

Rules and Regulations - 1955

DEPARTMENT CONSERVATION & ECONOMIC  
DEVELOPMENT - Rent Control

Digitized by the New Jersey State Library.



*Thompson*

*File  
Rules & Regulations  
Rent Control*

State of New Jersey  
DEPARTMENT OF CONSERVATION  
AND ECONOMIC DEVELOPMENT  
JOSEPH E. MCLEAN, COMMISSIONER  
TRENTON 7

OFFICE OF RENT CONTROL  
CHESTER K. LIGHAM  
DIRECTOR

June 13, 1955

PLEASE ADDRESS REPLY TO:  
520 E. State St.  
Trenton, N. J.

*6-13-1955*

Governor Robert Meyner  
State House  
Trenton, New Jersey

Dear Governor Meyner:

Attached hereto find several sets of the Amendment, Supplement and Modification to the Revised Rent Control Rules and Regulations which became effective June 1, 1955.

The above is transmitted for your information and file.

Sincerely yours,

CHESTER K. LIGHAM  
Director

/b  
Atts.

RECEIVED  
JUN 17 5 21 PM '55

June 1, 1955

State Office of Rent Control  
Chester K. Ligham  
State Rent Control Director

AMENDMENT, SUPPLEMENT AND MODIFICATION TO THE REVISED RENT CONTROL RULES AND REGULATIONS DATED MARCH 1, 1955, PURSUANT TO THE STATE RENT CONTROL ACT OF 1953(C.216, PL 1953; C.260, PL 1954).

The said regulations are hereby amended as follows:

(1) Sub-sections (1) and (2) of Section 2(b), Article I, Part II, are hereby repealed.

(2) Sub-section (2) of Section 2(c), Article I, Part II is amended to read as follows:

"at anytime after April 23, 1954, where such housing space, prior to the change was used exclusively for non-housing purposes and at no time since July 1, 1942 was subject to Federal or State Rent Control; provided, however, such housing space shall continue to be subject to control until an order of decontrol has been entered, after a determination, pursuant to the regulations which shall be conditioned on a finding that such housing space is safe and sanitary housing and complies with applicable laws, ordinances or regulations."

(3) Sub-section (j) of Section 2, Article I, Part II, is amended to read as follows:

"Housing space in buildings lawfully operated as rooming houses on March 1, 1955, located in areas other than those set forth in Schedule 1; where such rooming houses comply with requirements of local law, if any;"

(4) Section 3(a), Article I, Part II is amended to read as follows:

"(a) Particular housing space in one, two, three and four family houses rented after March 1, 1955 and which became vacant after occupancy by the prior tenant for a period of at least six (6) months; or

((1) for less than six (6) months where the tenancy is terminated as a result of death of the prior tenant or dissolution of the family unit; and

(2) the landlord has complied with the further conditions set forth in Section 4 and 5 of this Article;"

(5) Section 5(b), Article I, Part II is amended to read as follows:

"(b) retroactive to the date on which the lease or form is executed or filed with the agency; however, until an order of decontrol is entered, the particular housing space shall be subject to control;"

(6) Section 4, Article II, Part II, is amended so that wherever the term "period of usefulness" appears, it is changed to read "period of computation"; other portions of the regulations having this term are also changed accordingly.

(7) Sub-section (3) of Section 2(b), Article IV, Part II is amended to read as follows:

"(3) a person has an irrevocable, binding and legal contract to purchase the building in which the housing space is located and either he or members of his immediate family require housing space therein for their own use. A certificate of eviction issued hereunder shall provide that no action for possession shall be commenced thereon prior to two (2) weeks after the actual delivery of title except in cases where the contract of purchase provides for payments on a monthly installment basis over a period of years, such payments being credited first to interest, if any, on the unpaid balance and then to principal, with the purchaser being required to pay taxes and all other charges; in such cases, a certificate of eviction may be issued pursuant to the provisions of Section 3 of this article, not conditioned on the passing of title, on a finding by the agency that the contract is valid, binding, effective and bona fide."

(8) Sub-sections (d)(1) and (2) of Section 2, Article IV, Part II, is amended to read as follows:

"(1) the alteration or remodeling is being done in good faith and (a) is required under State or local law, or (b) it will result in additional self-contained units of a type and size for which there is a shortage in the area or (c) it is part of a program of urban renewal under Federal, State or local law or authorization or (d) it involves substantial rehabilitation of the building in which the housing space is located and is necessary for the preservation and maintenance of the housing space or the building in which located, and (e) where practicable, the tenant is permitted to remain in occupancy of an adequate portion thereof with the first right of occupancy of the dwelling unit or one of them on completion where such occupancy will not result in overcrowding;

"(2) in case of demolition, it is for the purpose of constructing either a new building or buildings with a greater number of self-contained units; or carrying out a program of slum clearance, redevelopment and replanning or urban renewal under Federal, State or local law or authorization, or of construction or use, other than housing space; in any such case, a certificate shall be issued only upon such terms and conditions as will provide for the

re-location of tenants in other similar housing space in the area; however, the latter provision shall not apply to housing space having a lawful rent on March 1, 1955 of \$100.00 or more per month or where the agency finds that the tenant unreasonably refuses to rent similar housing space which has been offered."

(9) Section 5, Article V, Part II is amended to read as follows:

"No landlord shall be entitled to an increase under this Article unless he certifies, in writing, that he is substantially providing and maintaining and will continue to provide and maintain all required services. The agency shall deny any application for increase where a landlord has substantially withheld or failed to provide required services; provided, however, that prior to dismissal of any such application, the agency shall give the landlord a reasonable time, not exceeding thirty (30) days, by written notice, within which to do so and promptly send the Director a copy thereof; however, where the landlord requests additional time within which to perform such services, the agency may grant additional time not exceeding a further period of sixty (60) days. Such extension shall only be granted on written request containing the reasons therefor, notice of which is given to the tenant where the agency finds it is made in good faith as indicated by the landlord's conduct and further time is necessary. A copy of such notice or extension shall be promptly sent by the agency to the Director and the tenant or tenants. Where the landlord, after receiving such notice, provides the required services, an agency shall not permit the landlord, with<sup>out</sup> the consent of the tenant, to amend or supplement his pending application to include as a further ground for increase the additional cost thereof. Where the tenant consents to the application being amended or supplemented for this purpose, the agency, in considering an increase based on such work, shall take the longest period of computation as indicated by times within which the landlord last substantially performed the particular service or services. Where the landlord does not or is unable to amend or supplement his application for increase to include such additional cost, he shall have the right, pursuant to the regulations, to apply at a later date for an increase on this ground, namely, no earlier than six months, if the pending application is denied, or one (1) year, where granted.

(10) Sub-section (b) of Section 8, Article V, Part II is amended to read as follows:

"(b) where the application is on the ground of comparability, special or unusual circumstances or for fair net operating return under Sections 16(d)(g) and (h) of the Act;"

(11) Sub-section (f) of Section 8, Article V, Part II, is amended by substituting for the words "during the one year period prior to March 1, 1955" the phrase "~~Since~~ <sup>Between</sup> August 1, 1953" and June 1, 1955."

(12) Sub-section (a)(3) of Section 9, Article V, Part II, is amended by adding at the end of such sub-section the following:

"provided, however, any other provision of these regulations to the contrary notwithstanding, <sup>ing</sup> landlords owning four or less controlled units in the State shall be required to only set forth the services, dates involved, the actual or recognized cost, whichever is lower, together with whatever bills or proof is available;"

(13) Sub-section (6) of Section 9(a), Article V, Part II, is hereby repealed.

(14) Sub-section (i) of Section 9, Article V, Part II is amended by adding after the phrase "and the landlord is required" the words "or agrees" and by changing the words "one (1) year" near the end of the same sentence to "two (2) year".

(15) The unnumbered paragraph in Section 10, Article V, Part II, is amended to read as follows:

"Under sub-sections (b) and (c) hereof, the agency shall first give the landlord a reasonable time, not exceeding thirty (30) days by written notice within which to remedy such deterioration or violation and promptly send the Director a copy thereof. However, where the landlord requests additional time within which to do so, the agency may grant additional time, not exceeding a further period of sixty (60) days. Such extension shall only granted on written request containing the reasons therefor, notice of which is given to the tenant where the agency finds it is made in good faith as indicated by the landlord's conduct and further time is necessary. A copy of such notice or extension shall be promptly sent by the agency to the Director and the tenant or tenants. In the event the condition still exists on termination of such reason-

able time, the lawful rent shall be decreased by the amount the agency finds to be the reduction in the rental value of the housing space because of the conditions referred to, taking into consideration all factors bearing on the equities involved. Where the landlord, after receiving such notice, remedies such deterioration or violation, an agency shall not permit the landlord, without the consent of the tenant, to amend or supplement his papers to include as a further ground for increase the additional cost thereof. Where the tenant consents to the amendment, the agency, in considering an increase based on this work, shall take the longest period of computation as indicated by times within which the landlord last substantially performed the particular service or services. Where the landlord does not or is unable to amend or supplement his papers for increase to include the additional cost thereof, he shall have the right, pursuant to the regulations, to apply at a later date for an increase on such grounds."

(16) Section 11, Article V, Part II is amended by changing the words "to nearest dollar" in the title to "to nearest one-half dollar" and in the body of this Section changing the words "at the flat dollar amount, disregarding cents" to "to the nearest \$.50, disregarding fractions or parts thereof".

(17) Section 12, Article V, Part II, is amended by substituting the words "computation period" for "period of usefulness" and by inserting after the word "Schedule" at the end of the next to the last sentence the following:

"except on the grounds of fair net operating return, pursuant to Section 16(h) of the Act in which case the schedule on the prescribed form of application shall be controlling".

(18) Section 15, Article V, Part II is hereby repealed.

(19) Section 1, Article VI, Part II is amended to read as follows:

"RIGHT TO PRIOR OPINION - EFFECT - Unless a landlord applies for a prior opinion, the amount of any adjustment of rent by way of increase to which he may be entitled shall be limited, pursuant to Section 8 of the preceding Article; an agency in granting a prior opinion shall not limit the amount of increase other than as set forth in the Proration Schedule. A landlord may, pursuant to the regulations, on notice to the tenant, apply to an agency for a prior opinion as to the amount of increase that will be granted for particular housing space where the cost of substantial rehabilitation, major or other improvements, installation

of new equipment or fixtures or increased space, services, furniture or furnishings amounts to \$300.00 or more for or attributable to such housing space, computed on the basis of actual estimated outlay or the estimated annual additional cost of the increased space or services, or where the tenant refuses to allow the landlord to install replacements of fixtures or equipment or perform services which are necessary for the preservation and maintenance of the housing space or the building in which located".

(20) Sections 1 and 2, Article III, Part III, are amended to read as follows:

"1. DISPOSITION OF MATTERS - TIME LIMITS - All proceedings shall be disposed of by agencies and boards within the times hereinafter set forth;

- (a) where no notice of hearing is given, pursuant to Section 4 hereof, within forty (40) days from the time of the commencement of the proceeding or review except in cases involving applications for increase based on fair net operating income under Section 16(h) of the Act and such cases shall be disposed of within sixty (60) days;
- (b) where notice of hearing is given, pursuant to Section 4 hereof, by Essex and Hudson County Agencies within sixty (60) days and forty-five (45) days by all other agencies and all review boards, the time to be computed from the date of the commencement of the proceeding or review;
- (c) where the agency or board gives the landlord, prior to dismissal of an application, a reasonable time within which to remedy a deterioration, a violation or provide services, the time in which the matter shall be disposed of will be extended by such period of time, plus ten (10) days. The agency or board in such cases shall notify the Director in writing of the matter and the period of time given.

2. WHERE NOT DISPOSED OF - LOSS OF JURISDICTION - DISMISSAL - Where a proceeding is not disposed of within the times set forth in the preceding section, the agency or board shall have no further jurisdiction except to enter an order of dismissal and the file shall be transferred to the Director who shall either undertake the review himself or transfer the file to

the review board of the county. In any event, notice thereof shall be given to the parties and a copy of the order of dismissal shall be forwarded by the agency or board to the Director.

The provisions of this section and the preceding section shall not be applicable to the Hudson County Agency until July 1, 1955 except where the Director finds that a review of<sup>a</sup> proceeding is necessary in the interest of proper administration of the Act and regulations as a result of delay in disposition thereof."

(21) The unnumbered paragraph following sub-sections (a), (b) and (c) of Section 3, Article V, Part III, is amended to read as follows:


"In such cases, the Director shall by order make such finding and provide for the review through hearers, pursuant to the Act. A copy of such order shall be sent to the agency or board, and the file shall be transferred to the office of the Director within five (5) days of the date thereof. Such review shall be disposed of by the Director and be conducted in the same manner as provided in the preceding Articles; however, no such order shall be issued by the Director exercising his power of review prior to final determination of a matter by an agency or board other than where the matter is not disposed of within time as provided in Section 1, Article III, Part III of the regulations or more than ninety (90) days after determination by an agency or board or prior to such determination, unless it involves;"

(22) Schedule 1, attached to the Revised Regulations is changed by substituting therefor Schedule 1 attached hereto and made a part hereof.

(23) Schedule 4, attached to the Revised Regulations is changed by substituting therefor Schedule 4 attached hereto and made a part hereof.

(24) The above changes shall take effect as of June 1, 1955. Agencies and boards shall permit amendments of pending proceedings, where necessary, by reason of these changes.

June 1, 1955

  
CHESTER K. LIGHAM  
Director

STATEMENT OF CONSIDERATIONS FOR THE ISSUANCE OF THIS AMENDMENT, SUPPLEMENT AND MODIFICATION OF THE REVISED REGULATIONS

The repeal of Sections 2(b)(1) and (2), Article I, Part II and Section 15, Article V, Part II, was necessary by reason of the decision of the Supreme Court and the Appellate Division of the Superior Court in the cases involving the validity of the prior regulations controlling projects containing fifty or more units, built between February 1, 1947 and August 1, 1953. The Courts had held this distinction invalid and the regulation controlling such projects is therefore void. It has been deemed advisable to continue decontrol of all units built during this period, thus re-establishing the pattern under Federal Rent Control. The rental units in projects where complaints have been received are all under FHA supervision and control, and it is now felt that the FHA has had sufficient knowledge and information to effectively supervise and control these units where and if abuses exist.

The other changes on decontrol involve amendments to Article I, Part II, dealing with situations where dwelling units are changed from non-housing to housing after April 23, 1954, so as to specify that the exceptions will only apply where such unit was never previously subject to Federal or State Rent Control.

Another change relates to rooming houses. Heretofore, the regulations required orders before rooming houses in certain specified areas were decontrolled. The change does away with this requirement and also changes Schedule 1 to indicate areas in which rooming houses are still under control.

Decontrols resulting from vacancies in 1, 2, 3 and 4 family houses have been liberalized so that a prior occupancy is only required for six months and in certain cases where the tenancy is terminated as a result of death or dissolution of the family unit, the agency, in determining whether an order of decontrol should be entered, is not bound by any fixed period of prior occupancy. These provisions tie-in with the regulations permitting decontrol of vacancies or apartments renting on March 1, 1955 at rentals designated in Schedule 2 requiring the agency to issue orders of decontrol under certain conditions where there is no evasion or attempted evasion of rent control and decontrol will not result in manipulative or speculative practices unreasonably increasing rentals or evictions. Under this change, the decontrol order of the agency, board or Director may be retroactive to the date on which the approved lease or form in lieu of lease is executed and filed.

There are some changes to Article IV, Part II of the regulations dealing with evictions. The first change deals with the right of persons having a contract to obtain a certificate of eviction. Heretofore, the regulations required that such person have the right of immediate possession. This requirement has been deleted but any certificate of eviction in such cases is conditioned on the party having an immediate and compelling necessity for occupancy of the unit and prohibits any action to be brought on any such certificate for a period of at least two weeks after title to the property involving the contract of sale passes to the purchaser, except in cases involving bona fide installment contracts over a period of years.

The other changes in evictions relate to situations involving alterations, remodeling and demolitions. These are self-explanatory.

The portion of the change dealing with Article V, Adjustments in Rents, relate primarily to a requirement now in the regulations that a landlord requesting a rent increase shall be denied relief where it appears he is not performing required services. In these cases, the present regulations permit a thirty day period within which the landlord is to perform or the proceedings be dismissed. The change permits a longer period, where necessary, and prevents the landlord from amending or supplementing his pending application to include the cost of such services unless the tenant consents, and in such cases requires that the agency take as a period for the performance of services the longest period as indicated by the times within which such services were last substantially performed. A similar change has been made in connection with applications for decrease by tenants on the ground of deterioration or violations of regulations or laws.

The Section dealing with limitation of the amount of increase has been changed to exclude from this limitation increases granted on comparability, special or unusual circumstances or fair net operating return. In such cases, the agency will grant an increase in an amount consonant with the proof.

The Section of the regulations permitting an increase under a voluntary lease or

other arrangement has been broadened to permit these arrangements to be made where the landlord agrees to perform the services of painting and decorating. Heretofore, it was limited to situations where the landlord was required to render such services. Also, in such cases, unless the painting and decorating has been performed within two years of the date of the approval of the lease or arrangement by the appropriate agency, the landlord is required to paint within ninety (90) days.

Another change requires agencies to adjust rents to the nearest one-half dollar, disregarding fractions. Under the previous regulations, the adjustment was to the nearest dollar - it was found this resulted in hardship.

Substantial changes have been made in the proration schedule. The proration schedule now uses the term "period of computation" instead of "period of usefulness". It liberalizes increases that may be granted for major, minor or other repairs or replacements. The period of computation on major and minor repairs is now 100 months; major repairs had previously been ten years. Replacements such as refrigerators, stoves, sinks, tubs, etc., now require increases of  $1\frac{1}{2}\%$  monthly of the cost. In addition, changes have been made in the period of computation for structural additions and betterments and aids to rehabilitation of slum or blighted buildings. Heretofore the period had been 15 years. It now has been reduced to 100 months.

These are the highlights of the changes in the schedule. The changes made were found necessary to prevent hardship and unfairness. It is to be noted that no increase or decrease is to be granted without an order.

Changes have been made with regard to proceedings on prior opinions. These are self-explanatory. In addition, certain changes have been made as to procedures and conduct of proceedings. These were found necessary in the interest of better administration. All these changes will be incorporated in a revision which is now in the process of being printed. The revision will include the regulations, schedules, the Act and prescribed lease and form in lieu of lease.

Schedule 1

MUNICIPALITIES IN WHICH ROOMING HOUSES ARE SUBJECT TO RENT CONTROL PURSUANT TO SECTION 2(j), ARTICLE I, PART II OF THE REGULATIONS.

<u>COUNTY</u>	<u>MUNICIPALITY</u>
ATLANTIC	Atlantic City Margate City Ventnor City
BERGEN	Cliffside Park Hackensack North Arlington
BURLINGTON	Burlington (City)
CAMDEN	Camden
ESSEX	Newark
HUDSON	Bayonne Hoboken Jersey City North Bergen Union City West New York
MERCER	Trenton
MIDDLESEX	New Brunswick Perth Amboy
MORRIS	None
PASSAIC	Passaic Paterson
UNION	Elizabeth

**PRORATION SCHEDULE**

(Sec. 1 and 12, Art. V, Part II of Regs -  
No Rent Adjustments by Way of Increase  
or Decrease Without an Order - See Note)

GENERAL CATEGORY AND TYPE	PERIOD OF COMPUTATION	AMOUNT OF COST - ACTUAL OR RECOGNIZED, WHICHEVER IS LOWER OR FLAT SUM - PERCENTAGE OF COST - ABOVE ORDINARY REPAIRS AND MAINTENANCE
1. REQUIRED SERVICES		
(a) Taxes, insurance, salaries, supplies, utilities & other similar items	Annual - Base yr 1951 or subsequent year when increase granted on this grnd	Entire amount of increase representing excess over base year.
(b) Heat and fuel	" " " " " " "	Same as (a)
(c) Hot water	" " " " " " "	Same as (a)
(d) Miscellaneous services	" " " " " " "	1/2*
(e) Painting & decorating particular housing space	3 yrs min; 5 yrs max; (dependent on category under Sec. 2, Art. III, Pt II and circumstances Secs. 5&10, Art. V, Pt II - generally see Sec. 9(a)(3), Art. V, Pt II of Regs.)	1/2*
(f) Painting & decorating of building, interior and exterior	5 years	1/2*
(g) Major, minor and other repairs of all types & description including replacements in interior or to exterior of building	100 months	1/2*
(h) Replacement of furniture, furnishings & linoleum	5 years	1/2*
(i) Replacements in particular housing space of equipment, fixtures and the like including ranges, stoves, refrigerators, sink, tub and cabinet combinations, space heaters, etc.	Date of replacement and installation - increase based on percentage of cost.	1 1/2% monthly of lower of actual or reasonable and recognized cost of replacement and installation including labor, excluding interest. Maximum increase for any one particular replacement, unless tenant consents, \$3.50 monthly - minimum increase for 4 burner gas range with automatic heat control, \$1.25 monthly.
2. INCREASED SERVICES		
(Consent of tenant required unless necessary for preservation and maintenance)		
(a) Any of the items set forth under 1(a)(d)(e)(f) & (g)	Same as for items under 1(a)(d)(e)(f) & (g)	Entire amount
(b) Items referred to under 1(i) which shall include additional equipment such as storm doors and windows	Date service furnished - increase based on percentage of cost	2% monthly of lower of actual or reasonable and recognized cost of replacement and installation, including labor, excluding interest. Maximum increase for any particular service, unless tenant consents, \$4.00 monthly.
(c) Heat and fuel	Date of improvement - flat amount	\$2.25 per month per room incl. bathroom
(d) Hot water	Date of improvement - flat amount	\$3.00 per month per unit
(e) Furniture, furnishings - where housing space is changed from unfurnished to furnished	4 yrs first \$500 in cost; balance 5 years	Entire amount
3. MAJOR OR OTHER IMPROVEMENTS		
(Prior Opinion necessary - see Note and Art. VI, Pt II, regs)		
Structural additions, betterments, major alterations & rehabilitation, bathrooms, incinerators and elevators (with particular attention to slum or blighted areas).	100 months	Entire amount

**NOTE:** The total of all adjustments in rents by way of increase or decrease shall be prorated pursuant to this schedule and adjusted to the nearest \$.50. Increases in each instance are subject to apportionment. The Regulations, Sec. 8, Art. V, Part II, with certain exceptions, limit the amount of increase that may be granted to 10% in buildings containing more than 4 units and 15% in those having 4 units or less. Where increases exceed these limitations and do not come within the exceptions, the landlord must apply for a prior opinion before commencing and completing the undertaking, otherwise any increase granted will be limited accordingly. See above references and Prior Opinions, Art. VI, Part II, regs.

