exercise the powers prescribed by such ordinances and by this act.

(b)"Owner" shall mean the holder or holders of the title in fee simple.

(c)"Parties in interest" shall mean all individuals, associations and corporations who have interests of record in a multiple dwelling, and who are in actual possession thereof and any person authorized to receive rents payable for housing space in a multiple dwelling.

(d)"Multiple dwelling" means and includes any building or structure and land appurtenant thereto containing 3 or more apartments or rented or offered for rent to 3 or more tenants or family units.

(e)"Housing space" means that portion of a multiple dwelling rented or offered for rent for living or dwelling purposes in which cooking equipment is supplied, and includes all privileges, services, furnishings, furniture, equipment, facilities, and improvements connected with the use or occupancy of such portion of the property. The term shall not mean or include public housing or dwelling space in any hotel, motel or established guest house, commonly regarded as a hotel, motel or established guest house, as the case may be, in the community in which it is located.

(f)"Bureau of Housing" means the Bureau of Housing in the State Department of Conservation and Economic Development.

(g)"Substandard multiple dwelling" means any multiple dwelling determined to be substandard by the public officer.

History

L. 1966, c. 168, 2.

Annotations

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Case Notes

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Governments: Local Governments: Employees & Officials

The designation of a public officer for the administration of rent control was invalid because he was designated by a resolution of the city council rather than by an ordinance of the council as required by N.J. Stat. Ann. § *2A:42-75(a)*. *Kessler v. Passaic, 113 N.J. Super. 59, 272 A.2d 570, 1971 N.J. Super. LEXIS 661 (Law Div. 1971)*.

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N.J. Stat. § 2A:42-76

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§ 2A:42-76. Promulgation of state housing code; scope of standards

Within 60 days following the effective date of this act the Bureau of Housing shall promulgate a State Housing Code which shall be effective in any municipality adopting an ordinance under this act. Said code shall set standards consistent with minimum health and safety requirements and covering, but not limited to, matters such as water supply, plumbing, garbage storage, lighting, ventilation, heating, egress, maintenance and use and occupancy.

History

L. 1966, c. 168, 3.

Annotations

Research References & Practice Aids

Administrative Code:

N.J.A.C. 5:28 (2013), CHAPTER NEW JERSEY STATE HOUSING CODE, 5, Chapter 28 — Chapter Notes.

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N.J. Stat. § 2A:42-77

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§ 2A:42-77. Authority to adopt ordinance regulating rents and possession of space in substandard multiple dwellings; provisions

Whenever the governing body of a municipality finds that the health and safety of residents of that municipality are impaired or threatened by the existence of substandard multiple dwellings, it may adopt an ordinance setting forth such a finding and providing for the regulation of rents and the possession of rental space in substandard multiple dwellings. Such ordinance shall include in its provisions that:

(a)A public officer be designated or appointed to exercise the powers prescribed by the ordinance.

(b) Whenever it appears by preliminary investigation that a multiple dwelling is substandard the public officer shall cause a complaint to be served upon the owner of and parties in interest in such multiple dwelling, stating the reasons why said multiple dwelling is deemed to be substandard and setting a time and place for hearing before the public officer. The owners and parties in interest shall be given the right to file an answer and to appear and give testimony. The rules of evidence shall not be controlling in hearings before the public officer.

(c) If, after notice and hearing, the public officer determines the multiple dwelling under consideration is substandard he shall state his findings in writing and shall issue and cause to be served upon the owner or other person entitled to receive said rents an order requiring that such repairs, alterations or improvements necessary to bring such property up to minimum standards be made within a reasonable time.

(d) Failure to complete such repairs, alterations or improvements within a reasonable time as fixed by the public officer shall be cause to impose rent control on the substandard multiple dwelling.

(e) In establishing maximum rents which may be charged for housing space in a multiple dwelling subject to rent control, the permissible rents shall be sufficient to provide the owner or other person entitled to receive said rents with a fair net operating income from the multiple dwelling. The net operating income shall not be considered less than fair if it is 20% or more of the annual income in the case of a multiple dwelling containing less than 5 dwelling units or is 15% or more in the case of a multiple dwelling containing 5 or more dwelling units. In determining the fair net operating income, the public officer shall consider the following items of expense: heating fuel, utilities, payroll, janitorial materials, real estate taxes, insurance, interior painting and decorating, depreciation, and repairs and replacements and additions to furniture and furnishings which expenses shall be deducted from the annual income derived from the multiple dwelling. All items of expense and the amount of annual income shall be certified by the owner or other person entitled to receive said rents on forms provided by the public officer.

(f) The imposition of rent control on any substandard multiple dwelling shall not operate to impair leases existing at the time of the adoption of an ordinance under this act, but shall take effect at the expiration of the term of any such lease and shall remain in effect thereafter so long as the multiple dwelling is subject to rent control.

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(g) It shall be unlawful for any person to demand or receive any rent in excess of the maximum rent established for housing space in multiple dwelling subject to rent control or to demand possession of the space or evict a tenant for refusal to pay rent in excess of the established maximum rent. The owner or other person entitled to receive said rents shall not be prevented, however, from exercising his rights to obtain possession of housing space from a tenant as a result of the tenant's violation of law or contract and the owner or other person entitled to receive said rents shall be provided reasonable grounds to obtain possession of premises for his own personal use and occupancy and for purposes of substantially altering, remodeling or demolishing the multiple dwelling.

(h) Whenever the public officer finds that a multiple dwelling subject to rent control is no longer substandard, he shall so inform the governing body and rent control on said multiple dwelling shall be removed.

History

L. 1966, c. 168, 4.

Annotations

LexisNexis® Notes

Case Notes

Governments: Local Governments: Ordinances & Regulations

Real Property Law: Landlord & Tenant: Rent Regulation: General Overview

Governments: Local Governments: Ordinances & Regulations

Ordinance providing that owners of multi-residential apartments with six or more rented units must refund 75 percent of any successful tax appeal judgments to their tenants was not authorized by N.J. Stat. Ann. § *2A:42-77*, because under N.J. Stat. Ann. § *2A:42-77*, a municipality is empowered to adopt rent control only when it finds that the health and safety of residents are impaired or threatened by the existence of substandard multiple dwellings and, as the township allowed rent control to expire, the governing body had not found that present housing conditions constituted an emergency. *Property Owners & Managers Ass'n v. Parsippany-Troy Hills, 264 N.J. Super. 523, 624 A.2d 1372, 1993 N.J. Super. LEXIS 180 (App.Div. 1993)*.

Real Property Law: Landlord & Tenant: Rent Regulation: General Overview

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N.J. Stat. § 2A:42-78

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§ 2A:42-78. Registration of owners and management of multiple dwellings

Any ordinance adopted under this act may provide for the registration of the owners and management of every multiple dwelling in the municipality. Such registration shall be with the clerk of the municipality upon forms prescribed by and furnished by the municipality. Every such registration form shall include the name and address of the owner and the name and address of an agent in charge of the premises residing in the municipality.

History

L. 1966, c. 168, 5.

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