Once an increase is granted on any ground, no further increase shall be granted for one year and then only at the end of the period of computation. The amount of increase shall be based on excess over previous cost on which first increase granted. For exceptions as to one year provision, see Sections 6 & 7, Art. V, Part II of Regs.

\*Where increase granted under State rent control based on this service - none during period of computation and thereafter only on amount of excess representing increase in cost. As to longer periods see regs, Sections 5 & 10, Art V, Part II.

June 1, 1955

State Office of Rent Control  
Chester K. Ligham  
State Rent Control Director

AMENDMENT, SUPPLEMENT AND MODIFICATION TO THE REVISED RENT CONTROL RULES AND REGULATIONS DATED MARCH 1, 1955, PURSUANT TO THE STATE RENT CONTROL ACT OF 1953(C.216, PL 1953; C.260, PL 1954).

The said regulations are hereby amended as follows:

(1) Sub-sections (1) and (2) of Section 2(b), Article I, Part II, are hereby repealed.

(2) Sub-section (2) of Section 2(c), Article I, Part II is amended to read as follows:

"at anytime after April 23, 1954, where such housing space, prior to the change was used exclusively for non-housing purposes and at no time since July 1, 1942 was subject to Federal or State Rent Control; provided, however, such housing space shall continue to be subject to control until an order of decontrol has been entered, after a determination, pursuant to the regulations which shall be conditioned on a finding that such housing space is safe and sanitary housing and complies with applicable laws, ordinances or regulations."

(3) Sub-section (j) of Section 2, Article I, Part II, is amended to read as follows:

"Housing space in buildings lawfully operated as rooming houses on March 1, 1955, located in areas other than those set forth in Schedule 1; where such rooming houses comply with requirements of local law, if any;"

(4) Section 3(a), Article I, Part II is amended to read as follows:

"(a) Particular housing space in one, two, three and four family houses rented after March 1, 1955 and which became vacant after occupancy by the prior tenant for a period of at least six (6) months; or

((1) for less than six (6) months where the tenancy is terminated as a result of death of the prior tenant or dissolution of the family unit; and

(2) the landlord has complied with the further conditions set forth in Section 4 and 5 of this Article;"

(5) Section 5(b), Article I, Part II is amended to read as follows:

"(b) retroactive to the date on which the lease or form is executed or filed with the agency; however, until an order of decontrol is entered, the particular housing space shall be subject to control;"

(6) Section 4, Article II, Part II, is amended so that wherever the term "period of usefulness" appears, it is changed to read "period of computation"; other portions of the regulations having this term are also changed accordingly.

(7) Sub-section (3) of Section 2(b), Article IV, Part II is amended to read as follows:

"(3) a person has an irrevocable, binding and legal contract to purchase the building in which the housing space is located and either he or members of his immediate family require housing space therein for their own use. A certificate of eviction issued hereunder shall provide that no action for possession shall be commenced thereon prior to two (2) weeks after the actual delivery of title except in cases where the contract of purchase provides for payments on a monthly installment basis over a period of years, such payments being credited first to interest, if any, on the unpaid balance and then to principal, with the purchaser being required to pay taxes and all other charges; in such cases, a certificate of eviction may be issued pursuant to the provisions of Section 3 of this article, not conditioned on the passing of title, on a finding by the agency that the contract is valid, binding, effective and bona fide."

(8) Sub-sections (d)(1) and (2) of Section 2, Article IV, Part II, is amended to read as follows:

"(1) the alteration or remodeling is being done in good faith and (a) is required under State or local law, or (b) it will result in additional self-contained units of a type and size for which there is a shortage in the area or (c) it is part of a program of urban renewal under Federal, State or local law or authorization or (d) it involves substantial rehabilitation of the building in which the housing space is located and is necessary for the preservation and maintenance of the housing space or the building in which located, and (e) where practicable, the tenant is permitted to remain in occupancy of an adequate portion thereof with the first right of occupancy of the dwelling unit or one of them on completion where such occupancy will not result in overcrowding;

"(2) in case of demolition, it is for the purpose of constructing either a new building or buildings with a greater number of self-contained units; or carrying out a program of slum clearance, redevelopment and replanning or urban renewal under Federal, State or local law or authorization, or of construction or use, other than housing space; in any such case, a certificate shall be issued only upon such terms and conditions as will provide for the

re-location of tenants in other similar housing space in the area; however, the latter provision shall not apply to housing space having a lawful rent on March 1, 1955 of \$100.00 or more per month or where the agency finds that the tenant unreasonably refuses to rent similar housing space which has been offered."

(9) Section 5, Article V, Part II is amended to read as follows:

"No landlord shall be entitled to an increase under this Article unless he certifies, in writing, that he is substantially providing and maintaining and will continue to provide and maintain all required services. The agency shall deny any application for increase where a landlord has substantially withheld or failed to provide required services; provided, however, that prior to dismissal of any such application, the agency shall give the landlord a reasonable time, not exceeding thirty (30) days, by written notice, within which to do so and promptly send the Director a copy thereof; however, where the landlord requests additional time within which to perform such services, the agency may grant additional time not exceeding a further period of sixty (60) days. Such extension shall only be granted on written request containing the reasons therefor, notice of which is given to the tenant where the agency finds it is made in good faith as indicated by the landlord's conduct and further time is necessary. A copy of such notice or extension shall be promptly sent by the agency to the Director and the tenant or tenants. Where the landlord, after receiving such notice, provides the required services, an agency shall not permit the landlord, with<sup>out</sup> the consent of the tenant, to amend or supplement his pending application to include as a further ground for increase the additional cost thereof. Where the tenant consents to the application being amended or supplemented for this purpose, the agency, in considering an increase based on such work, shall take the longest period of computation as indicated by times within which the landlord last substantially performed the particular service or services. Where the landlord does not or is unable to amend or supplement his application for increase to include such additional cost, he shall have the right, pursuant to the regulations, to apply at a later date for an increase on this ground, namely, no earlier than six months, if the pending application is denied, or one (1) year, where granted.

(10) Sub-section (b) of Section 8, Article V, Part II is amended to read as follows:

"(b) where the application is on the ground of comparability, special or unusual circumstances or for fair net operating return under Sections 16(d)(g) and (h) of the Act;"

(11) Sub-section (f) of Section 8, Article V, Part II, is amended by substituting for the words "during the one year period prior to March 1, 1955" the phrase "~~since~~ <sup>Between</sup> August 1, 1953<sup>\*</sup> and June 1, 1955."

(12) Sub-section (a)(3) of Section 9, Article V, Part II, is amended by adding at the end of such sub-section the following:

"provided, however, any other provision of these regulations to the contrary notwithstanding, <sup>ing</sup> landlords owning four or less controlled units in the State shall be required to only set forth the services, dates involved, the actual or recognized cost, whichever is lower, together with whatever bills or proof is available;"

(13) Sub-section (6) of Section 9(a), Article V, Part II, is hereby repealed.

(14) Sub-section (i) of Section 9, Article V, Part II is amended by adding after the phrase "and the landlord is required" the words "or agrees" and by changing the words "one (1) year" near the end of the same sentence to "two (2) year".

(15) The unnumbered paragraph in Section 10, Article V, Part II, is amended to read as follows:

"Under sub-sections (b) and (c) hereof, the agency shall first give the landlord a reasonable time, not exceeding thirty (30) days by written notice within which to remedy such deterioration or violation and promptly send the Director a copy thereof. However, where the landlord requests additional time within which to do so, the agency may grant additional time, not exceeding a further period of sixty (60) days. Such extension shall only granted on written request containing the reasons therefor, notice of which is given to the tenant where the agency finds it is made in good faith as indicated by the landlord's conduct and further time is necessary. A copy of such notice or extension shall be promptly sent by the agency to the Director and the tenant or tenants. In the event the condition still exists on termination of such reason-

able time, the lawful rent shall be decreased by the amount the agency finds to be the reduction in the rental value of the housing space because of the conditions referred to, taking into consideration all factors bearing on the equities involved. Where the landlord, after receiving such notice, remedies such deterioration or violation, an agency shall not permit the landlord, without the consent of the tenant, to amend or supplement his papers to include as a further ground for increase the additional cost thereof. Where the tenant consents to the amendment, the agency, in considering an increase based on this work, shall take the longest period of computation as indicated by times within which the landlord last substantially performed the particular service or services. Where the landlord does not or is unable to amend or supplement his papers for increase to include the additional cost thereof, he shall have the right, pursuant to the regulations, to apply at a later date for an increase on such grounds."

(16) Section 11, Article V, Part II is amended by changing the words "to nearest dollar" in the title to "to nearest one-half dollar" and in the body of this Section changing the words "at the flat dollar amount, disregarding cents" to "to the nearest \$.50, disregarding fractions or parts thereof".

(17) Section 12, Article V, Part II, is amended by substituting the words "computation period" for "period of usefulness" and by inserting after the word "Schedule" at the end of the next to the last sentence the following:

"except on the grounds of fair net operating return, pursuant to Section 16(h) of the act in which case the schedule on the prescribed form of application shall be controlling".

(18) Section 15, Article V, Part II is hereby repealed.

(19) Section 1, Article VI, Part II is amended to read as follows:

"RIGHT TO PRIOR OPINION - EFFECT - Unless a landlord applies for a prior opinion, the amount of any adjustment of rent by way of increase to which he may be entitled shall be limited, pursuant to Section 8 of the preceding Article; an agency in granting a prior opinion shall not limit the amount of increase other than as set forth in the Proration Schedule. A landlord may, pursuant to the regulations, on notice to the tenant, apply to an agency for a prior opinion as to the amount of increase that will be granted for particular housing space where the cost of substantial rehabilitation, major or other improvements, installation

of new equipment or fixtures or increased space, services, furniture or furnishings amounts to \$300.00 or more for or attributable to such housing space, computed on the basis of actual estimated outlay or the estimated annual additional cost of the increased space or services, or where the tenant refuses to allow the landlord to install replacements of fixtures or equipment or perform services which are necessary for the preservation and maintenance of the housing space or the building in which located".

(20) Sections 1 and 2, Article III, Part III, are amended to read as follows:

"1. DISPOSITION OF MATTERS - TIME LIMITS - All proceedings shall be disposed of by agencies and boards within the times hereinafter set forth;

- (a) where no notice of hearing is given, pursuant to Section 4 hereof, within forty (40) days from the time of the commencement of the proceeding or review except in cases involving applications for increase based on fair net operating income under Section 16(h) of the Act and such cases shall be disposed of within sixty (60) days;
- (b) where notice of hearing is given, pursuant to Section 4 hereof, by Essex and Hudson County Agencies within sixty (60) days and forty-five (45) days by all other agencies and all review boards, the time to be computed from the date of the commencement of the proceeding or review;
- (c) where the agency or board gives the landlord, prior to dismissal of an application, a reasonable time within which to remedy a deterioration, a violation or provide services, the time in which the matter shall be disposed of will be extended by such period of time, plus ten (10) days. The agency or board in such cases shall notify the Director in writing of the matter and the period of time given.

2. WHERE NOT DISPOSED OF - LOSS OF JURISDICTION - DISMISSAL - Where a proceeding is not disposed of within the times set forth in the preceding section, the agency or board shall have no further jurisdiction except to enter an order of dismissal and the file shall be transferred to the Director who shall either undertake the review himself or transfer the file to

the review board of the county. In any event, notice thereof shall be given to the parties and a copy of the order of dismissal shall be forwarded by the agency or board to the Director.

The provisions of this section and the preceding section shall not be applicable to the Hudson County Agency until July 1, 1955 except where the Director finds that a review of<sup>a</sup> proceeding is necessary in the interest of proper administration of the Act and regulations as a result of delay in disposition thereof."

(21) The unnumbered paragraph following sub-sections (a), (b) and (c) of Section 3, Article V, Part III, is amended to read as follows:


"In such cases, the Director shall by order make such finding and provide for the review through hearers, pursuant to the Act. A copy of such order shall be sent to the agency or board, and the file shall be transferred to the office of the Director within five (5) days of the date thereof. Such review shall be disposed of by the Director and be conducted in the same manner as provided in the preceding Articles; however, no such order shall be issued by the Director exercising his power of review prior to final determination of a matter by an agency or board other than where the matter is not disposed of within time as provided in Section 1, Article III, Part III of the regulations or more than ninety (90) days after determination by an agency or board or prior to such determination, unless it involves;"

(22) Schedule 1, attached to the Revised Regulations is changed by substituting therefor Schedule 1 attached hereto and made a part hereof.

(23) Schedule 4, attached to the Revised Regulations is changed by substituting therefor Schedule 4 attached hereto and made a part hereof.

(24) The above changes shall take effect as of June 1, 1955. Agencies and boards shall permit amendments of pending proceedings, where necessary, by reason of these changes.

June 1, 1955

  
\_\_\_\_\_  
CHESTER K. LIGHAM  
Director

STATEMENT OF CONSIDERATIONS FOR THE ISSUANCE OF THIS AMENDMENT, SUPPLEMENT AND MODIFICATION OF THE REVISED REGULATIONS

The repeal of Sections 2(b)(1) and (2), Article I, Part II and Section 15, Article V, Part II, was necessary by reason of the decision of the Supreme Court and the Appellate Division of the Superior Court in the cases involving the validity of the prior regulations controlling projects containing fifty or more units, built between February 1, 1947 and August 1, 1953. The Courts had held this distinction invalid and the regulation controlling such projects is therefore void. It has been deemed advisable to continue decontrol of all units built during this period, thus re-establishing the pattern under Federal Rent Control. The rental units in projects where complaints have been received are all under FHA supervision and control, and it is now felt that the FHA has had sufficient knowledge and information to effectively supervise and control these units where and if abuses exist.

The other changes on decontrol involve amendments to Article I, Part II, dealing with situations where dwelling units are changed from non-housing to housing after April 23, 1954, so as to specify that the exceptions will only apply where such unit was never previously subject to Federal or State Rent Control.

Another change relates to rooming houses. Heretofore, the regulations required orders before rooming houses in certain specified areas were decontrolled. The change does away with this requirement and also changes Schedule 1 to indicate areas in which rooming houses are still under control.

Decontrols resulting from vacancies in 1, 2, 3 and 4 family houses have been liberalized so that a prior occupancy is only required for six months and in certain cases where the tenancy is terminated as a result of death or dissolution of the family unit, the agency, in determining whether an order of decontrol should be entered, is not bound by any fixed period of prior occupancy. These provisions tie-in with the regulations permitting decontrol of vacancies or apartments renting on March 1, 1955 at rentals designated in Schedule 2 requiring the agency to issue orders of decontrol under certain conditions where there is no evasion or attempted evasion of rent control and decontrol will not result in manipulative or speculative practices unreasonably increasing rentals or evictions. Under this change, the decontrol order of the agency, board or Director may be retroactive to the date on which the approved lease or form in lieu of lease is executed and filed.

There are some changes to Article IV, Part II of the regulations dealing with evictions. The first change deals with the right of persons having a contract to obtain a certificate of eviction. Heretofore, the regulations required that such person have the right of immediate possession. This requirement has been deleted but any certificate of eviction in such cases is conditioned on the party having an immediate and compelling necessity for occupancy of the unit and prohibits any action to be brought on any such certificate for a period of at least two weeks after title to the property involving the contract of sale passes to the purchaser, except in cases involving bona fide installment contracts over a period of years.

The other changes in evictions relate to situations involving alterations, remodeling and demolitions. These are self-explanatory.

The portion of the change dealing with Article V, Adjustments in Rents, relate primarily to a requirement now in the regulations that a landlord requesting a rent increase shall be denied relief where it appears he is not performing required services. In these cases, the present regulations permit a thirty day period within which the landlord is to perform or the proceedings be dismissed. The change permits a longer period, where necessary, and prevents the landlord from amending or supplementing his pending application to include the cost of such services unless the tenant consents, and in such cases requires that the agency take as a period for the performance of services the longest period as indicated by the times within which such services were last substantially performed. A similar change has been made in connection with applications for decrease by tenants on the ground of deterioration or violations of regulations or laws.

The Section dealing with limitation of the amount of increase has been changed to exclude from this limitation increases granted on comparability, special or unusual circumstances or fair net operating return. In such cases, the agency will grant an increase in an amount consonant with the proof.

The Section of the regulations permitting an increase under a voluntary lease or

other arrangement has been broadened to permit these arrangements to be made where the landlord agrees to perform the services of painting and decorating. Heretofore, it was limited to situations where the landlord was required to render such services. Also, in such cases, unless the painting and decorating has been performed within two years of the date of the approval of the lease or arrangement by the appropriate agency, the landlord is required to paint within ninety (90) days.

Another change requires agencies to adjust rents to the nearest one-half dollar, disregarding fractions. Under the previous regulations, the adjustment was to the nearest dollar - it was found this resulted in hardship.

Substantial changes have been made in the proration schedule. The proration schedule now uses the term "period of computation" instead of "period of usefulness". It liberalizes increases that may be granted for major, minor or other repairs or replacements. The period of computation on major and minor repairs is now 100 months; major repairs had previously been ten years. Replacements such as refrigerators, stoves, sinks, tubs, etc., now require increases of  $1\frac{1}{2}\%$  monthly of the cost. In addition, changes have been made in the period of computation for structural additions and betterments and aids to rehabilitation of slum or blighted buildings. Heretofore the period had been 15 years. It now has been reduced to 100 months.

These are the highlights of the changes in the schedule. The changes made were found necessary to prevent hardship and unfairness. It is to be noted that no increase or decrease is to be granted without an order.

Changes have been made with regard to proceedings on prior opinions. These are self-explanatory. In addition, certain changes have been made as to procedures and conduct of proceedings. These were found necessary in the interest of better administration. All these changes will be incorporated in a revision which is now in the process of being printed. The revision will include the regulations, schedules, the Act and prescribed lease and form in lieu of lease.

Schedule 1

MUNICIPALITIES IN WHICH ROOMING HOUSES ARE SUBJECT TO RENT CONTROL PURSUANT TO SECTION 2(3), ARTICLE I, PART II OF THE REGULATIONS.

<u>COUNTY</u>	<u>MUNICIPALITY</u>
ATLANTIC	Atlantic City Margate City Ventnor City
BERGEN	Cliffside Park Hackensack North Arlington
BURLINGTON	Burlington (City)
CAMDEN	Camden
ESSEX	Newark
HUDSON	Bayonne Hoboken Jersey City North Bergen Union City West New York
MERCER	Trenton
MIDDLESEX	New Brunswick Perth Amboy
MORRIS	None
PASSAIC	Passaic Paterson
UNION	Elizabeth

**PRORATION SCHEDULE**

(Sec. 1 and 12, Art. V, Part II of Regs -  
 No Rent Adjustments by Way of Increase  
 or Decrease Without an Order - See Note)

**GENERAL CATEGORY AND TYPE**

**PERIOD OF COMPUTATION**

**AMOUNT OF COST - ACTUAL OR RECOGNIZED, WHICHEVER  
 IS LOWER OR FLAT SUM - PERCENTAGE OF COST - ABOVE  
 ORDINARY REPAIRS AND MAINTENANCE**

**1. REQUIRED SERVICES**

- (a) Taxes, insurance, salaries, supplies, utilities & other similar items
- (b) Heat and fuel
- (c) Hot water
- (d) Miscellaneous services
- (e) Painting & decorating particular housing space

Annual - Base yr 1951 or subsequent year  
 when increase granted on this grnd  
 " " " " " " " "  
 " " " " " " " "  
 " " " " " " " "

Entire amount of increase representing excess over base year.

- (f) Painting & decorating of building, interior and exterior
- (g) Major, minor and other repairs of all types & description including replacements in interior or to exterior of building
- (h) Replacement of furniture, furnishings & linoleum
- (i) Replacements in particular housing space of equipment, fixtures and the like including ranges, stoves, refrigerators, sink, tub and cabinet combinations, space heaters, etc.

3 yrs min; 5 yrs max; (dependent on category under Sec. 2, Art. III, Pt II and circumstances Secs. 5&10, Art. V, Pt II - generally see Sec. 9(a)(3), Art. V, Pt II of Regs.)

Same as (a)  
 Same as (a)  
 1/2\*  
 1/2\*

5 years  
 100 months

1/2\*  
 1/2\*

5 years  
 Date of replacement and installation - increase based on percentage of cost.

1/2\*  
 1 1/2% monthly of lower of actual or reasonable and recognized cost of replacement and installation including labor, excluding interest. Maximum increase for any one particular replacement, unless tenant consents, \$3.50 monthly - minimum increase for 4 burner gas range with automatic heat control, \$1.25 monthly.

**2. INCREASED SERVICES**

- (Consent of tenant required unless necessary for preservation and maintenance)
- (a) Any of the items set forth under 1(a)(d)(e)(f) & (g)
- (b) Items referred to under 1(i) which shall include additional equipment such as storm doors and windows

Same as for items under 1(a)(d)(e)(f) & (g)  
 Date service furnished - increase based on percentage of cost

Entire amount  
 2% monthly of lower of actual or reasonable and recognized cost of replacement and installation, including labor, excluding interest. Maximum increase for any particular service, unless tenant consents, \$4.00 monthly.

- (c) Heat and fuel
- (d) Hot water
- (e) Furniture, furnishings - where housing space is changed from unfurnished to furnished

Date of improvement - flat amount  
 Date of improvement - flat amount  
 4 yrs first \$500 in cost; balance 5 years

\$2.25 per month per room incl. bathroom  
 \$3.00 per month per unit  
 Entire amount

**3. MAJOR OR OTHER IMPROVEMENTS**

- (Prior Opinion necessary - see Note and Art. VI, Pt II, regs)
- Structural additions, betterments, major alterations & rehabilitation, bathrooms, incinerators and elevators (with particular attention to slum or blighted areas).

100 months

Entire amount

**NOTE:** The total of all adjustments in rents by way of increase or decrease shall be prorated pursuant to this schedule and adjusted to the nearest \$.50. Increases in each instance are subject to apportionment. The Regulations, Sec. 8, Art. V, Part II, with certain exceptions, limit the amount of increase that may be granted to 10% in buildings containing more than 4 units and 15% in those having 4 units or less. Where increases exceed these limitations and do not come within the exceptions, the landlord must apply for a prior opinion before commencing and completing the undertaking, otherwise any increase granted will be limited accordingly. See above references and Prior Opinions, Art. VI, Part II, regs.

<sup>4</sup>Where increase granted under State rent control based on this service - none during period of computation and thereafter only on amount of excess representing increase in cost. As to longer periods see regs, Sections 5 & 10, Art V, Part II.

Once an increase is granted on any ground, no further increase shall be granted for one year and then only at the end of the period of computation. The amount of increase shall be based on excess over previous cost on which first increase granted. For exceptions as to one year provision, see Sections 6 & 7, Art. V, Part II of Regs.

June 1, 1955

State Office of Rent Control  
Chester K. Ligham  
State Rent Control Director

AMENDMENT, SUPPLEMENT AND MODIFICATION TO THE REVISED RENT CONTROL RULES AND REGULATIONS DATED MARCH 1, 1955, PURSUANT TO THE STATE RENT CONTROL ACT OF 1953(C.216, PL 1953; C.260, PL 1954).

The said regulations are hereby amended as follows:

(1) Sub-sections (1) and (2) of Section 2(b), Article I, Part II, are hereby repealed.

(2) Sub-section (2) of Section 2(c), Article I, Part II is amended to read as follows:

"at anytime after April 23, 1954, where such housing space, prior to the change was used exclusively for non-housing purposes and at no time since July 1, 1942 was subject to Federal or State Rent Control; provided, however, such housing space shall continue to be subject to control until an order of decontrol has been entered, after a determination, pursuant to the regulations which shall be conditioned on a finding that such housing space is safe and sanitary housing and complies with applicable laws, ordinances or regulations."

(3) Sub-section (j) of Section 2, Article I, Part II, is amended to read as follows:

"Housing space in buildings lawfully operated as rooming houses on March 1, 1955, located in areas other than those set forth in Schedule 1; where such rooming houses comply with requirements of local law, if any;"

(4) Section 3(a), Article I, Part II is amended to read as follows:

"(a) Particular housing space in one, two, three and four family houses rented after March 1, 1955 and which became vacant after occupancy by the prior tenant for a period of at least six (6) months; or

((1) for less than six (6) months where the tenancy is terminated as a result of death of the prior tenant or dissolution of the family unit; and

(2) the landlord has complied with the further conditions set forth in Section 4 and 5 of this Article;"

(5) Section 5(b), Article I, Part II is amended to read as follows:

"(b) retroactive to the date on which the lease or form is executed or filed with the agency; however, until an order of decontrol is entered, the particular housing space shall be subject to control;"

(6) Section 4, Article II, Part II, is amended so that wherever the term "period of usefulness" appears, it is changed to read "period of computation"; other portions of the regulations having this term are also changed accordingly.

(7) Sub-section (3) of Section 2(b), Article IV, Part II is amended to read as follows:

"(3) a person has an irrevocable, binding and legal contract to purchase the building in which the housing space is located and either he or members of his immediate family require housing space therein for their own use. A certificate of eviction issued hereunder shall provide that no action for possession shall be commenced thereon prior to two (2) weeks after the actual delivery of title except in cases where the contract of purchase provides for payments on a monthly installment basis over a period of years, such payments being credited first to interest, if any, on the unpaid balance and then to principal, with the purchaser being required to pay taxes and all other charges; in such cases, a certificate of eviction may be issued pursuant to the provisions of Section 3 of this article, not conditioned on the passing of title, on a finding by the agency that the contract is valid, binding, effective and bona fide."

(8) Sub-sections (d)(1) and (2) of Section 2, Article IV, Part II, is amended to read as follows:

"(1) the alteration or remodeling is being done in good faith and (a) is required under State or local law, or (b) it will result in additional self-contained units of a type and size for which there is a shortage in the area or (c) it is part of a program of urban renewal under Federal, State or local law or authorization or (d) it involves substantial rehabilitation of the building in which the housing space is located and is necessary for the preservation and maintenance of the housing space or the building in which located, and (e) where practicable, the tenant is permitted to remain in occupancy of an adequate portion thereof with the first right of occupancy of the dwelling unit or one of them on completion where such occupancy will not result in overcrowding;

"(2) in case of demolition, it is for the purpose of constructing either a new building or buildings with a greater number of self-contained units; or carrying out a program of slum clearance, redevelopment and replanning or urban renewal under Federal, State or local law or authorization, or of construction or use, other than housing space; in any such case, a certificate shall be issued only upon such terms and conditions as will provide for the

re-location of tenants in other similar housing space in the area; however, the latter provision shall not apply to housing space having a lawful rent on March 1, 1955 of \$100.00 or more per month or where the agency finds that the tenant unreasonably refuses to rent similar housing space which has been offered."

(9) Section 5, Article V, Part II is amended to read as follows:

"No landlord shall be entitled to an increase under this Article unless he certifies, in writing, that he is substantially providing and maintaining and will continue to provide and maintain all required services. The agency shall deny any application for increase where a landlord has substantially withheld or failed to provide required services; provided, however, that prior to dismissal of any such application, the agency shall give the landlord a reasonable time, not exceeding thirty (30) days, by written notice, within which to do so and promptly send the Director a copy thereof; however, where the landlord requests additional time within which to perform such services, the agency may grant additional time not exceeding a further period of sixty (60) days. Such extension shall only be granted on written request containing the reasons therefor, notice of which is given to the tenant where the agency finds it is made in good faith as indicated by the landlord's conduct and further time is necessary. A copy of such notice or extension shall be promptly sent by the agency to the Director and the tenant or tenants. Where the landlord, after receiving such notice, provides the required services, an agency shall not permit the landlord, with<sup>out</sup> the consent of the tenant, to amend or supplement his pending application to include as a further ground for increase the additional cost thereof. Where the tenant consents to the application being amended or supplemented for this purpose, the agency, in considering an increase based on such work, shall take the longest period of computation as indicated by times within which the landlord last substantially performed the particular service or services. Where the landlord does not or is unable to amend or supplement his application for increase to include such additional cost, he shall have the right, pursuant to the regulations, to apply at a later date for an increase on this ground, namely, no earlier than six months, if the pending application is denied, or one (1) year, where granted.

(10) Sub-section (b) of Section 8, Article V, Part II is amended to read as follows:

"(b) where the application is on the ground of comparability, special or unusual circumstances or for fair net operating return under Sections 16(d)(g) and (h) of the Act;"

(11) Sub-section (f) of Section 8, Article V, Part II, is amended by substituting for the words "during the one year period prior to March 1, 1955" the phrase "~~since~~ <sup>Between</sup> August 1, 1953 and June 1, 1955".

(12) Sub-section (a)(3) of Section 9, Article V, Part II, is amended by adding at the end of such sub-section the following:

"provided, however, any other provision of these regulations to the contrary notwithstanding, <sup>ing</sup> landlords owning four or less controlled units in the State shall be required to only set forth the services, dates involved, the actual or recognized cost, whichever is lower, together with whatever bills or proof is available;"

(13) Sub-section (6) of Section 9(a), Article V, Part II, is hereby repealed.

(14) Sub-section (i) of Section 9, Article V, Part II is amended by adding after the phrase "and the landlord is required" the words "or agrees" and by changing the words "one (1) year" near the end of the same sentence to "two (2) year".

(15) The unnumbered paragraph in Section 10, Article V, Part II, is amended to read as follows:

"Under sub-sections (b) and (c) hereof, the agency shall first give the landlord a reasonable time, not exceeding thirty (30) days by written notice within which to remedy such deterioration or violation and promptly send the Director a copy thereof. However, where the landlord requests additional time within which to do so, the agency may grant additional time, not exceeding a further period of sixty (60) days. Such extension shall only granted on written request containing the reasons therefor, notice of which is given to the tenant where the agency finds it is made in good faith as indicated by the landlord's conduct and further time is necessary. A copy of such notice or extension shall be promptly sent by the agency to the Director and the tenant or tenants. In the event the condition still exists on termination of such reason-

able time, the lawful rent shall be decreased by the amount the agency finds to be the reduction in the rental value of the housing space because of the conditions referred to, taking into consideration all factors bearing on the equities involved. Where the landlord, after receiving such notice, remedies such deterioration or violation, an agency shall not permit the landlord, without the consent of the tenant, to amend or supplement his papers to include as a further ground for increase the additional cost thereof. Where the tenant consents to the amendment, the agency, in considering an increase based on this work, shall take the longest period of computation as indicated by times within which the landlord last substantially performed the particular service or services. Where the landlord does not or is unable to amend or supplement his papers for increase to include the additional cost thereof, he shall have the right, pursuant to the regulations, to apply at a later date for an increase on such grounds."

(16) Section 11, Article V, Part II is amended by changing the words "to nearest dollar" in the title to "to nearest one-half dollar" and in the body of this Section changing the words "at the flat dollar amount, disregarding cents" to "to the nearest \$.50, disregarding fractions or parts thereof".

(17) Section 12, Article V, Part II, is amended by substituting the words "computation period" for "period of usefulness" and by inserting after the word "Schedule" at the end of the next to the last sentence the following:

"except on the grounds of fair net operating return, pursuant to Section 16(h) of the Act in which case the schedule on the prescribed form of application shall be controlling".

(18) Section 15, Article V, Part II is hereby repealed.

(19) Section 1, Article VI, Part II is amended to read as follows:

"RIGHT TO PRIOR OPINION - EFFECT - Unless a landlord applies for a prior opinion, the amount of any adjustment of rent by way of increase to which he may be entitled shall be limited, pursuant to Section 8 of the preceding Article; an agency in granting a prior opinion shall not limit the amount of increase other than as set forth in the Proration Schedule. A landlord may, pursuant to the regulations, on notice to the tenant, apply to an agency for a prior opinion as to the amount of increase that will be granted for particular housing space where the cost of substantial rehabilitation, major or other improvements, installation

of new equipment or fixtures or increased space, services, furniture or furnishings amounts to \$300.00 or more for or attributable to such housing space, computed on the basis of actual estimated outlay or the estimated annual additional cost of the increased space or services, or where the tenant refuses to allow the landlord to install replacements of fixtures or equipment or perform services which are necessary for the preservation and maintenance of the housing space or the building in which located".

(20) Sections 1 and 2, Article III, Part III, are amended to read as follows:

"1. DISPOSITION OF MATTERS - TIME LIMITS - All proceedings shall be disposed of by agencies and boards within the times hereinafter set forth;

- (a) where no notice of hearing is given, pursuant to Section 4 hereof, within forty (40) days from the time of the commencement of the proceeding or review except in cases involving applications for increase based on fair net operating income under Section 16(h) of the Act and such cases shall be disposed of within sixty (60) days;
- (b) where notice of hearing is given, pursuant to Section 4 hereof, by Essex and Hudson County Agencies within sixty (60) days and forty-five (45) days by all other agencies and all review boards, the time to be computed from the date of the commencement of the proceeding or review;
- (c) where the agency or board gives the landlord, prior to dismissal of an application, a reasonable time within which to remedy a deterioration, a violation or provide services, the time in which the matter shall be disposed of will be extended by such period of time, plus ten (10) days. The agency or board in such cases shall notify the Director in writing of the matter and the period of time given.

2. WHERE NOT DISPOSED OF - LOSS OF JURISDICTION - DISMISSAL - Where a proceeding is not disposed of within the times set forth in the preceding section, the agency or board shall have no further jurisdiction except to enter an order of dismissal and the file shall be transferred to the Director who shall either undertake the review himself or transfer the file to

the review board of the county. In any event, notice thereof shall be given to the parties and a copy of the order of dismissal shall be forwarded by the agency or board to the Director.

The provisions of this section and the preceding section shall not be applicable to the Hudson County Agency until July 1, 1955 except where the Director finds that a review of<sup>a</sup> proceeding is necessary in the interest of proper administration of the Act and regulations as a result of delay in disposition thereof."

(21) The unnumbered paragraph following sub-sections (a), (b) and (c) of Section 3, Article V, Part III, is amended to read as follows:

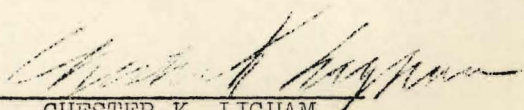
"In such cases, the Director shall by order make such finding and provide for the review through hearers, pursuant to the Act. A copy of such order shall be sent to the agency or board, and the file shall be transferred to the office of the Director within five (5) days of the date thereof. Such review shall be disposed of by the Director and be conducted in the same manner as provided in the preceding Articles; however, no such order shall be issued by the Director exercising his power of review prior to final determination of a matter by an agency or board other than where the matter is not disposed of within time as provided in Section 1, Article III, Part III of the regulations or more than ninety (90) days after determination by an agency or board or prior to such determination, unless it involves;"

(22) Schedule 1, attached to the Revised Regulations is changed by substituting therefor Schedule 1 attached hereto and made a part hereof.

(23) Schedule 4, attached to the Revised Regulations is changed by substituting therefor Schedule 4 attached hereto and made a part hereof.

(24) The above changes shall take effect as of June 1, 1955. Agencies and boards shall permit amendments of pending proceedings, where necessary, by reason of these changes.

June 1, 1955

  
CHESTER K. LIGHAM  
Director

STATEMENT OF CONSIDERATIONS FOR THE ISSUANCE OF THIS AMENDMENT, SUPPLEMENT AND MODIFICATION OF THE REVISED REGULATIONS

The repeal of Sections 2(b)(1) and (2), Article I, Part II and Section 15, Article V, Part II, was necessary by reason of the decision of the Supreme Court and the Appellate Division of the Superior Court in the cases involving the validity of the prior regulations controlling projects containing fifty or more units, built between February 1, 1947 and August 1, 1953. The Courts had held this distinction invalid and the regulation controlling such projects is therefore void. It has been deemed advisable to continue decontrol of all units built during this period, thus re-establishing the pattern under Federal Rent Control. The rental units in projects where complaints have been received are all under FHA supervision and control, and it is now felt that the FHA has had sufficient knowledge and information to effectively supervise and control these units where and if abuses exist.

The other changes on decontrol involve amendments to Article I, Part II, dealing with situations where dwelling units are changed from non-housing to housing after April 23, 1954, so as to specify that the exceptions will only apply where such unit was never previously subject to Federal or State Rent Control.

Another change relates to rooming houses. Heretofore, the regulations required orders before rooming houses in certain specified areas were decontrolled. The change does away with this requirement and also changes Schedule 1 to indicate areas in which rooming houses are still under control.

Decontrols resulting from vacancies in 1, 2, 3 and 4 family houses have been liberalized so that a prior occupancy is only required for six months and in certain cases where the tenancy is terminated as a result of death or dissolution of the family unit, the agency, in determining whether an order of decontrol should be entered, is not bound by any fixed period of prior occupancy. These provisions tie-in with the regulations permitting decontrol of vacancies or apartments renting on March 1, 1955 at rentals designated in Schedule 2 requiring the agency to issue orders of decontrol under certain conditions where there is no evasion or attempted evasion of rent control and decontrol will not result in manipulative or speculative practices unreasonably increasing rentals or evictions. Under this change, the decontrol order of the agency, board or Director may be retroactive to the date on which the approved lease or form in lieu of lease is executed and filed.

There are some changes to Article IV, Part II of the regulations dealing with evictions. The first change deals with the right of persons having a contract to obtain a certificate of eviction. Heretofore, the regulations required that such person have the right of immediate possession. This requirement has been deleted but any certificate of eviction in such cases is conditioned on the party having an immediate and compelling necessity for occupancy of the unit and prohibits any action to be brought on any such certificate for a period of at least two weeks after title to the property involving the contract of sale passes to the purchaser, except in cases involving bona fide installment contracts over a period of years.

The other changes in evictions relate to situations involving alterations, remodeling and demolitions. These are self-explanatory.

The portion of the change dealing with Article V, Adjustments in Rents, relate primarily to a requirement now in the regulations that a landlord requesting a rent increase shall be denied relief where it appears he is not performing required services. In these cases, the present regulations permit a thirty day period within which the landlord is to perform or the proceedings be dismissed. The change permits a longer period, where necessary, and prevents the landlord from amending or supplementing his pending application to include the cost of such services unless the tenant consents, and in such cases requires that the agency take as a period for the performance of services the longest period as indicated by the times within which such services were last substantially performed. A similar change has been made in connection with applications for decrease by tenants on the ground of deterioration or violations of regulations or laws.

The Section dealing with limitation of the amount of increase has been changed to exclude from this limitation increases granted on comparability, special or unusual circumstances or fair net operating return. In such cases, the agency will grant an increase in an amount consonant with the proof.

The Section of the regulations permitting an increase under a voluntary lease or

other arrangement has been broadened to permit these arrangements to be made where the landlord agrees to perform the services of painting and decorating. Heretofore, it was limited to situations where the landlord was required to render such services. Also, in such cases, unless the painting and decorating has been performed within two years of the date of the approval of the lease or arrangement by the appropriate agency, the landlord is required to paint within ninety (90) days.

Another change requires agencies to adjust rents to the nearest one-half dollar, disregarding fractions. Under the previous regulations, the adjustment was to the nearest dollar - it was found this resulted in hardship.

Substantial changes have been made in the proration schedule. The proration schedule now uses the term "period of computation" instead of "period of usefulness". It liberalizes increases that may be granted for major, minor or other repairs or replacements. The period of computation on major and minor repairs is now 100 months; major repairs had previously been ten years. Replacements such as refrigerators, stoves, sinks, tubs, etc., now require increases of  $1\frac{1}{2}\%$  monthly of the cost. In addition, changes have been made in the period of computation for structural additions and betterments and aids to rehabilitation of slum or blighted buildings. Heretofore the period had been 15 years. It now has been reduced to 100 months.

These are the highlights of the changes in the schedule. The changes made were found necessary to prevent hardship and unfairness. It is to be noted that no increase or decrease is to be granted without an order.

Changes have been made with regard to proceedings on prior opinions. These are self-explanatory. In addition, certain changes have been made as to procedures and conduct of proceedings. These were found necessary in the interest of better administration. All these changes will be incorporated in a revision which is now in the process of being printed. The revision will include the regulations, schedules, the Act and prescribed lease and form in lieu of lease.

Schedule 1

MUNICIPALITIES IN WHICH ROOMING HOUSES ARE SUBJECT TO RENT CONTROL PURSUANT TO SECTION 2(j), ARTICLE I, PART II OF THE REGULATIONS.

<u>COUNTY</u>	<u>MUNICIPALITY</u>
ATLANTIC	Atlantic City Margate City Ventnor City
BERGEN	Cliffside Park Hackensack North Arlington
BURLINGTON	Burlington (City)
CAMDEN	Camden
ESSEX	Newark
HUDSON	Bayonne Hoboken Jersey City North Bergen Union City West New York
MERCER	Trenton
MIDDLESEX	New Brunswick Perth Amboy
MORRIS	None
PASSAIC	Passaic Paterson
UNION	Elizabeth

**PRORATION SCHEDULE**

(Sec. 1 and 12, Art. V, Part II of Regs -  
No Rent Adjustments by Way of Increase  
or Decrease Without an Order - See Note)

**GENERAL CATEGORY AND TYPE**

**PERIOD OF COMPUTATION**

**AMOUNT OF COST - ACTUAL OR RECOGNIZED, WHICHEVER  
IS LOWER OR FLAT SUM - PERCENTAGE OF COST - ABOVE  
ORDINARY REPAIRS AND MAINTENANCE**

**1. REQUIRED SERVICES**

- (a) Taxes, insurance, salaries, supplies, utilities & other similar items
- (b) Heat and fuel
- (c) Hot water
- (d) Miscellaneous services
- (e) Painting & decorating particular housing space

Annual - Base yr 1951 or subsequent year  
when increase granted on this grnd  
" " " " " " " "  
" " " " " " " "  
3 yrs min; 5 yrs max; (dependent on category  
under Sec. 2, Art. III, Pt II and circumstances  
Secs. 5&10, Art. V, Pt II - generally see  
Sec. 9(a)(3), Art. V, Pt II of Regs.)

Entire amount of increase representing excess over base year.  
Same as (a)  
Same as (a)  
1/2\*  
1/2\*

- (f) Painting & decorating of building, interior and exterior
- (g) Major, minor and other repairs of all types & description including  
replacements in interior or to exterior of building
- (h) Replacement of furniture, furnishings & linoleum
- (i) Replacements in particular housing space of equipment, fixtures and  
the like including ranges, stoves, refrigerators, sink,  
tub and cabinet combinations, space heaters, etc.

5 years  
100 months  
5 years  
Date of replacement and installation - increase  
based on percentage of cost.

1/2\*  
1/2\*  
1/2\*  
1 1/2% monthly of lower of actual or reasonable and recognized cost of  
replacement and installation including labor, excluding interest.  
Maximum increase for any one particular replacement, unless tenant  
consents, \$3.50 monthly - minimum increase for 4 burner gas range  
with automatic heat control, \$1.25 monthly.

**2. INCREASED SERVICES**

- (Consent of tenant required unless necessary for preservation and maintenance)
- (a) Any of the items set forth under 1(a)(d)(e)(f) & (g)
- (b) Items referred to under 1(i) which shall include additional equipment such  
as storm doors and windows

Same as for items under 1(a)(d)(e)(f) & (g)  
Date service furnished - increase based on  
percentage of cost

Entire amount  
2% monthly of lower of actual or reasonable and recognized cost of  
replacement and installation, including labor, excluding interest.  
Maximum increase for any particular service, unless tenant consents,  
\$4.00 monthly.  
\$2.25 per month per room incl. bathroom  
\$3.00 per month per unit  
Entire amount

- (c) Heat and fuel
- (d) Hot water
- (e) Furniture, furnishings - where housing space is changed from unfurnished to  
furnished

Date of improvement - flat amount  
Date of improvement - flat amount  
4 yrs first \$500 in cost; balance 5 years

**3. MAJOR OR OTHER IMPROVEMENTS**

- (Prior Opinion necessary - see Note and Art. VI, Pt II, regs)
- Structural additions, betterments, major alterations & rehabilitation,  
bathrooms, incinerators and elevators (with particular attention to slum  
or blighted areas).

100 months

Entire amount

**NOTE:** The total of all adjustments in rents by way of increase or decrease shall be prorated pursuant to this schedule and adjusted to the nearest \$.50. Increases in each instance are subject to apportionment. The Regulations, Sec. 8, Art. V, Part II, with certain exceptions, limit the amount of increase that may be granted to 10% in buildings containing more than 4 units and 15% in those having 4 units or less. Where increases exceed these limitations and do not come within the exceptions, the landlord must apply for a prior opinion before commencing and completing the undertaking, otherwise any increase granted will be limited accordingly. See above references and Prior Opinions, Art. VI, Part II, regs.

\*Where increase granted under State rent control based on this service - none during period of computation and thereafter only on amount of excess representing increase in cost. As to longer periods see regs, Sections 5 & 10, Art V, Part II.

Once an increase is granted on any ground, no further increase shall be granted for one year and then only at the end of the period of computation. The amount of increase shall be based on excess over previous cost on which first increase granted. For exceptions as to one year provision, see Sections 6 & 7, Art. V, Part II of Regs.

**STATE OF NEW JERSEY**  
**STATE RENT CONTROL ACT**  
**AS**  
**AMENDED AND SUPPLEMENTED**

*(C. 216, PL 1953 and C. 260, PL 1954, as amended)*

**and**

**REVISED RENT CONTROL**  
**RULES and REGULATIONS**

**Chester K. Ligham**

STATE RENT CONTROL DIRECTOR  
520 East State Street  
Trenton 7, New Jersey

**PRINCIPAL OFFICE**  
520 E. State Street  
Trenton 7, New Jersey

**DEPUTY DIRECTOR**  
Jack Di Nola

**CONSULTANT**  
Max W. Meisner

**HEARING OFFICERS**  
Samuel M. Lyon, Jr.  
Thomas W. Rauffenbart  
Charles D. Fazio, Jr.

**ADMINISTRATIVE SECTION**  
Gerald J. Kent, Jr.

## EXPLANATORY STATEMENT

This booklet contains the State Rent Control Act, as amended and supplemented, and the Regulations, as revised and amended.

The Rent Control Act was originally adopted by the State in July 1953 to terminate on December 31, 1954 and thereafter was extended to June 30, 1956.

At the time the Act was first adopted, regulations were promulgated which, with certain Changes, designated Changes 1 to 9, continued in effect until March 1955. On that date, revised regulations were adopted, after a public hearing and with certain amendments, these represent the regulations now in effect.

Prescribed forms for use under the Act and regulations were approved and filed with the Secretary of State during April and May of this year. They supersede the previous forms and are available at the agency offices.

The regulations make a distinction between one to four family houses and buildings containing more than four units. This distinction is based on findings that they have different characteristics than larger buildings. Vacancies in smaller buildings are more apt to indicate increased availability and the cost and problems of managing and maintaining such houses are higher and more personal.

The regulations provide for decontrols based on (a) statutory exceptions; (b) use and characteristics; (c) vacancies and amount of rental; and (d) temporary use resulting in partial decontrol. Certain of the decontrols are subject to orders, and until such orders are entered, such housing space remains under control. Decontrols on the basis of vacancies and amount of rental depend on lease or rental arrangements approved by the agency.

All units completed by new construction between February 1, 1947 and August 1, 1953, are now decontrolled. This re-establishes the Federal pattern. A prior regulation making units in larger projects of this type subject to control and those in smaller excepted, was held invalid by the New Jersey Supreme Court; as a result it was necessary that all or no units built during this period be controlled. It has been found desirable to except all such units.

Rooming houses in certain areas are decontrolled. An order is no longer necessary,

The regulations contain important changes with regard to adjustments in rents. One relates to the requirement that a landlord must perform required services before a rent increase can be granted. Under this regulation, a landlord either performs such services or the application is dismissed; however, an agency, prior to dismissal, must grant a reasonable time to comply. The performance of services under these conditions will not, without the consent of the tenant, permit the landlord to amend to include the cost of such work as a ground for increase.

Another change relates to limitations on the amount of increase that may be granted and applies generally with respect to increased costs of operation, replacement, major and other improvements. In such cases where an increase over the amount of the limitation will be sought, a landlord should apply for a prior opinion before proceeding with the undertaking. This does not require the consent of the tenant if the work is necessary for preservation and maintenance. There are also limitations on the time within which increases can be granted. Generally, an increase cannot be granted with respect to housing space more than once a year.

The regulations contain no provisions for automatic increases nor are there any automatic decontrols of presently controlled occupied housing space. These, in all cases, require notice and orders.

The regulations permit landlords and tenants to enter into voluntary, written lease arrangements on prescribed forms for increase. This requires the approval of the agency and the increase cannot be to more than the lower of either a fair rent or 15%. The arrangement has to be for two years or until September 30, 1957.

The Proration Schedule, designated Schedule 4, sets forth a uniform formula under which increases may be granted in instances involving increased costs, major or other improvements, replacements, increased services, rehabilitation and betterments. This schedule has been liberalized so as to encourage rehabilitation and modernization of housing accommodations and the replacement of old fixtures and equipment. It will serve as a guide to both landlords and tenants with respect to applications for increases and decreases and in proceedings for prior opinions.

The regulations provide for uniformity, gradual decontrol and specify grounds for evictions and adjustments in rents - all grounds are inclusive. They are designed to permit landlords and tenants, within the safeguards provided, to work out their differences. The leases or rental arrangements will provide tenants with security in occupancy for a substantial period beyond the present expiration date, enable both the landlord and tenant to resume normal relations and result in re-establishment of services.

The effect and administration of these regulations will be very closely observed and changes will be made, when necessary, to prevent abuses or hardships.

June 15, 1955

CHESTER K. LIGHAM  
State Rent Control Director

STATE OF NEW JERSEY  
REVISED RENT CONTROL  
RULES AND REGULATIONS

ERRATA SHEET  
Effective August 24, 1955

CHESTER K. LIGHAM  
*State Rent Control Director*

## STATE OF NEW JERSEY

### CHANGE #1 and ERRATA SHEET- REVISED RENT CONTROL RULES AND REGULATIONS

1. Pursuant to the Authority vested in me under the State Rent Control Act of 1953, as amended and supplemented, the following changes in the Revised Rules and Regulations and corrections are hereby made. (Page references are to the pamphlet containing the Act and Regulations).

#### 1(a) CHANGES

- (1) Section 2, Article I, Part I, (page 16), third line from the end of the section, after the words "dispensed with by the Director" insert ", or by the Director".
- (2) Section 9(b), Article V, Part II, (page 32), at the end of subsection, add the following: "No inspection or report shall be required with relation to housing space for which a 20% increase, as authorized in 1951, was not requested under Federal Rent Control, and in such cases the agency may make a general finding that such housing space is entitled to an increase up to, but not exceeding 20%, based on the fact that other comparable housing space in the area did receive such an increase under Federal Rent Control; however, the agency should take into consideration all previous increases and other factors including services and, where possible, refer to particular comparable housing space. In disposing of such matters, it shall grant an increase on a dollar basis which may be less than 20%."
- (3) Section 2(a), Article VI, Part II, (page 36), first line after the words "seeks to" insert "restore services or," and after the words "make substantial rehabilitation" insert ", repairs,".
- (4) Section 2, Article VI, Part II, (page 37) first line of unnumbered paragraph, after the words "with respect to", insert "restoration of services, repairs,".
- (5) Section 5, Article VI, Part II (page 37), at end of paragraph, after words "in part.", delete period and insert ", and a finding as to the lower of the actual or reasonable cost thereof."
- (6) Section 1, Article III, Part III (page 44), after sub-section (c), insert the following unnumbered paragraph: "On timely application of an agency or board and for good cause shown and special circumstances, the Director, by order, may extend for a reasonable time the limitation for disposition of a matter."
- (7) Section 2, Article III, Part III (page 44), delete the last sentence in the first paragraph.
- (8) Section 4(b), Article III, Part III (page 44), fifth line, after the words "proceedings involving," delete ",," and balance of the sentence and insert "substantial questions of fact."

1(b) ERRATA

- (1) On the page following the cover under Hearing Officers, change Charles D. Fazio, Jr. to Charles De Fazio, Jr.
- (2) Page 1, Preamble, at end of paragraph after the words "now, therefore," add "be it enacted by the Senate and General Assembly of the State of New Jersey".
- (3) Page 20, sub-section (1), fourth line, the word "reconstruction" should be "construction".
- (4) Page 28, Section 3, second and third lines from bottom of the page between the words "issuance" and "shall", insert beginning of new paragraph reading as follows: "4 WRONGFUL USE OF CERTIFICATE - CANCELLATION - No certificate of eviction".
- (5) Page 31, between Sections 8 (c) and (d), delete the duplicate word "tenant".
- (6) Page 32, at end of 9(b), delete the duplicate word "tier".
- (7) Page 35, Section 11, title should read "APPORTIONMENT OF ADJUSTMENT - INCREASE OR DECREASE TO NEAREST HALF-DOLLAR".
- (8) Page 35, Section 11, fourth line from bottom, change "in which" to "for which".
- (9) Page 41, Section 5, fifth line "delcaratory" should be spelt "declaratory".
- (10) Page 53, Section 2, Article II, Part V, on third line after "life" insert word "and".
- (11) On lease form, item (e) should read "That he will keep no animals in the premises without consent of landlord".

2. The changes and corrections hereinabove set forth shall take effect immediately.

August 24, 1955

CHESTER K. LIGHAM  
State Rent Control Director

#### GENERAL STATEMENT

The corrections were made necessary because of errors in printing. The changes generally refer to procedural matters so as to enable agencies, boards and the Director to process applications more expeditiously without unnecessary red tape. The other changes refer to prior opinions so as to enable landlords to obtain prior opinions as to contemplated repairs or restoration of services.

With regard to comparability, under the change in Section 9(b), Article V, Part II, agencies are now permitted to make a general finding that housing space which was otherwise entitled to an increase under Federal Rent Control in 1951 and for which no application had heretofore been made is comparable to similar housing space in the area which had been granted a 20% increase under Federal authorization; however, in doing so, agencies must take into consideration all prior increases and surrounding circumstances. The increase granted on this ground is not mandatory and cannot exceed 20% and may be considerably less as determined by the agency.

The change in Section 1, Article III, Part III of the Regulations is based on a request by agencies that where there are special circumstances, additional time should be granted for the processing of matters beyond the times now limited by this Section.

## TABLE OF CONTENTS

THE REGULATIONS	Page No.
PART I - GENERAL PROVISIONS	
ARTICLE I - SCOPE OF RULES AND REGULATIONS.....	16
ARTICLE II - DEFINITIONS.....	17
PART II - CONTROLLED HOUSING SPACE	
ARTICLE I - EXCEPTED OR DECONTROLLED HOUSING SPACE.....	19
ARTICLE II - CONTROLLED MUNICIPALITIES - LAWFUL BASE RENT - DWELLING SPACE.....	23
ARTICLE III - SERVICES.....	24
ARTICLE IV - EVICTIONS.....	25
ARTICLE V - ADJUSTMENTS IN RENTS.....	29
ARTICLE VI - PRIOR OPINIONS.....	36
ARTICLE VII - SLUM, BLIGHTED AND FRINGE AREA - TYPE AND CHARACTERISTICS OF HOUSING SPACE.....	38
ARTICLE VIII - SURVEYS AND REPORTS.....	38
PART III - REGISTRATIONS, PROCEDURE AND PROCEEDINGS	
ARTICLE I - REGISTRATIONS.....	40
ARTICLE II - COMMENCEMENT OF PROCEEDINGS.....	40
ARTICLE III - CONDUCT OF PROCEEDINGS.....	43
ARTICLE IV - REVIEWS OR APPEALS.....	47
ARTICLE V - DIRECTOR.....	48
ARTICLE VI - RECORDS AND FILES.....	50
PART IV - PROHIBITIONS	
ARTICLE I - LANDLORDS, TENANTS AND OTHER PERSONS	51
ARTICLE II - AGENCIES, BOARDS AND DIRECTOR.....	52

(Over)

TABLE OF CONTENTS (Cont'd)

Page No.

PART V - FORMS, SCHEDULES AND MISCELLANEOUS PROVISIONS

ARTICLE I - FORMS AND SCHEDULES ..... 53

ARTICLE II - MISCELLANEOUS PROVISIONS. .... 53

PART VI - REGULATIONS, CHANGES AND REPEAL

EFFECTIVE DATE

ARTICLE I - INTERPRETATIONS, CHANGES OR REPEAL  
OF REGULATIONS..... 56

ATTACHMENTS

Schedule 1

ROOMING HOUSES IN CERTAIN MUNICIPALITIES NOT EXCEPTED  
FROM CONTROL..... 58

Schedule 2

HOUSING DECONTROLLED IN CERTAIN AREAS BASED ON  
RENT ..... 59

Schedule 3

MUNICIPALITIES IN WHICH RENT CONTROL IS OPERATIVE 60

Schedule 4

PRORATION SCHEDULE..... 61

FORMS

1. Lease..... 62

2. Form in Lieu of Lease..... 63

**TABLE OF CONTENTS**

Page No.

**THE ACT**

Preamble.....	1
Section 1 - Definitions.....	1
" 2 - State Rent Control Office Created - Term of Director	2
" 3 - Location of State Office.....	2
" 4 - Appointments of Director - Assistants - Clerical Help	2
" 5 - Legal Assistance.....	3
" 6 - Expense of Operation.....	3
" 7 - Purposes of Act - Powers of Director.....	3
" 8 - Public Record - Controlled Municipalities.....	4
" 9 - Additional Powers of Director for Decontrol, Adjust- ments, Exceptions .....	4
" 10 - Establishment and Appointment of County Agency.....	5
" 11 - Establishment and Appointment of Review Board.....	5
" 12 - Removal of Members of Agency and Board.....	5
" 13 - Prohibitions - Unlawful Conduct.....	6
" 14 - General and Specific Grounds for Eviction.....	6
" 15 - Increase in Rent not Retroactive.....	7
" 16 - General and Specific Grounds for Increases in Rent	7
" 17 - Factors Re Increase .....	8
" 18 - General and Specific Grounds for Decreases in Rent	9
" 19 - Lawful Base Rent Date.....	10
" 20 - Adjustment in Rent Limited to Order.....	10
" 21 - Review by County District Court.....	10
" 22 - Review by Board.....	10
" 22.1 - Review by Director as to Agencies - Boards.....	10
" 23 - Powers Re Hearings - Subpoena - Contempt .....	11
" 24 - Improper Conduct - Agencies - Boards.....	11
" 25 - Overcharges - Damages - Actions Therefor.....	12
" 26 - Effective Date of Order - Notice - Time to Apply for Review.....	12
" 27 - Application to County District Court - Time Limit	12
" 28 - Act - When Operative in Municipality - Resolution	12
" 29 - Rescission of Resolution by Municipality - Decontrol	13
" 29.1 - Act Limited to Municipalities Where Resolution Prior to December 20, 1954 - Effect of Rescission.....	13
" 30 - Effect of Federal Rent Control on Act.....	13

(Over)



**THE STATE RENT CONTROL ACT  
OF 1953  
AS AMENDED AND SUPPLEMENTED  
(C. 216, PL 1953 and C. 260, PL 1954, as amended)**

PREAMBLE. Whereas, A serious public emergency exists in certain areas of this State due to continued shortage of rental housing space; and

Whereas, Rent control is essential to the health, safety and general welfare of the people of this State; and

Whereas, Federal rent control is presently due to expire on July thirty-first, one thousand nine hundred and fifty-three, and the enactment of an adequate State rent control law, to become operative upon the termination of Federal rent control, is imperative; now, therefore,

Source - C. 216, PL 1953.

Sec. 1. DEFINITIONS. As used in this act:

"State rent control" means rent control under this act;

"Federal rent control" means the operation of any Act of Congress and of any rule or regulation promulgated pursuant to the authority of any Act of Congress and the administration of any such act or rule or regulation by any department, authority, agent, officer or other administrative agency, authority or board of the Government of the United States in respect to housing space and the rental thereof in effect and operation in the State of New Jersey or in any part or parts thereof;

"Housing space" means any building or structure, or any part thereof or land appurtenant thereto, or any real or personal property, rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property, but not including (a) public housing; or (b) dwelling space in any hotel or established guest house, commonly regarded as a hotel or established guest house, as the case may be, in the community in which it is located; or (c) additional dwelling units created by new construction subsequent to August 1, 1953; or (d) dwelling units which have not at any time been rented during the period July 1, 1942, to August 1, 1953, inclusive; or (e) housing space owned by the United States, the State of New Jersey, any county or municipality or any political sub-division, public body, agency, authority, or instrumentality thereof;

"Director" means "State Rent Control Director" or "Director of the Office of Rent Control" as referred to in this act;

"Agency" means county rent control agencies referred to in this act;

"County rent control review board," "Review board" or "board" means any county rent control review board referred to in this act;

"Regulation or regulations" means rules and regulations of the director and any amendments, modifications or repealers thereof;

"Landlord" means an owner, lessor, sublessor, receiver, trustee, executor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of the whole or a part of any housing space;

"Tenant" means a lessee, sublessee, licensee, or other person entitled to the possession or to the use or occupancy of the whole or a part of any housing space;

"Services" means repairs, decorating and maintenance, the furnishing of light, steam, heat, hot and cold water, telephone, elevator service, cleaning service, linen service, janitor service, the removal of refuse and any other facility or privilege connected with and furnished by the landlord for the use or occupancy of the housing space;

"Rent" means the consideration, including any bonus, benefit or gratuity charged or received by the landlord, his agents, or other representatives for the use or occupancy of the whole or any part of any housing space created prior to the effective date of this act, and including the services in connection therewith.

Source - Sec. 1, C. 216, PL 1953, as amended by C. 260, PL 1954; NJS 2A:42-14.

Sec. 2. STATE RENT CONTROL OFFICE CREATED - TERM OF DIRECTOR. A State Rent Control Office is hereby created within the Department of Conservation and Economic Development. The office shall be headed by a director who shall be appointed by the Governor, with the advice and consent of the Senate. His term shall commence upon his appointment and confirmation by the Senate and shall expire on December 31, 1956. The purpose of the additional period of 6 months in the term of the director beyond June 30, 1956, is to enable him to wind up the administration of State rent control and during such period he shall have authority to continue to employ necessary assistants for this purpose. He shall hold no other State office or position. The said director shall be paid an annual salary of \$12,000.00 in the same manner as in the case of other State officers.

Source - Sec. 2, C. 216, PL 1953, as amended by C. 260, PL 1954; NJS 2A:42-15.

Sec. 3. LOCATION OF STATE OFFICE. The office of the State Rent Control Director shall be maintained at Trenton. The Division of Purchase and Property in the Department of the Treasury, subject to the approval of the State House Commission, shall provide the State Rent Control Director with office space, equipment and office facilities sufficient to enable him to properly perform his functions and duties under this act.

Source - Sec. 3, C. 216, PL 1953; NJS 2A:42-16.

Sec. 4. APPOINTMENTS OF DIRECTOR-ASSISTANTS-CLERICAL HELP. The director shall, within the limits of available appropriations, appoint a deputy, and employ such clerical, technical, and investigative help, hearers, examiners and other assistants as may be necessary, and fix their compensation and prescribe their duties, provided, however, that the appointment and employment of a deputy, investigators, hearers, examiners, and technical help shall not be subject to the provisions of Title 17 (Civil Service) of the Revised Statutes, and such persons shall serve at the pleasure of the director. Nothing contained in this act shall be deemed to authorize the director to appoint any clerical, technical and investigative help, hearers, examiners or other assistants for any county rent control agency or board. The deputy so appointed shall act for the director when so authorized by him and shall exercise the duties of the director in case of disability.

erall  
appl  
opin  
stor:

are i  
an ir  
made  
unde  
prior  
man:

agen  
proc:

licensee, or other person entitled to the whole or a part of any housing space; and maintenance, the furnishing of light, elevator service, cleaning service, linen service and any other facility or privilege connected with the use or occupancy of the housing space; and any bonus, benefit or gratuity charged for the use or occupancy of the housing space created prior to the effective date of this act.

by C. 260, PL 1954; NJS A 2A:42-14.

**OFFICE CREATED - TERM OF DIRECTOR.** The office shall be headed by a director who shall be appointed with the consent of the Senate. His term shall be for a period of 6 months in the term of the Governor and shall expire on the 31st day of the month next following the expiration of his term. He shall have authority to continue to employ necessary personnel for the office or position. The salary of the director shall be \$12,000.00 in the same manner as in

by C. 260, PL 1954; NJS A 2A:42-15.

E. The office of the State Rent Control Director shall be located in the Division of Purchase and Property in the approval of the State House Commission, shall have office space, equipment and office facilities and shall perform his functions and duties under this

42-16.

**DIRECTOR-ASSISTANTS-CLERICAL HELP.** The Governor shall, by the appropriation of the necessary funds, appoint a deputy, and investigative help, hearers, examiners and other personnel and prescribe their duties, compensation and employment of a deputy, investigators, and such persons shall serve at the pleasure of the Governor and shall not be subject to the provisions of Title 17, and such persons shall serve at the pleasure of the Governor and shall be deemed to authorize the director to employ investigative help, hearers, examiners or other assistants or board. The deputy so appointed shall act as the director and shall exercise the duties of the director

The clerical, stenographic and other assistants provided for the respective agencies and review boards shall not, in such assignment or employment, be subject to the provisions of Title 11 (Civil Service) of the Revised Statutes, as amended and supplemented, and shall serve at the pleasure of the respective county boards of chosen freeholders.

Source - Sec. 4, C. 216, PL 1953, as amended by C. 260, PL 1954; NJS A 2A:42-17.

**Sec. 5. LEGAL ASSISTANCE.** Upon the request of the State Rent Control Director, the Attorney-General shall provide the said director with such legal assistance as he may require for the administration of this act.

Source - Sec. 5, C. 216, PL 1953, NJS A 2A:42-18.

**Sec. 6. EXPENSE OF OPERATION.** The State Rent Control Director may incur and pay the necessary expenses of the operation of the office of State Rent Control Director in the same manner as similar expenses are incurred and paid by a director of a division in a principal department.

Source - Sec. 6, C. 216, PL 1953, NJS A 2A:42-19.

**Sec. 7. PURPOSES OF ACT - GRADUAL DECONTROL - POWERS OF DIRECTOR TO MAKE RENT ADJUSTMENTS, EVICTIONS, EXCEPTIONS, PROCEDURES, REVIEWS, ETC.** The director shall make, promulgate, amend, modify, repeal and enforce such reasonable rules and regulations as may be necessary:

(1) adequately to effectuate the provisions of this act, and the powers conferred upon him hereunder;

(2) for the exercise by him, the agencies and boards, of the functions, powers and duties conferred hereunder; and

(3) to control rents, housing space and practices relating to the recovery of possession thereof, within the areas in which the act is operative consistent with the supply and demand for such housing space within such areas, particularly in relation to the availability of various types of housing space therein, the demand therefor, the character and use thereof, the rent being charged therefor and other conditions affecting housing space and the protection of the public health, safety and general welfare; to effectuate gradual decontrol of such housing space consistent with supply and demand for such housing space; all of which are hereby declared to be purposes of this act.

He shall have all powers necessary to carry out the functions and duties conferred or imposed upon him hereunder and to effectuate the purposes of this act. He shall also have power:

(a) to prescribe forms to be used in the administration of the act;

(b) to provide by regulation for the determination of lawful base rentals in accordance with the provisions of this act;

(c) to direct the conduct of research and studies by the agencies pertaining to housing space, rental accommodations and economic conditions affecting the same;

- (d) to conduct and direct the making of surveys in specified areas pertaining to the demand for rental housing space and the meeting of such demand;
- (e) to prevent manipulative and speculative practices and rental and leasing practices which tend to unreasonably increase rentals, or evictions;
- (f) to provide for securing, insofar as practicable, pursuant to the purposes of the act and the public interest, similar housing space and housing facilities as are available at the time rent control under this act became operative;
- (g) to prevent evasions or attempted evasions of rent control under this act;
- (h) by regulation to provide for the processing of applications, and the making of determinations by agencies and boards in accordance with the provisions of this act, and the granting by such agencies and boards of rent increases or decreases, increase or decrease of housing space and services, furniture, furnishings and equipment and issuance of certificates of eviction;
- (i) by regulation to except, consistent with the purposes of this act, housing space from rent control hereunder on the basis of type, character, public or quasi-public-ownership, use, location, amount of rental, date of construction or conversion, number of units in the building in which located, economic conditions, or in instances where such housing space has heretofore been excepted from control under Federal Rent Control;
- (j) to make and conduct such investigations as he deems necessary and advisable;
- (k) by regulation to provide for the review of orders or determinations of agencies by review boards, the procedures to be followed in the determination of reviews and the manner and methods of obtaining such reviews;
- (l) to conduct hearings, administer oaths and affirmations and subpoena witnesses, books and records and designate his deputy or an assistant or assistants to act in his place in any matter; and
- (m) by regulation to provide for the keeping of files and records by agencies and review boards.

Source - Sec. 7, C. 216, PL 1953, as amended by C. 260; PL 1954; NJSA 2A:42-20.

**Sec. 8. PUBLIC RECORD - CONTROLLED MUNICIPALITIES.** The State Rent Control Director shall at all times keep on file in his office, open to public inspection, a list of the municipalities which shall have adopted resolutions under this act, and, upon request, shall furnish information in respect thereto to enable the applicants for information to know whether State rent control is in operation or not in any given locality.

Source - Sec. 8, C. 216, PL 1953; NJSA 2A:42-21.

**Sec. 9. ADDITIONAL POWERS OF DIRECTOR FOR DECONTROL, ADJUSTMENTS, EXCEPTIONS.** The rules and regulations to be made and promulgated by the State Rent Control Director may contain such classifications and differentiations and may provide for such adjustments or reasonable exceptions, according to the use or character of an area or of property, or both, as in the judgment of said director are necessary or proper

of surveys in specified areas pertaining to space and the meeting of such demand; cumulative practices and rental and leasing; to increase rentals, or evictions; as practicable, pursuant to the purposes of similar housing space and housing facilities; time rent control under this act became

evasions of rent control under this act; the processing of applications, and the agencies and boards in accordance with the granting by such agencies and boards of increase or decrease of housing space and equipment and issuance of certificates

ent with the purposes of this act, housing on the basis of type, character, public location, amount of rental, date of construction, units in the building in which located, places where such housing space has heretofore been under Federal Rent Control; investigations as he deems necessary and

the review of orders or determinations of the procedures to be followed in the determining and methods of obtaining such reviews; oaths and affirmations and subpoena and designate his deputy or an assistant or in any matter; and the keeping of files and records by agencies

by C. 260; PL 1954; NJSA 2A:42-20.

**D MUNICIPALITIES.** The State Rent Commission in his office, open to public inspection, shall adopt resolutions under this act, and shall respect thereto to enable the applicant when rent control is in operation or not in any given

-21.

**DIRECTOR FOR DECONTROL, ADJUSTMENTS,** shall be made and promulgated by the State Rent Commission and differentiations and may provide for, according to the use or character of an area, any of said director are necessary or proper

in order to effectuate the purposes of this act. Under regulations to be prescribed in accordance with the provisions hereof, the director shall provide for exceptions with reference to housing space rented, leased or subleased for seasonal use; housing space situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon, and housing space occupied by a domestic servant, caretaker, janitor, manager, or other employee to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the housing space is a part; and with respect to luxury housing space for which there is no shortage in one or more counties or municipalities.

Source - Sec. 9, C. 216, PL 1953; NJSA 2A:42-22.

**Sec. 10. ESTABLISHMENT AND APPOINTMENT OF COUNTY AGENCY.** In each county of this State the board of chosen freeholders shall, by resolution, establish a county rent control agency and shall designate any county official, or the members of any subordinate county board or county agency, or the members of the county board of taxation or county welfare board to be such county rent control agency. The said board of chosen freeholders shall provide the county rent control agency with adequate accommodations, facilities, equipment, supplies and with such clerical, stenographic and other assistants as the county rent control agency needs to properly function under this act. Provision for the expenses and operation of the county rent control agency may be made by emergency appropriations. The person or persons so designated may be compensated in the discretion of the board of chosen freeholders for his or their services as the county rent control agency, but such compensation shall not exceed two thousand five hundred dollars (\$2,500.00) annually where a single official is designated or one thousand dollars (\$1,000.00) annually for each member where two or more persons constitute the county rent control agency.

Source - Sec. 10, C. 216, PL 1953; NJSA 2A:42-23.

**Sec. 11. ESTABLISHMENT AND APPOINTMENT OF REVIEW BOARD.** In each county of this State, the board of chosen freeholders shall also, by resolution, establish a county rent control review board consisting of three members to be named in such resolution. The members so to be named shall be citizens and residents of the county. They shall be chosen so that one will be representative of the tenant group, one representative of the landlord group and one representative of the general public interest and welfare. They shall not be holders of any county office, position or employment. They shall serve so long as rent control pursuant to this act shall be in operation in any municipality in the county, and without compensation, but they shall be reimbursed by the county for their expenses necessarily incurred in the performance of their duties as members of the county rent control review board. The board of freeholders shall provide the county rent control review boards with adequate accommodations, facilities, equipment, supplies and clerical, stenographic and other assistants in the same manner as in the case of the county rent control agency.

Source - Sec. 11, C. 216, PL 1953, as amended by C. 84, PL 1955; NJSA 2A:42-24.

**Sec. 12. REMOVAL OF MEMBERS OF AGENCY AND BOARD.** Any person or persons constituting a county rent control agency and any member of a county rent control

review board may be removed by the board of chosen freeholders of the county or by the rent control director for good cause shown, upon notice, to the person involved, and after a public hearing.

Source - Sec. 12, C. 216, 1953; N.J.S.A. 2A:42-25.

Sec. 13. PROHIBITIONS - UNLAWFUL CONDUCT. In any municipality wherein rent control under this act is in operation, it shall be unlawful regardless of any contract, lease or other obligation heretofore or hereafter entered into, or any notice of increase in rent, or of eviction served upon any tenant for any person to demand or receive any rent for housing space in excess of the lawful base rent established or fixed for such housing space under this act, as adjusted by any rule or regulation of the State Rent Control Director, or by an order of a county rent control agency, or by a county rent control board of review, or by an order of the court under this act. In any such municipality, it shall be unlawful for any landlord to evict, dispossess, or institute any action for repossession of housing space, except as hereinafter provided, or to willfully do or attempt to do any act in violation of this act or of any regulation or order issued under authority of this act.

Source - Sec. 13, C. 216, PL 1953; N.J.S.A. 2A:42-26.

Sec. 14. GENERAL AND SPECIFIC GROUNDS FOR EVICTION. (1) So long as the tenant continues to pay the rent to which the landlord is entitled no tenant shall be removed from any housing space subject to this act, by action to evict or to recover possession, by exclusion of possession, or otherwise, nor shall any person attempt such removal or exclusion of possession notwithstanding the fact that the tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and notwithstanding any contract, lease agreement or obligation heretofore or hereafter entered into which provides for surrender of possession, or which otherwise provides contrary hereto, unless the landlord has obtained a certificate of eviction pursuant to subdivision (2) of this section;

(2) No such tenant shall be removed or evicted unless on application of the landlord the county rent control agency shall issue a certificate of eviction in accordance with its rules and regulations, designed to effectuate the purposes of this act, permitting the landlord to pursue his remedies at law. The county rent control agency shall issue such an order whenever it finds that:

- (a) the tenant is violating a substantial obligation of his tenancy other than the obligation to surrender possession of such housing space and has failed to correct such violation after written notice by the landlord that the violation cease within ten days; or within the three-month period immediately prior to the commencement of the proceeding the tenant has willfully violated such an obligation inflicting serious substantial injury to the landlord; or
- (b) the tenant is committing or permitting a nuisance in such housing space; or is maliciously or by reason of gross negligence substantially damaging the housing space; or his conduct is such as to interfere substantially

chosen freeholders of the county or by the  
upon notice, to the person involved, and

5.  
ONDUCT. In any municipality wherein rent  
all be unlawful regardless of any contract,  
fter entered into, or any notice of increase  
nt for any person to demand or receive any  
ful base rent established or fixed for such  
by any rule or regulation of the State Rent  
ty rent control agency, or by a county rent  
court under this act. In any such municipal-  
evict, dispossess, or institute any action for  
hereinafter provided, or to willfully do or  
ict or of any regulation or order issued under

:42-26.

OUNDS FOR EVICTION. (1) So long as the  
he landlord is entitled no tenant shall be re-  
is act, by action to evict or to recover pos-  
therwise, nor shall any person attempt such  
thstanding the fact that the tenant has no  
ment has expired or otherwise terminated, and  
ement or obligation heretofore or hereafter  
of possession, or which otherwise provides  
btained a certificate of eviction pursuant to

ved or evicted unless on application of the  
l issue a certificate of eviction in accordance  
effectuate the purposes of this act, permitting  
. The county rent control agency shall issue

substantial obligation of his tenancy other  
ender possession of such housing space and  
violation after written notice by the landlord  
thin ten days; or within the three-month period  
mmencement of the proceeding the tenant has  
obligation inflicting serious substantial injury

permitting a nuisance in such housing space;  
son of gross negligence substantially damaging  
conduct is such as to interfere substantially

- with the comfort or safety of the landlord or of other tenants or occupants  
of the same or other adjacent building or structure; or
- (c) occupancy of the housing space by the tenant is illegal and the landlord  
is subject to criminal or civil penalties therefor, or both; or
- (d) the tenant is using or permitting such housing space to be used for an  
immoral or illegal purpose;
- (e) the tenant has unreasonably refused the landlord access to the housing  
space for the purpose of inspection or of showing the space to a pros-  
pective purchaser, mortgagee or prospective mortgagee, or other persons  
having a legitimate interest therein; provided, however, that such refusal  
shall not be ground for removal or eviction if such inspection or showing  
of the space is contrary to the provisions of the tenant's lease or other  
rental agreement;
- (f) the landlord seeks in good faith to recover possession of housing space  
because of immediate and compelling necessity for his own personal  
use and occupancy or for the use and occupancy of his immediate  
family; or
- (g) the landlord seeks in good faith to recover possession of housing space  
for which the tenant's lease or other rental agreement has expired or  
otherwise terminated and at the time of termination the occupants of the  
housing space or subtenants or other persons who occupied under a rental  
agreement with the tenant and no part of the space is used by the tenant  
as his dwelling; or
- (h) the landlord seeks in good faith to recover possession of the housing  
space for the immediate purpose of substantially altering, remodelling or  
demolishing it, provided that the landlord shall have secured such ap-  
proval therefor as is required by law and the county rent control agency  
determines that the issuance of order granting the certificate of eviction  
is not inconsistent with the purposes of this act, and provided also that  
such alteration or remodelling is not practicable with the tenant in occu-  
pancy.

Notwithstanding the preceding provisions of this section, the State, any municipality,  
or housing authority may nevertheless recover possession of any housing space operated  
by it where such action or proceeding is authorized by statute or regulations under which  
such housing space is administered.

Source - Sec. 14, C. 216, PL 1953; NJSA 2A:42-27.

Sec. 15. INCREASE IN RENT NOT RETROACTIVE. No rent increase allowed by  
an agency, review board, court or the director shall be retroactive.

Source - Sec. 15, C. 216, PL 1953, as amended by C. 260, PL 1954; NJSA 2A:42-28.

Sec. 16. GENERAL AND SPECIFIC GROUNDS FOR INCREASE IN RENT. A county  
rent control agency, or by a county rent control review board, or by a court, may upon an  
application by the landlord, on notice to the tenant, and upon a hearing and determination  
as provided under this act, grant a rent increase upon and to the extent of a showing by  
the landlord to the satisfaction of the agency, board of review or court that:

- (a) the landlord has not been compensated by leases or rent adjustments for increases in the cost of operating and maintaining the building;
- (b) the landlord has made a major improvement to the dwelling unit which is more than ordinary repair and maintenance;
- (c) the landlord has increased the services, furniture, furnishings or equipment provided for the dwelling unit;
- (d) the rent being paid is substantially lower than the rent being paid for comparable dwelling units in the area or subarea;
- (e) the tenant has increased the number of subtenants or roomers in the dwelling unit rented from the landlord;
- (f) the premises are being occupied by more than a normal number of persons as a result of the tenant allowing additional relatives or other persons to reside in the dwelling unit as members of his household or otherwise;
- (g) special or unusual circumstances, beyond the control of the landlord, have arisen, which make it impossible to safely maintain and operate the building without additional rental; or
- (h) the net operating income from the building is less than a fair net operating income (the net operating income shall not be considered less than fair if it is twenty-five per centum (25%) or more of the annual income in the case of a building containing less than five dwelling units or is twenty per centum (20%) or more in the case of a building containing five or more dwelling units).

The adjustment under this subsection shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income after adjustment) to the median net operating income of landlords generally; provided, however, that where it is determined that the building falls within a class which normally experienced considerably lower percentages of net operating income than the median, the amount of adjustment may be determined on a basis which will yield a lower percentage of net operating income than the median and which would be fair and equitable for that class of buildings.

Where an adjustment is granted under this section and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition; provided, however, that the county rent control agency and the county rent control review board and a court may waive this limitation where the building has been affected by a significant increase in operating expenses which apply to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages).

Source - Sec. 16, C. 216, PL 1953; NJS 2A:42-29.

Sec. 17. FACTORS RE INCREASE. In determining any application for an increase in rent, the county rent control agency and the county rent control review board shall take into consideration the following factors:

compensated by leases or rent adjustments for  
ing and maintaining the building;  
r improvement to the dwelling unit which is  
maintenance;  
he services, furniture, furnishings or equip-  
unit;  
stantially lower than the rent being paid for  
the area or subarea;  
the number of subtenants or roomers in the  
landlord;  
occupied by more than a normal number of per-  
sonnel allowing additional relatives or other per-  
sonnel living in the dwelling unit as members of his household or

circumstances, beyond the control of the landlord,  
impossible to safely maintain and operate the  
dwelling unit; or  
if the building is less than a fair net operating  
income shall not be considered less than fair  
rent (25%) or more of the annual income in the  
case of a building containing five or more

shall be in such amount as is necessary to  
maintain the building (expressed as a percentage of annual  
net operating income of landlords generally;  
provided that the building falls within a class  
of buildings receiving lower percentages of net operating income  
may be determined on a basis which will yield  
rents not less than the median and which would be fair and

under this section and a subsequent petition is filed  
a subsequent petition shall begin after the end  
of the current petition; provided, however, that the county  
rent control review board and a court may waive this  
requirement if affected by a significant increase in operating  
costs of a significant class of housing accommodations in the  
area or in property taxes or a significant increase in

A42-29.

determining any application for an increase in  
rent the county rent control review board shall take

- (a) Taxes;
- (b) Costs of operation and maintenance of the building;
- (c) The kind, quality and quantity of the services furnished or withheld by the landlord;
- (d) Any increase in the present rental over the rent pertaining to the dwelling unit during the period, if any, when Federal rent control was applicable thereto;
- (e) Other relevant and material facts.

For the purpose of this act, the term (1) "building" means any structure or group of structures containing housing space having common facilities and operated as a single enterprise; (2) "net operating income" means the amount by which annual income exceeds annual operating expenses; (3) "Annual income" means the legal monthly, weekly, or other periodic rent for all units in the building, both residential and commercial, on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year; provided, that where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the agency. In any case where a rental unit is vacant or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent; (4) "annual operating expenses" means all real estate taxes and operating costs necessary to the operation and maintenance of the building, plus depreciation, but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principals determined by the agency or review board; (5) "depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than twenty-one per centum (21%) of the annual income for a building containing less than five dwelling units or sixteen per centum (16%) of the annual income for a building containing five or more dwelling units; (6) "test year" means the most recent full calendar or fiscal year, or any twelve consecutive months ending not earlier than ninety days before the date the petition is filed.

Source - Sec. 17, C. 216, PL 1953; NJSA 2A:42-30.

Sec. 18. GENERAL AND SPECIFIC GROUNDS FOR DECREASE. Every county rent control agency and every county rent control review board shall have the authority to hear and determine applications for a decrease in rent in any area or subarea wherein this act shall be in operation. Such hearings shall be on notice to the landlord and shall be conducted according to the rules and regulations of the State Rent Control Director and substantially in the same manner as hearings upon applications for rent increases. No order for a rent decrease shall be made except upon a showing to the satisfaction of the agency or board by the tenant that:

- (a) the landlord is withholding services, furniture, furnishings or equipment rightfully due the tenant;
- (b) the conditions which resulted in the granting of a rent increase to the landlord no longer continue to exist.

Source - Sec. 18, C. 216, PL 1953; NJSA 2A:42-31.

Sec. 19. **LAWFUL BASE RENT DATE.** For the purposes of this act, lawful rentals for housing space payable as of July 31, 1953, for premises then in existence shall be deemed the lawful base rentals for such housing space, for premises not rented on July 31, 1953, the amount of the lawful base rental for such housing space shall be the rental lawfully payable therefor on the date such premises were heretofore last rented prior thereto; or, if not so rented, the rent lawfully payable as of the date of the first rental subsequent thereto.

Source - Sec. 19, C. 216, PL 1953, as amended by C. 260, PL 1954; NJSA 2A:42-32.

Sec. 20. **ADJUSTMENT IN RENT LIMITED TO ORDER.** In no event shall any increase or decrease in the lawful base rent be allowed except upon an order of the county rent control agency, or county rent control review board, or of the court, with respect to specific housing space.

Source - Sec. 20, C. 216, PL 1953; NJSA 2A:42-33.

Sec. 21. **REVIEW BY COUNTY DISTRICT COURT.** Every county district court shall have jurisdiction to review, hear and determine in a summary manner, without a jury, any order of the county rent control review board and also any order, action or determination of the county rent control agency which is not reviewable by the county rent control review board of the county. The said county district court shall hear the matter under review de novo and may affirm, set aside or modify the order or determination under review, or make any order that should have been made by the county rent control agency or by the county rent control review board without remitting the proceedings to such agency or board.

Source - Sec. 21, C. 216, PL 1953; NJSA 2A:42-34.

Sec. 22. **REVIEW BY BOARD.** Any order of a county rent control agency, granting or denying an application for a rent increase, or a rent decrease, or a certificate of eviction, shall be reviewable by the county rent control review board. Every such review shall be applied for and heard in accordance with the rules and regulations of the State Rent Control Director applicable thereto. The review shall be heard on notice to the opposite party, and shall be conducted in a summary manner. The county rent control review board may affirm, set aside, or modify the order under review, and it shall also make an order disposing of the matter under review without the necessity of any further order by the county rent control agency.

Source - Sec. 22, C. 216, PL 1953; NJSA 2A:42-35.

Sec. 22.1. **REVIEW BY THE DIRECTOR AS TO AGENCIES - BOARDS.** Any provisions of this act and the act to which this is amendatory and supplementary to the contrary notwithstanding, the director shall have the power to review any order or determination or the issuance of a certificate of eviction of any agency or board where the director in his discretion finds that such a review is necessary; (a) in the interest of uniformity in the administration of the act or interpretation of the regulations; or (b) it is a matter of great public interest; or (c) the director finds that such review is necessary for the proper administration of the act and regulations. The director may take jurisdiction of the matter either by reason of an application for review made to him by one of the parties

For the purposes of this act, lawful rentals in 1953, for premises then in existence shall include housing space, for premises not rented on a base rental for such housing space shall be the date such premises were heretofore last lawfully rented as of the date of the

acted by C. 260, PL 1954; NJSA 2A:42-32.

REFERRED TO ORDER. In no event shall any order be allowed except upon an order of the county review board, or of the court, with respect

2A:42-33.

COUNTY DISTRICT COURT. Every county district court shall determine in a summary manner, without a jury, any order and also any order, action or determination which is not reviewable by the county rent control agency. Every county district court shall hear the matter under review or modify the order or determination unless it has been made by the county rent control agency or the county review board without remitting the proceedings to such agency

2A:42-34.

ORDER OF A COUNTY RENT CONTROL AGENCY, GRANTING AN ORDER OF A RENT DECREASE, OR A CERTIFICATE OF EVICTION, SHALL BE REVIEWED BY THE COUNTY RENT CONTROL REVIEW BOARD. Every such review shall be conducted in accordance with the rules and regulations of the State Rent Control Act. The review shall be heard on notice to the opposite party in a summary manner. The county rent control review board shall have jurisdiction to review any order under review, and it shall also make an order without the necessity of any further order by the

2A:42-35.

AS TO AGENCIES - BOARDS. Any provisions which are mandatory and supplementary to the contrary notwithstanding shall not deprive the director of his power to review any order or determination of any agency or board where the director determines that such review is necessary; (a) in the interest of uniformity in the application of the regulations; or (b) it is a matter of public interest or he finds that such review is necessary for the enforcement of the regulations. The director may take jurisdiction of any action for review made to him by one of the parties

or by issuing an order pursuant to this section that a matter decided by or pending before an agency or a board shall be reviewed by him. Where the director takes jurisdiction of such review, the agency and board shall have no further jurisdiction and any action for review shall thereafter lie directly from his order or determination or issuance of a certificate of eviction to the county district court of the county in which the housing space is located. The review shall be conducted by the director through his duly authorized assistants, hearers or examiners on notice to the parties and in a summary manner; and the director, after due consideration of the record and written findings, on recommendations and conclusions to him of such assistant, hearer or examiner, may affirm, set aside or modify the order under review and make an order disposing of the matter without the necessity of any further order or determination by the agency or board.

Application of a party for review by the director may only be made as to an order, action or determination of an agency. In such cases, the director may decline to take jurisdiction and refer it to the board for disposition. All such applications by a party to the director shall be made in writing within 30 days of the effective date of the order, determination or certificate of eviction of the agency sought to be reviewed.

Every county district court shall have jurisdiction to review, hear and determine in a summary manner without a jury any order, action or determination of the director under review; it shall hear the matter under review de novo and may affirm, set aside or modify the order, action or determination of the director under review or make any order that should have been made by the agency, board or director without remitting the proceedings to such agency, board or director. Every application to a county district court to review any such order, action or determination shall be taken by an action brought in such court, commenced within thirty days of the effective date thereof.

Source - Sec. 5, C. 260, PL 1954; NJSA 2A:42-36.1.

Sec. 23. POWERS RE HEARINGS - SUBPOENA - CONTEMPT. Any county rent control agency or county review board may, for the purposes of this act, conduct hearings, administer oaths and affirmations, subpoena witnesses, books and records for the purpose of deciding any application or matter pending before it. In case of contumacy by, or refusal to obey a subpoena served upon, any person pursuant to this section, the County Court of any county in which such person is found or resides, upon application by the agency or board, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Witnesses subpoenaed under this section shall be paid the same fees and mileage as are paid to witnesses in courts of law. Any person subpoenaed under this section shall have the right to make a record of his testimony and to be represented by counsel.

Source - Sec. 23, C. 216, PL 1953; NJSA 2A:42-36.

Sec. 24. IMPROPER CONDUCT - AGENCIES - BOARDS. Neither the members of any county rent control agency or rent review board, or its officers, agents or employees engaged in the administration of this act, shall acquire any interest direct or indirect in any housing space subject to regulation under the provisions of this act. If any such county officer or employee has any interest direct or indirect in any housing space subject to the provisions of this act, he shall immediately disclose such interest in writing to the

State Rent Control Director, and such disclosure shall be kept on file by the director as a public record. Failure to disclose such interest shall constitute misconduct in office. Such director, officer or employee shall not participate in any action affecting such housing space.

Source - Sec. 24, C. 216, PL 1953; NJSA 2A:42-37.

Sec. 25. OVERCHARGES BY LANDLORDS - DAMAGES - ACTIONS THEREFOR. Any landlord who shall violate any provision of this act, or of any order of a county rent control agency, or of a county rent control review board made pursuant to this act, shall forfeit to his tenant a sum equal to three times the amount of any rent received by him from his tenant in excess of the lawful base rental and of any rent increase allowed by the county rent control agency, county rent control review board, or by the court, but not in excess of one year's lawful rent, to be recovered in an action in the county district court. Every such action may be brought in a summary manner and shall be heard by the court without a jury. Judgment may be rendered for any amount which is found to be due to the tenant under the provisions of this section.

Source - Sec. 25, C. 216, PL 1953; NJSA 2A:42-38.

Sec. 26. EFFECTIVE DATE OF ORDER - NOTICE - TIME TO APPLY FOR REVIEW TO BOARD. Every order of a county rent control agency shall specify a date not less than ten days thereafter upon which the order shall become effective, and copies of such order shall be mailed to each of the parties affected thereby. Applications for the review of any such order by the county rent control review board shall be made in writing to said board within thirty days from the said effective date of the order sought to be reviewed, and all such applications shall conform to the rules and regulations of the State Rent Control Director applicable thereto.

Source - Sec. 26, C. 216, PL 1953; NJSA 2A:42-39.

Sec. 27. APPLICATION TO COUNTY DISTRICT COURT - TIME LIMIT. Every application to a county district court to review any order, action or determination under this act shall be taken by an action brought in such court. Every such action must be commenced within thirty days from the effective date of the order, if any such date is included therein, and if a copy thereof has been sent to the party seeking the review, or if no such effective date is so included, or in the case of actions or determinations not taken or made by order, within thirty days from the time of the giving of notice thereof to the said party.

Source - Sec. 27, C. 216, PL 1953, NJSA 2A:42-40.

Sec. 28. ACT - WHEN OPERATIVE IN A MUNICIPALITY - RESOLUTION - REQUISITES. Rent control under this act shall be operative in any municipality in which the governing body shall adopt a resolution reciting that there is a housing space shortage therein and that rent control is required in such municipality for the protection, safety, health and general welfare of the people of such municipality. A certified copy of any such resolution shall be transmitted by the clerk of the municipality to the State Rent Control Director and a like copy shall be transmitted to the county rent control agency of the county wherein such municipality is located. A copy of any such resolution shall

disclosure shall be kept on file by the director  
uch interest shall constitute misconduct in office.  
ill not participate in any action affecting such

2A:42-37.

**LORDS - DAMAGES - ACTIONS THEREFOR.**  
ision of this act, or of any order of a county rent  
rental review board made pursuant to this act, shall  
ee times the amount of any rent received by him  
base rental and of any rent increase allowed by  
rent control review board, or by the court, but  
, to be recovered in an action in the county dis-  
rought in a summary manner and shall be heard by  
be rendered for any amount which is found to be  
this section.

2A:42-38.

**ORDER - NOTICE - TIME TO APPLY FOR REVIEW**  
rent control agency shall specify a date not less  
order shall become effective, and copies of such  
ties affected thereby. Applications for the review  
control review board shall be made in writing to  
said effective date of the order sought to be re-  
conform to the rules and regulations of the State

2A:42-39.

**CITY DISTRICT COURT - TIME LIMIT.** Every ap-  
review any order, action or determination under  
rought in such court. Every such action must be  
effective date of the order, if any such date is  
has been sent to the party seeking the review, or  
ed, or in the case of actions or determinations  
thirty days from the time of the giving of notice

2A:42-40.

**IN A MUNICIPALITY - RESOLUTION - REQUI-**  
all be operative in any municipality in which the  
n reciting that there is a housing space shortage  
d in such municipality for the protection, safety,  
le of such municipality. A certified copy of any  
the clerk of the municipality to the State Rent  
be transmitted to the county rent control agency  
y is located. A copy of any such resolution shall

be published, prior to its adoption, at least once in one or more newspapers published or  
circulated in the municipality.

Source - Sec. 28, C. 216, PL 1953; NJSA 2A:42-41.

**Sec. 29. RESCISSION OF RESOLUTION BY MUNICIPALITY - DECONTROL.** The  
governing body of any municipality may at any time by resolution, redetermine whether  
State rent control shall be operative in such municipality, and may rescind any resolu-  
tion adopted pursuant to this act or, after any such rescission, again adopt a similar  
resolution to reinstate State rent control. Copies of any such resolution shall be filed  
as required for an original resolution relating to State rent control.

Source - Sec. 29, C. 216, PL 1953; NJSA 2A:42-42.

**Sec. 29.1. ACT LIMITED TO MUNICIPALITIES WHERE RESOLUTION PRIOR TO  
DEC. 20, 1954 - EFFECT OF RESCISSION.** After December 20, 1954, rent control under  
this act shall be operative only in a municipality which on that date has in full force  
and effect a resolution theretofore adopted that rent control is required. The governing  
body of any such municipality may by resolution rescind any resolution theretofore ad-  
opted that rent control is required in such municipality but in the event of any such  
rescission rent control may not be thereafter reinstated.

Source - Sec. 11, C. 260, PL 1954; NJSA 2A:42-54.

**Sec. 30. EFFECT OF FEDERAL RENT CONTROL ON ACT.** In the event that  
Federal rent control is in operation in any area of this State and this act is in operation  
also in such area, the provisions of such Federal rent control shall prevail.

Source - Sec. 30, C. 216, PL 1953; NJSA 2A:42-43.

**Sec. 31. APPORTIONMENT OF COSTS AMONG CONTROLLED MUNICIPALITIES.**  
The board of chosen freeholders shall from time to time determine the additional cost  
to the county of rent control hereunder, and shall apportion the same among the mu-  
nicipalities wherein this act shall be in operation within the county. Such apportion-  
ment shall be according to the ratio of the population of each such municipality to  
that of the county, and according to the period of time during which this act was in  
operation in the municipality. Each municipality shall pay to the county treasurer  
quarterly the amount so determined and apportioned by the board of chosen freeholders.

Source - Sec. 31, C. 216, PL 1953; NJSA 2A:42-44.

**Sec. 32. SHORT TITLE.** This act shall be known as and may be cited as the "State  
Rent Control Act of 1953".

Source - Sec. 32, C. 216, PL 1953; NJSA 2A:42-45.

**Sec. 33. APPROPRIATION.** Funds required for the administration of this act during  
the fiscal year ending June thirtieth, one thousand nine hundred and fifty-four are  
hereby appropriated to be paid out of any available balance under the General Ap-  
propriation Act, with the approval of the Director of Budget and Accounting.

Source - Sec. 33, C. 216, PL 1953; NJSA 2A:42-46.

Sec. 33.1. SUPPLEMENTAL APPROPRIATION. There is hereby appropriated an additional sum of \$12,000.00 to cover the expenses of the Office of Rent Control for the balance of the current fiscal year.

Source - Sec. 14, C. 260, PL 1954.

Sec. 34. REPEAL OF PRIOR ACT. "An act to regulate, control and stabilize rents and possession of housing space and declaring an emergency with respect thereto," approved June fourteenth, one thousand nine hundred and fifty, is repealed.

Source - Sec. 34, C. 216, PL 1953; NJSA 2A:42-47.

Sec. 35. POWERS PRIOR TO EFFECTIVE DATE. In anticipation of the cessation of Federal rent control, appointments may be made hereunder, resolutions may be adapted by county boards of freeholders and by the governing bodies of municipalities; rules, regulations and forms may be prepared, and expenses, other than salaries, may be incurred.

Source - Sec. 35, C. 216, PL 1953; NJSA 2A:42-48.

Sec. 36. FEDERAL RECORDS. Upon the termination of rent control established pursuant to Federal law or regulation in this State or any area thereof, the State Rent Control Director shall request and is authorized to receive the transfer from the Federal Government of its records pertaining to rent control in this State or any such area thereof.

Source - Sec. 36, C. 216, PL 1953; NJSA 2A:42-49.

Sec. 37. EFFECTIVE DATE RE PROHIBITIONS AND RECOVERY OF FOREFEITURES. The provisions of this act relating to unlawful conduct and practices and for the imposition and recovery of forfeitures for such unlawful actions or practices are and shall be operative from and after July 28, 1953.

Source - Sec. 37, C. 216, PL 1953, as amended by C. 260, PL 1954; NJSA 2A:42-50.

Sec. 37.1. LIBERAL CONSTRUCTION. This act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

Source - Sec. 9, C. 260, PL 1954; NJSA 2A:42-52.

Sec. 37.2. SEVERABILITY - INVALIDITY. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable.

Source - Sec. 10, C. 260, PL 1954; NJSA 2A:42-53.

APPROPRIATION. There is hereby appropriated an additional amount for the expenses of the Office of Rent Control for the

7. "An act to regulate, control and stabilize rents and declaring an emergency with respect thereto," and nine hundred and fifty, is repealed.

ISA 2A:42-47.

EFFECTIVE DATE. In anticipation of the cessation of any law which may be made hereunder, resolutions may be adopted by the governing bodies of municipalities; rules, regulations, and expenses, other than salaries, may be incurred

ISA 2A:42-48.

Upon the termination of rent control established pursuant to this State or any area thereof, the State Rent Control Commission is authorized to receive the transfer from the Federal Government of the right to rent control in this State or any such area

ISA 2A:42-49.

THE PROHIBITIONS AND RECOVERY OF FORECLOSURES relating to unlawful conduct and practices and for penalties for such unlawful actions or practices are amended by C. 28, 1953.

amended by C. 260, PL 1954; NJSA 2A:42-50.

CONSTRUCTION. This act, being necessary for the welfare of the State, shall be liberally construed to effect the purposes thereof.

ISA 2A:42-52.

INVALIDITY. If any provision of this act or the application of any provision of this act in any circumstance is held invalid, such invalidity shall not affect the validity of the other provisions of the act which can be given effect without and to this end the provisions of this act are deemed severable.

ISA 2A:42-53.

Sec. 38. EFFECTIVE DATE AND DURATION. This act shall take effect immediately and shall cease to be in effect at midnight, June 30, 1956, except as otherwise provided in section 2 of this act.

Source - Sec. 38, C. 216, PL 1953, as amended by Sec. 12, C. 260, PL 1954; NJSA 2A:42-51.

Sec. 38.1. EFFECT OF AMENDMENTS AND SUPPLEMENTS ON PREVIOUS ACTIONS. This act shall not affect the resolutions, orders, determinations or certificates of eviction, designations, and appointments and regulations heretofore made or promulgated under the act to which this act is amendatory and supplementary, but such resolutions, orders, determinations or certificates of eviction, designations and appointments and regulations shall, notwithstanding the provisions thereof, continue in full force and effect until amended, supplemented, modified, rescinded or repealed, pursuant to law.

Source - Sec. 13, C. 260, PL 1954; NJSA 2A:42-55.

REVISED

RULES AND REGULATIONS

PART I - GENERAL PROVISIONS

ARTICLE I - SCOPE OF RULES AND REGULATIONS

1. PURPOSE OF RULES - It is the purpose of these rules and regulations to permit sufficient latitude for the administration of rent control by county agencies subject to review by the director and county district courts within the framework of the Act and the regulations.
2. RELAXATION OF RULES - These regulations shall be considered as general rules for the administration of rent control by agencies, boards and the Director in the conducting of proceedings by them, and they are designed to facilitate business and promote fairness; accordingly, procedural regulations may be relaxed or dispensed with by the Director at the written request of an agency or board in any proceeding where it shall be manifest that a strict adherence to them will work surprise or hardship.
3. PRESCRIBED FORMS - The forms referred to herein are prescribed for use in the administration of rent control.
4. APPLICABILITY - These rules and regulations shall only apply to housing space in municipalities in which the Act is operative and, unless otherwise stated or as may appear from the context, to all controlled housing space therein and, where applicable, to boards and the Director as well as agencies even though the term "agency" is used.
5. WHERE NO APPLICABLE REGULATION OR FORM - Where a procedural situation is not covered by the Act, an applicable rule, regulation or form, the county agencies are authorized to make and adopt such procedures, regulations and forms as may be necessary to effectuate the Act and regulations, but not inconsistent therewith. In such situations, the agency shall, as soon as practicable, advise the Director in writing thereof, submitting any recommendations it deems necessary.

REVISED

D REGULATIONS

1. As used in these rules and regulations, the following terms shall have the following meaning unless a different meaning clearly appears from the context:

- (a) "Act" means the State Rent Control Act of 1953, as amended and supplemented, (C. 216, PL 1953; C. 260, PL 1954, approved 12/22/54);
- (b) "Federal rent control" is as defined in the Act and is interpreted to mean rent control as administered under the Federal Emergency Price Control Act of 1942 and the Federal Housing and Rent Act of 1947, as amended and supplemented;
- (c) "Area or areas" means one or more municipalities;
- (d) "Sub-area" means a particular part of a municipality or municipalities constituting an area or areas;
- (e) "Slum" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals, including buildings having such characteristics;
- (f) "Blighted" means an area or building having the characteristics as defined in Section 40:55C-3, of the Revised Statutes;
- (g) "Fringe area" means an area or building in the process of becoming a slum or blighted;
- (h) "Project" means any building or buildings, including other real and personal properties which are a part thereof, containing housing space all located on the same general site having in common all or some of their principal facilities, services and privileges;
- (i) "Completion date of a project" means the date on which at least 75% of the housing space therein shall have been completed and suitable for occupancy;
- (j) "Housing space" means any building or structure, as defined in the Act, including space, services, furnishings, furniture and equipment on the applicable date connected with the use thereof but not including public housing, hotels, guest houses, new construction since August 1, 1953, dwelling units not rented during Federal rent control or space owned by governmental subdivisions or agencies;
- (k) "Landlord" is as defined in the Act and includes individuals, associations, partnerships or corporations as defined in the Act;
- (l) "Tenant" is as defined in the Act and includes individuals, associations, partnerships or corporations as defined in the Act;
- (m) "Services" is as defined in the Act and includes the items set forth in such definition on the applicable date;
- (n) "Rent" is as defined in the Act and includes the items set forth in such definition on the applicable date;
- (o) "Lawful base rent date" means the date on which the lawful base rent is determined, pursuant to Section 19 of the Act;
- (p) "Lawful base rent" means the rent actually and legally charged, received, payable or due for particular housing space on the lawful base rent date, pursuant to Section 19 of the Act and the regulations;

GENERAL PROVISIONS

D REGULATIONS

The purpose of these rules and regulations to permit administration of rent control by county agencies subject to the approval of the district courts within the framework of the Act.

These regulations shall be considered as general rules of rent control by agencies, boards and the Director in their application, and they are designed to facilitate business operation. In special circumstances, procedural regulations may be relaxed or discontinued by the written request of an agency or board in any case where it is manifest that a strict adherence to them will work injustice.

Forms referred to herein are prescribed for use in the administration of these regulations.

These regulations shall only apply to housing space which is controlled by the Act and, unless otherwise stated or as provided in the Act, to all controlled housing space therein and, where applicable, to the Director as well as agencies even though the term "agency" is not used.

REGULATION OR FORM - Where a procedural situation is involved, the applicable rule, regulation or form, the county agencies shall follow such procedures, regulations and forms as may be prescribed by the Director and regulations, but not inconsistent therewith. In all cases, as soon as practicable, advise the Director in writing of any recommendations it deems necessary.

- (q) "Lawful rent" means the lawful base rent, plus or minus any adjustments made by an order of an agency, board, the Director or county district court on the applicable date;
- (r) "Applicable date" means the date of inquiry with relation to space, services or rent of particular housing space;
- (s) "Review", "Appeal or appeals" means the review of any order or determination of an agency, by a board, the Director or county district court;
- (t) "Comparable dwelling units" means controlled, but not excepted or decontrolled housing space, of the same general type, character, condition and construction in similar locations within the area or sub-area as further limited by these regulations;
- (u) "Members of the immediate family" means father, mother, father-in-law, mother-in-law, son, son-in-law, daughter, daughter-in-law, adopted child and stepchild;
- (v) "Hotel or Guest House" means any establishment which on August 1, 1953, was commonly regarded as a hotel or guest house in the community where located and which provides or makes available customary hotel or guest house services. This includes all types of hotels and guest houses;
- (w) "Rooming house" means, in addition to its customary usage, a building or portion of a building, other than an apartment or any part thereof, rented for room occupancy on a short-term occupancy basis - daily, weekly or monthly - to more than two paying tenants, not members of the landlord's immediate family;
- (x) "Self-contained family units", "self-contained units" means housing accommodations with private access containing one or more rooms in addition to a kitchen, kitchenette or pullman kitchen and a private bathroom;
- (y) "One, two, three and four family houses" means, in addition to its customary usage, a building having not more than four (4) self-contained family units but it shall not be deemed to include, (1) separate buildings in a project; or (2) row-housing unless each such building in itself constitutes a one, two, three or four family house.

ARTICLE I - EXCEPTED OR DECONTROLLED HOUSING SPACE

...ful base rent, plus or minus any adjustments made  
board, the Director or county district court on the

...e date of inquiry with relation to space, services  
pace;

...ls" means the review of any order or determination  
Director or county district court;

...means controlled, but not excepted or decontrolled  
general type, character, condition and construction  
the area or sub-area as further limited by these

...amily" means father, mother, father-in-law, mother-  
ter, daughter-in-law, adopted child and stepchild;

...ans any establishment which on August 1, 1953,  
a hotel or guest house in the community where  
or makes available customary hotel or guest house  
types of hotels and guest houses;

...n addition to its customary usage, a building or  
than an apartment or any part thereof, rented for  
term occupancy basis - daily, weekly or monthly -  
tenants, not members of the landlord's immediate

...t, "self-contained units" means housing accommoda-  
ntaining one or more rooms in addition to a kitchen,  
and a private bathroom;

...amily houses" means, in addition to its customary  
of more than four (4) self-contained family units  
to include, (1) separate buildings in a project; or  
such building in itself constitutes a one, two, three

1. EXCEPTIONS UNDER ACT - Housing space excepted from control under the definition of "housing space" in the Act, as amended.
2. GENERAL EXCEPTIONS - Pursuant to the Act, the following additional housing space shall be totally excepted under the conditions hereinafter set forth:
  - (a) Particular housing space which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time was rented as housing accommodations other than to members of the immediate family of the landlord;
  - (b) Housing space created and completed by new construction during the period between February 1, 1947 and August 1, 1953;
  - (c) Particular housing space created by a change from non-housing to housing use,
    - (1) during the period between February 1, 1947 and April 23, 1954, inclusive where such housing space, prior to the change, was used exclusively for non-housing purposes;
    - (2) at anytime after April 23, 1954, where such housing space, prior to the change was used exclusively for non-housing purposes and at no time since July 1, 1942 was subject to Federal or State Rent Control; provided, however, such housing space shall continue to be subject to control until an order of decontrol has been entered, after a determination, pursuant to the regulations which shall be conditioned on a finding that such housing space is safe and sanitary housing and complies with applicable laws, ordinances or regulations.
  - (d) Additional housing space created by conversion involving structural changes in particular housing space by substantial alterations or remodeling,
    - (1) during the period between February 1, 1947 and April 23, 1954, where such conversion resulted in additional self-contained family units;
    - (2) at any time after April 23, 1954, where such conversion resulted in additional self-contained family units of a type for which there is a shortage in the area or sub-area; provided that such housing space shall continue to be subject to control until an order of decontrol has been entered, after a determination, pursuant to the regulations;
  - (e) Housing space constructed or converted under the Veterans' Emergency Housing Act of the State of New Jersey (C. 323 PL 1946, as amended and supplemented);
  - (f) Hospitals, convents, manasteries, asylums, public institutions, college or school dormitories, or any project or building operated exclusively for charitable, fraternal or educational purposes on a non-profit basis;
  - (g) Non-housekeeping furnished housing space located in a single dwelling unit not used as a rooming house, if such space is not rented to more than three (3) paying tenants and the balance of the unit is occupied by the landlord or members of his immediate family;
  - (h) Motor courts, trailers or trailer space or housing space in tourist homes;

- (i) Rooming houses where more than five (5) rooms are rented or offered for rent by a tenant of such entire structure but this exception does not apply to individual housing space therein;
  - (j) Housing space in buildings lawfully operated as rooming houses on March 1, 1955, located in areas other than those set forth in Schedule 1; where such rooming houses comply with requirements of local law, if any;
  - (k) Particular housing space as to which the State, any agency or authority thereof, any county, municipality, public body or body corporate and politic created by the Legislature, has obtained the right of immediate possession under a contract or as a result of condemnation proceedings, provided that such right of possession shall have been obtained for the purpose of proceeding with a public improvement;
  - (l) Particular housing space damaged by fire, the elements, an Act of God, or otherwise where it is necessary to rebuild and substantially rehabilitate such space and the cost of such reconstruction or rehabilitation is substantially the same as would have been expended in the reconstruction of the interior of the building; provided, that such housing space shall continue to be subject to control until an order of decontrol has been entered after a determination, pursuant to the regulations;
  - (m) Garage space not included in the lawful rent as a required service and such space is not an integral part of the rental arrangement or not a condition precedent to such rental.
3. EXCEPTION ONE TO FOUR FAMILY HOUSES AND ON BASIS OF AMOUNT OF RENTAL - Pursuant to Section 7 of the Act, as amended, the following additional housing space shall be totally excepted, subject to the conditions hereinafter set forth:
- (a) Particular housing space in one, two, three and four family houses rented after March 1, 1955, and which become vacant after occupancy by the prior tenant for a period of at least six months or for less than six months where the tenancy is terminated as a result of death of the prior tenant or dissolution of the family unit and,
    - (1) such vacancy was not the result of connivance or collusion between the landlord and tenant or directly or indirectly of improper or illegal conduct by the landlord or his authorized servants, agents or employees; and
    - (2) the landlord has complied with the further conditions set forth in Sections 4 and 5 of this Article;
  - (b) Particular housing space of the type and character and in the areas designated in the Schedule hereinafter referred to having a lawful rent on March 1, 1955, excluding any charge for garage in the amount listed on Schedule 2.

five (5) rooms are rented or offered for rent but this exception does not apply to in-

fully operated as rooming houses on March 1, those set forth in Schedule 1; where such provisions of local law, if any;

which the State, any agency or authority thereof, body or body corporate and politic created by right of immediate possession under a condemnation proceedings, provided that such right of possession is for the purpose of proceeding with a public

ruined by fire, the elements, an Act of God, or to rebuild and substantially rehabilitate such structure or rehabilitation is substantially the same as in the reconstruction of the interior of the building space shall continue to be subject to control as if no order had been entered after a determination, pursuant to

the law of a lawful rent as a required service and such rental arrangement or not a condition precedent.

ARTICLE 4. HOUSES AND ON BASIS OF AMOUNT OF RENT. As amended, the following additional provisions shall be subject to the conditions hereinafter set forth:

two, three and four family houses rented after they have been vacant after occupancy by the prior tenant for or less than six months where the tenancy of the prior tenant or dissolution of the family

is the result of connivance or collusion between the tenant or indirectly of improper or illegal conduct of servants, agents or employees; and in addition the further conditions set forth in Sections

of this Article and character and in the areas designated as being subject to having a lawful rent on March 1, 1955, the amount listed on Schedule 2.

4. CONDITIONS APPLICABLE TO SECTION 3 - The following conditions shall be applicable to decontrol of particular housing space referred to in Section 3 of this Article;

- (a) the landlord and tenant have voluntarily and in good faith entered into a lease in the form prescribed by the Director for a minimum term of two (2) years or until midnight, September 30, 1957, whichever period is the shorter, at a fair rental requiring the landlord to provide the space and maintain the services and equipment specified therein, or such a lease has been offered to the tenant by the landlord and the tenant has refused to enter into same, in which event, the landlord shall execute and file with the agency, on the prescribed form, a certification, agreement and representation, designated form in lieu of lease, that in the event an order of decontrol is entered thereon, the landlord will continue to provide the space to the tenant at a fair rent as approved and maintain the services and equipment specified therein. The provisions of such lease, or form in lieu of lease, shall be subject to the approval of the agency, and any order of decontrol may be conditioned on the proposed rent being reduced to a fair rent as determined by the agency;
- (b) the landlord shall file such lease, or form in lieu of lease, with the agency no later than the date of the application for decontrol hereunder; and
- (c) such lease, or form in lieu of lease, shall be for the benefit of the tenant in possession or subsequent tenants in the event the original tenant should vacate the premises prior to the expiration thereof and binding on subsequent owners or landlords (form in lieu of lease need not be consented to by tenant).

5. ACTION OF AGENCY FOR DECONTROL UNDER SECTION 3 - An agency shall issue an order of decontrol of particular housing space after an application and determination, on proof of the facts set forth in Sections 3 and 4 of this Article, pursuant to the regulations, (a) where it finds,

- (1) there is no evasion or attempted evasion of rent control under the Act and regulations; and
  - (2) the transaction is not a manipulative or speculative practice or a rental and leasing practice which tends to unreasonably increase rentals or evictions; and
  - (3) the rent to be charged the tenant is fair, taking into consideration increased or decreased costs of operating expenses, services and improvements made, or to be made and economic or other relevant and material facts;
- (b) retroactive to the date on which the lease or form is executed or filed with the agency, however, until an order of decontrol is entered, the particular housing space shall be subject to control.

6. GENERAL PROVISIONS RE ORDERS OF DECONTROL - RETROACTIVE - REPEAL - Any order of decontrol entered under this Article may be retroactive and shall be subject to review. Such order may thereafter be repealed or revoked where the agency finds,

- (a) that the order was obtained by an evasion or attempted evasion of rent control under the Act and regulations; or
  - (b) the operation of the housing space constitutes a manipulative or speculative practice or a rental or leasing practice which tends to unreasonably increase rentals or evictions; or
  - (c) there has been a substantial violation of the regulations, lease, or form in lieu of lease, pursuant to which the order of decontrol was entered.
7. **APPLICABILITY OF SECTION 6 ON PRIOR DECONTROL 1-2 FAMILY HOUSES** - The provisions of Section 6 (a) and (b) of this Article shall be applicable to particular housing space in one and two family houses which was decontrolled pursuant to orders entered under the authority of Sections 2(m) and 2(n) of Change #5 of the original regulations dated April 23, 1954, of which these regulations are a revision. Any pending applications under that change shall continue to be processed pursuant to such change after the effective date of this revision.
8. **LIMITED OR PARTIAL DECONTROL** - Pursuant to the Act, the following additional housing space shall be excepted from control but only during the times and uses hereinafter set forth:
- (a) Housing space located in a resort community customarily rented or occupied on a seasonal basis shall be excepted in the "in season". Rented or occupied on a seasonal basis shall mean: (1) rented or occupied during the "in season" (winter or summer) and vacant during the "off season" or (2) rented during the "in season" at a substantially higher rent than during the "off season". This exception shall only apply from June 1 to September 30, inclusive, in summer resort housing and from December 1 to March 31, inclusive in winter resort housing;
  - (b) Housing space situate on a farm, only while it is occupied by a tenant who is engaged for a substantial portion of his time in farming operations;
  - (c) Housing space while occupied by domestic servants, caretakers, superintendents, managers or other employees to whom space is provided as part or all of their compensation without payment of rent and who are employed for the purposes of rendering services in connection with the premises of which the housing space is a part; and
  - (d) Housing space used for commercial, business or non-housing purposes, combined with housing or living accommodations where the uses are not separable and the commercial, business or non-housing portion is greater in space or rental value than the housing portion.
9. **DETERMINATION OF DECONTROL - DOUBT - DISPUTE** - Where the facts as to whether housing space or a project or building is controlled, decontrolled, or excepted from control are in dispute, in doubt or unknown, an agency may, upon application of a party or on its own initiative, make a determination and issue an order as to same after an inspection and consideration of relevant matters and evidence.

ARTICLE II - CONTROLLED MUNICIPALITIES - LAWFUL BASE RENT - DWELLING SPACE

1. CONTROLLED MUNICIPALITIES - Rent control is operative in the municipalities set forth in Schedule 3, pursuant to resolutions having been adopted by them under the Act; however, this schedule is subject to change where any such municipality rescinds such resolution in which event rent control can not thereafter be reinstated by it.
2. LAWFUL BASE RENT - It is hereby declared that the lawful base rent for housing space is the rent actually and legally charged, received, payable or due for such housing space for the rental period ending on midnight, July 31, 1953, or the last rental period immediately prior thereto, and for space not rented on July 31, 1953, the date on which such premises were heretofore last rented prior thereto; and if not so rented, the rent actually and legally charged, received, payable or due as of the date of the first rental subsequent thereto.
3. FIRST RENTAL - NOT TO INCLUDE ROOMING HOUSES - UNFURNISHED TO FURNISHED - First rental of housing space shall mean the date on which all the space included in particular housing space was first rented to a tenant under Federal or State rent control. The term "first rental" shall not be deemed to include space heretofore rented and changed from unfurnished to furnished, or to a rooming house, in whole or in part, or rented to more than one tenant, other than as co-tenants; in such cases, the prior lawful rent for all of such space shall be the lawful rent unless heretofore changed under Federal or State rent control or hereafter adjusted under the Act and regulations.
4. ROOMING HOUSES - LIMITATION ON OCCUPANCY - CHANGE OF RATE - In rooming houses, no landlord shall increase the number of persons in occupancy of any housing space over those in occupancy on the lawful base rent or lawful rent date or permit occupancy by more than three (3) occupants in a single room without an order, pursuant to the regulations, and no such order shall be issued where such additional occupancy is detrimental to general standards of health and safety. Any tenant in a rooming house on a daily term of occupancy who has resided on such daily basis continuously for a period of more than seven (7) days shall, upon written request to the landlord, be permitted to change to a weekly rate. Such written request shall be sent to the landlord by registered mail, return receipt requested.
5. WITHDRAWAL FROM RENTAL MARKET - Nothing in these regulations shall be construed to require any person to offer any unoccupied housing space for rent but housing space already on the rental market and occupied as such may be withdrawn only after the issuance of a certificate of eviction, pursuant to Article IV, Part II of the regulations.
6. PAYMENT OF LESSER RENT - RECEIPT FOR RENT - A landlord and tenant may agree on rent for housing space less than the lawful rent, but this shall not result in a change in the lawful rent; however, no payment of rent need be made unless the landlord or his agent tenders a receipt or there is other written evidence of payment.

7. DETERMINATION OF RENT, SPACE, SERVICES, ETC. Where the lawful base rent or the dwelling space, services, furniture, furnishings, equipment, facilities or improvements required to be provided with housing space are in dispute, in doubt or unknown, an agency, may, upon application of a party, or on its own initiative, pursuant to the regulations, enter an order determining some on the basis of registration statements, prior rentals or other evidence, and if no such evidence is available, then on the basis of the lawful rent and services for comparable housing space of the same type, taking into consideration all factors, equities and customs involved; however, where such housing space is changed or rented or sought to be changed or rented to a rooming house or to more than one tenant, the agency shall apportion the previous lawful rent, as determined by it, among the dwelling units therein and shall add thereto the increased services, pursuant to Article V, Part II of these regulations.

#### ARTICLE III - SERVICES

1. REQUIRED TYPE AND QUALITY OF SERVICES - In the absence of proper order, proof of custom or of lawful arrangements between landlords and tenants to the contrary, landlords shall be required to provide the same housing space together with services of the same type and quality as that designated on the registration statements properly on file with the agency; however, where the services are in dispute, in doubt or unknown, a determination may be made by the agency, pursuant to Section 7 of the preceding Article.
2. PAINTING AND DECORATING - REQUIRED PERIOD - Where required services include painting and decorating, a landlord shall be required to paint and decorate housing space at least once every three (3) years; provided, however, that such services may be performed at longer intervals on proof of custom or arrangement pursuant to which,
  - (a) the landlord supplies the tenant with paint of good quality and in sufficient quantities at least once every three (3) years and the tenant undertakes the work at his own expense; or
  - (b) painting and decorating of particular housing space has been regularly done at longer intervals or the tenant voluntarily and in good faith recognizes in writing the existence of such custom or arrangement; however, in no event shall such period be more than five (5) years or the period required by local law, if any, whichever is the lesser; or
  - (c) painting and decorating of particular housing space has been done when necessary, the bathrooms and kitchens being painted at shorter intervals than the balance of the space; in such cases, bathrooms and kitchens shall be painted once every three (3) years and the balance of space once every five (5) years or the period required by local law, whichever is the lesser.

A landlord providing such required service shall be entitled to an increase in rent pursuant to and subject to the conditions of Section 4 of this Article and Article V, Adjustments in Rents; the amount of such increase shall be dependent upon the period during which the services are performed as set forth in Schedule 4, designated Proration Schedule.

E, SERVICES, ETC. Where the lawful base rent furniture, furnishings, equipment, facilities or improvements with housing space are in dispute, in doubt or application of a party, or on its own initiative, an order determining same on the basis of registrational evidence, and if no such evidence is available, the rent and services for comparable housing space shall be determined on all factors, equities and customs involved; if the rent is changed or rented or sought to be changed or if there is more than one tenant, the agency shall apportion the increase by it, among the dwelling units therein and shall act pursuant to Article V, Part II of these regulations.

OF SERVICES - In the absence of proper order, arrangements between landlords and tenants to the contrary shall provide the same housing space together with services as that designated on the registration statements; however, where the services are in dispute, in doubt or if an order is made by the agency, pursuant to Section 7 of the

REQUIRED PERIOD - Where required services in a particular housing space shall be required to paint and decorate housing space every (3) years; provided, however, that such services may be waived by proof of custom or arrangement pursuant to which, the landlord has painted and decorated with paint of good quality and in sufficient quantity every three (3) years and the tenant undertakes the

particular housing space has been regularly done at intervals of not less than three (3) years voluntarily and in good faith recognizes in writing that such services are necessary or arrangement; however, in no event shall such services be required more often than every three (3) years or the period required by local law, if any,

particular housing space has been done when necessary, in cases where the bathroom and kitchen are being painted at shorter intervals than the other rooms, the bathroom and kitchen shall be painted at the balance of space once every five (5) years or the period required by local law, whichever is the lesser.

and service shall be entitled to an increase in rent pursuant to the provisions of Section 4 of this Article and Article V, provided, however, such increase shall be dependent upon the period of time as set forth in Schedule 4, designated Proration

3. INCREASE OR DECREASE OF SPACE OR SERVICES BY AGREEMENT - The landlord and tenant may agree on an increase or decrease in space or services which can be reasonably assumed by the tenant, subject to the approval of the agency which, on approval, shall order a corresponding increase or decrease in the lawful rent; provided, however, that the agency shall not approve an increase in services for occupied housing space without the consent of the tenant except where such increased services are necessary for the preservation, maintenance or operation of the housing space or the building in which located.
4. FINDING OF 100% INCREASE IN COSTS OF CERTAIN SERVICES - PAINTING AND DECORATING, REPAIRS - ONE-HALF OF COST TO BE CONSIDERED INCREASE IN OPERATING EXPENSES - As a result of a finding that the cost of the following services - painting and decorating- interior and exterior repairs - improvements and the replacement of equipment and fixtures, has increased in excess of 100% since July 1, 1942, and that a substantial portion of such increase has not been passed on to landlords by adjustment in lawful rents for housing space, and by reason of the necessity in the public interest of maintaining and providing safe and sanitary rental housing which requires the maintenance of such services and because landlords, in the vast majority of cases, by reason of the sharp increase in the cost thereof, for which they have not been fully compensated by leases or rent adjustments have failed to provide such services, it is hereby declared that one-half of the actual or the reasonable and recognized cost of such services, whichever is lower, shall be deemed an increase in the cost of operation and maintenance of housing space over and above ordinary repairs and maintenance. Any adjustment made pursuant hereto shall be subject to apportionment and the limitations and conditions of Article V, Part II. The provisions of this Section shall not apply to any such service for which a landlord has been granted an increase under State Rent Control or during the times or periods of computation of any required service rendered by the tenant which the landlord has in violation of Federal or State Rent Control required the tenant to perform; however, any order decreasing the lawful rent for failure to provide any such required service shall only be for one-half the reasonable and recognized cost thereof, except where an increase therefor has been granted for such service under State Rent Control in which case it shall be based on the entire cost of such service.

#### ARTICLE IV - EVICTIONS

1. NO EVICTION WITHOUT CERTIFICATE EXCEPT FOR NON-PAYMENT OF RENT - So long as the tenant continues to pay the rent to which the landlord is entitled, he shall not be removed from any housing space by court proceedings, exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion unless the landlord has obtained a certificate of eviction, pursuant to the Act and regulations; provided, however, no such certificate of eviction shall be necessary and no notice to the agency be required where the landlord seeks to remove a tenant for non-payment of lawful rent.

2. GROUNDS FOR ISSUANCE OF CERTIFICATE OF EVICTION - An agency shall issue a certificate of eviction for particular registered housing space on application made therefor, pursuant to the regulations on proof of the following, subject to the limitations and conditions designated, and then only in the following instances, provided such housing space is registered:

- (a) any ground set forth in Sections 14(2) (a) to (e) of the Act (violating substantial obligation of tenancy - nuisance - illegal or immoral use - unreasonable refusal of access); the tenant shall be deemed to have violated a substantial obligation of his tenancy where he has failed to pay the lawful rent within ten (10) days after the date on which it became due or on such later date on which it is customarily paid and as a result the landlord has, in good faith, been required to commence proceedings in the county district court on at least two separate occasions within the three month period preceding the application for the certificate of eviction;
- (b) on the grounds set forth in Section 14(2) (f) of the Act (possession for, or use of, immediate family), referring to occupancy by the landlord or members of his immediate family which also shall be deemed to include the following situations, providing the application is made in good faith and there is an immediate and compelling necessity:
  - (1) housing space in buildings having not more than four (4) self-contained family units, owned by a private corporation, all the stock of which is owned or beneficially held by or for one person or the members of his immediate family, and the property in which the housing space is located represents at least 95% of the assets of the corporation;
  - (2) either the landlord or a member of his immediate family or a relative to whom the landlord is under obligation to care for, is an invalid or incompetent, and it is necessary to provide housing space for such relative or for a particular person or persons to care for such invalid or incompetent landlord or member of his immediate family; provided
    - (a) where the landlord or member of his immediate family is an invalid or incompetent, that the landlord or members of the immediate family occupy housing space in the building; and that the person or persons employed to care for such invalid or incompetent will not accept employment without being provided with housing space; and
    - (b) there is no other practical and feasible way to handle the matter under the circumstances;
  - (3) A person has an irrevocable, binding and legal contract to purchase the building in which the housing space is located and either he or members of his immediate family require housing space therein for their own use. A certificate of eviction issued hereunder shall provide that no action for possession shall be commenced thereon prior to two (2) weeks after the actual delivery of title except in cases where the contract of purchase provides for payments on a monthly installment basis over a period of years, such payments being credited first to interest, if any, on the unpaid balance and then to principal, with the purchaser being required to pay taxes and all other charges

**CERTIFICATE OF EVICTION** - An agency shall particular registered housing space on application regulations on proof of the following, subject designated, and then only in the following instances, ordered:

Sections 14(2) (a) to (e) of the Act (violating sub-tenancy - nuisance - illegal or immoral use - unreasonable use) shall be deemed to have violated a substantial condition if he has failed to pay the lawful rent within ten days after it became due or on such later date on which a writ of possession is granted, in good faith, been registered in the county district court on at least two consecutive three month periods preceding the application for

Section 14(2) (f) of the Act (possession for, or conversion to occupancy by the landlord or members of his family) shall also be deemed to include the following instances if the application is made in good faith and there is an emergency:

(1) involving not more than four (4) self-contained family units; or (2) involving a corporation, all the stock of which is owned or controlled by one person or the members of his immediate family, the housing space is located in a building which represents at least 50% of the total housing space in the building;

(3) involving a member of his immediate family or a relative to whom the tenant is providing care for, is an invalid or incompetent, and the housing space is provided for such relative or for a relative to care for such invalid or incompetent member of his immediate family; provided

(4) the landlord or members of the immediate family in the building; and that the person or persons providing care for such invalid or incompetent member of his immediate family will not accept employment in the building; and (5) a practical and feasible way to handle the matter under

(6) a written, binding and legal contract to purchase the building or housing space is located and either he or members of his immediate family shall provide that no action for possession shall be taken prior to two (2) weeks after the actual delivery of the building or housing space if the contract of purchase provides for payments on a basis over a period of years, such payments being made in advance of any, on the unpaid balance and then to principal, and (7) the tenant is required to pay taxes and all other charges

in such cases, a certificate of eviction may be issued pursuant to the provisions of Section 3 of this Article, not conditioned on the passing of title, and on a finding by the agency that the contract is valid, binding, effective and bona fide.

(c) on the ground set forth in Section 14(2) (g) of the Act (expiration of lease or rental - occupancy by sub-tenant); however, no certificate of eviction shall be issued for an occupant of such housing space other than the tenant where the rental agreement or any subsequent arrangement contemplated subletting by the tenant of all, or a substantial part thereof, or where such an agreement contemplated a rooming house and eviction of the tenant will result in the removal of furniture or furnishings used by the occupants unless the landlord establishes that similar furniture or furnishings will be provided at the time of the removal and the occupants may remain in occupancy under substantially the same terms and conditions as those existing at the time of the issuance of the certificate. No certificate of eviction shall be issued under this subsection where such occupant is either the surviving spouse of the deceased tenant or some other member of the decedent's family who had been living with such tenant prior to his death;

(d) on the grounds set forth in Section 14(2) (h) of the Act (alteration - remodeling - demolition); however, an agency shall find that the issuance of a certificate of eviction shall be inconsistent with the purposes of this Act, unless,

(1) the alteration or remodeling is being done in good faith and, (a) is required under State or local law, or (b) it will result in additional self-contained units of a type and size for which there is a shortage in the area or (c) it is part of a program of urban renewal under Federal, State or local law or authorization or (d) it involves substantial rehabilitation of the building in which the housing space is located and is necessary for the preservation and maintenance of the housing space or the building in which located and, (e) where practicable the tenant is permitted to remain in occupancy of an adequate portion thereof, with the first right of occupancy of the dwelling unit, or one of them, on completion, where such occupancy will not result in overcrowding;

(2) in case of demolition, it is for the purpose of constructing either a new building or buildings with a greater number of self-contained units; or carrying out a program of slum clearance, redevelopment and replanning or urban renewal under Federal, State or local law or authorization, or of construction or use, other than housing space, in any such case a certificate shall be issued only upon such terms and conditions as will provide for the re-location of tenants in other similar housing space in the area; however, the latter provisions shall not apply to housing space having a lawful rent on March 1, 1955, of \$100.00 or more per month or where the agency finds that the tenant unreasonably refuses to rent similar housing space which has been offered.

(e) the landlord establishes that he seeks in good faith to permanently withdraw occupied housing space from both the housing and non-housing markets without an intent to rent or sell all or any part of the land or structure, and that he re-

quires immediate possession because of an immediate and compelling necessity and exceptional circumstances; and that the continued operation of such space for housing will impose undue hardship on him. The provisions of this subsection shall be deemed to permit use by the landlord of such housing space or the premises on which located for his own business purposes, on proof of the other conditions hereof and the issuance of a certificate of eviction will not be inconsistent with the purposes of the Act;

- (f) the tenant has given valid notification to the landlord terminating the tenancy on a date certain which has been relied upon and acted upon by the landlord resulting in a substantial and irrevocable change of the landlord's position with respect to such housing space;
- (g) the landlord in good faith requires the housing space for occupancy by a janitor or superintendent to render required services; that the work cannot be done on a part-time, off-premises basis, and the person selected by the landlord will only accept the employment if he is provided housing space in the building. This subsection shall only apply to buildings containing five (5) or more self-contained family units;
- (h) the landlord is legally required to move the building to another location provided that, where feasible, after such moving, the tenant shall be given the first opportunity of renting such housing space at the lawful rent, plus such adjustments as may be made by the agency;
- (i) the landlord, as such, is required under an irrevocable binding contract of sale with a governmental sub-division, unit or agency in connection with a public improvement, to convey title to the purchaser at the closing, free and clear of tenancies;
- (j) the applicant is the owner of stock or other evidence of interest in a cooperative which owns the project in which the housing space is located entitling him to possession of the particular housing space where similar stock or other evidence of interest in such cooperative is owned by persons who are tenants in occupancy of at least 65% of the dwelling units in such project.

3. CERTIFICATES OF EVICTION - TIME FOR COMMENCEMENT OF PROCEEDINGS - Certificates of eviction issued pursuant to this Article shall authorize the landlord to commence proceedings to remove or evict a tenant at the expiration of three (3) months from the date the application for such certificate is filed with the agency, except as provided in Section 2(b)(3) of this Article; however, where the agency finds (a) comparable housing space is available for rent into which the tenant can move without substantial loss or hardship, or (b) undue hardship would result to the landlord, it may issue a certificate authorizing the landlord to pursue court proceedings for removal or eviction of the tenant at a period shorter than the expiration date of such maximum waiting period; provided, however, that in no event shall any certificate permit proceedings to be brought thereon prior to two (2) weeks from the date of issuance.

shall be used in connection with any action or proceeding to remove or evict a tenant, unless such removal or eviction is sought for the specific purpose set forth in the

because of an immediate and compelling necessity; and that the continued operation of such space would cause undue hardship on him. The provisions of this subchapter shall not permit use by the landlord of such housing space intended for his own business purposes, on proof of the need for the issuance of a certificate of eviction will not be in violation of the Act;

notification to the landlord terminating the tenancy shall not be relied upon and acted upon by the landlord resulting in an irrevocable change of the landlord's position with respect to the premises;

requires the housing space for occupancy by a janitor performing required services; that the work cannot be done on any other day, and the person selected by the landlord will only be allowed to occupy the provided housing space in the building. This subchapter shall apply to self-contained buildings containing five (5) or more self-contained

units. If the building is required to move to another location prior to the expiration of such moving, the tenant shall be given the opportunity to occupy such housing space at the lawful rent, plus such amount as may be determined by the agency;

required under an irrevocable binding contract of sole ownership, unit or agency in connection with a public utility, shall be made available to the purchaser at the closing, free and clear of all other claims.

If stock or other evidence of interest in a cooperative housing corporation which the housing space is located entitles him to occupy such housing space where similar stock or other evidence of interest in the cooperative is owned by persons who are tenants in other self-contained dwelling units in such project.

**1. TIME FOR COMMENCEMENT OF PROCEEDINGS** - Pursuant to this Article shall authorize the landlord to remove or evict a tenant at the expiration of three (3) months after the date of notification for such certificate is filed with the agency, as provided in subchapter (b)(3) of this Article; however, where the agency finds that such housing space is available for rent into which the tenant can move without undue hardship, or (b) undue hardship would result to the tenant, the agency shall be authorized to authorize the landlord to pursue court proceedings to remove or evict a tenant at a period shorter than the expiration date of the certificate provided, however, that in no event shall any certificate of eviction be granted prior to two (2) weeks from the date of the expiration of the certificate.

In any action or proceeding to remove or evict a tenant, the burden of proof shall be on the landlord to show that such action is sought for the specific purpose set forth in the

certificate. In the event the landlord's intentions or circumstances so change that the housing space, the possession of which is sought, will not be used for the purpose specified in the certificate, the certificate shall thereupon be null and void and the landlord shall immediately notify the agency thereof, in writing, and surrender the certificate for cancellation; however, this shall not be deemed to relieve the landlord from liability to the tenant for improper application for or use of such certificate.

**5. EFFECT OF CERTIFICATE OF EVICTION - NOTICE** - The issuance of a certificate of eviction shall not require the tenant to vacate the premises but shall merely authorize the landlord to proceed with eviction; pursuant to law, however, a landlord may, prior to its issuance, give such reasonable written notice as may be proper and necessary advising the tenant that he will be required to vacate the housing space and that the tenancy will be terminated on a date certain; provided, however, such written notice specifically states that it is subject to and conditioned on the action of the agency on the application made for a certificate of eviction.

#### ARTICLE V - ADJUSTMENTS IN RENTS

**1. INCREASE OR DECREASE OF LAWFUL RENT** - The lawful base rent or lawful rent for particular housing space shall not be increased or decreased except as provided in the regulations and then only on order of an agency, a board, the Director or county district court.

**2. EFFECTIVE DATE OF ORDER - REVIEW** - No order of adjustment in the lawful base rent or lawful rent shall be effective prior to the date the order therefor is issued except that on review of the actions, orders or determinations of an agency as to particular housing space, an order of a board, the Director or county district court may be made effective on the date of the action, order or determination under review.

**3. EFFECT OF ORDER** - Any order increasing the lawful rent shall merely constitute an authorization therefor and shall not require payment of the increase until the rental arrangement between the landlord and tenant is changed, pursuant to law, by agreement or notice.

**4. GENERAL STANDARDS FOR ADJUSTMENTS - CONSIDERATION OF DISLOCATION AND HARDSHIP - REVOCATION OF ORDERS** - This Article sets forth the specific grounds and standards for the increase or decrease of lawful rent, and in applying these standards and entering an order, the agency shall take into consideration all factors bearing on the equities involved, subject to the general limitation that the adjustment can be put into effect without dislocation and hardship inconsistent with the purposes of the Act.

An agency shall have the power to revoke or modify any adjustment granted by it hereunder if there has been a substantial change in the basis on which such adjustment was granted.

5. **CERTIFICATION THAT SERVICES ARE BEING PROVIDED AND MAINTAINED** - No landlord shall be entitled to an increase under this Article unless he certifies, in writing, that he is substantially providing and maintaining and will continue to provide and maintain all required services. The agency shall deny any application for increase where a landlord has substantially withheld or failed to provide required services; provided, however, that prior to dismissal of any such application, the agency shall give the landlord a reasonable time, not exceeding thirty (30) days, by written notice, within which to do so and promptly send the Director a copy thereof; however, where the landlord requests additional time within which to perform such services, the agency may grant additional time not exceeding a further period of 60 days. Such extension shall only be granted on written request containing the reasons therefor, notice of which is given to the tenant where the agency finds it is made in good faith as indicated by the landlord's conduct and further time is necessary. A copy of such notice or extension shall be promptly sent by the agency to the Director and the tenant or tenants. Where the landlord, after receiving such notice, provides the required services, an agency shall not permit the landlord, without the consent of the tenant, to amend or supplement his pending application to include as a further ground for increase the additional cost thereof. Where the tenant consents to the application being amended or supplemented for this purpose, the agency, in considering an increase based on such work shall take the longest period of computation as indicated by times within which the landlord last substantially performed the particular service or services. Where the landlord does not, or is unable to, amend or supplement his application for increase to include such additional cost, he shall have the right, pursuant to the regulations, to apply at a later date for an increase on this ground, namely, no earlier than six (6) months, if the pending application is denied, or one (1) year, where granted.
6. **ONE YEAR LIMITATION - INCREASES** - No landlord shall be entitled to more than one increase during any twelve month period except,
- (a) pursuant to a prior opinion;
  - (b) for increased space or services where the tenant voluntarily consents in writing; or
  - (c) where the landlord and tenant voluntarily enter into a lease or form in lieu of lease under this Article.
- The agency shall dismiss any application of a landlord in violation hereof.
7. **RECURRING APPLICATION - SIX MONTHS - DISMISSAL** - No additional application for an increase or decrease in rent shall be filed within six (6) months of an order denying a previous application unless it is on a ground which was not available to the applicant at the time the original application was denied or such original application was not disposed of on its merits. Any such additional application shall be dismissed by the agency.
8. **AMOUNT OF INCREASE - LIMITATIONS - 15% UP TO FOUR UNITS - 10% OVER FOUR UNITS - EXCEPTIONS** - Unless otherwise authorized by a prior opinion, the total of all increases granted for any twelve (12) month period for any particular housing space shall not exceed the lower of either the amount requested or proved or 10% in buildings containing more than four units or 15% in buildings having four units or less except,

BEING PROVIDED AND MAINTAINED - No case under this Article unless he certifies, in providing and maintaining and will continue to provide. The agency shall deny any application substantially withheld or failed to provide reat prior to dismissal of any such application, reasonable time, not exceeding thirty (30) days, and promptly send the Director a copy thereof; additional time within which to perform such original time not exceeding a further period of 60 granted on written request containing the reason to the tenant where the agency finds it is a landlord's conduct and further time is necessary shall be promptly sent by the agency to the landlord, after receiving such notice, the agency shall not permit the landlord, without the consent of the tenant, to amend his pending application to include as an additional cost thereof. Where the tenant consents to the application, the agency, in work shall take the longest period of computation to the landlord last substantially performed the work, if the landlord does not, or is unable to, amend the application to include such additional cost, he shall be permitted, to apply at a later date for an increase on six (6) months, if the pending application is

5 - No landlord shall be entitled to more than a six (6) month period except,

6 - Where the tenant voluntarily consents in writing; or where the tenant voluntarily enters into a lease or form in lieu of

7 - No landlord in violation hereof.

8 - DISMISSAL - No additional application shall be filed within six (6) months of an order of dismissal if it is on a ground which was not available to the applicant in the original application. Any such additional application shall be denied.

9 - 15% UP TO FOUR UNITS - 10% OVER OTHERWISE AUTHORIZED BY A PRIOR OPINION, the maximum increase shall be twelve (12) month period for any particular unit, whether the amount requested or proved to be reasonable, shall not exceed four units or 15% in buildings having four

- (a) for increased costs of heat and hot water in housing space having a lawful rent of \$10.00 or less per room per month; for the purposes hereof, all rooms, excluding foyers, vestibules and hallways, and including bathrooms and kitchens, shall be considered in applying the provisions of this subsection;
- (b) where the application is on the ground of comparability, special or unusual circumstances or for fair net operating return under Sections 16 (d), (g) and (h) of the Act.
- (c) increase of space, equipment or services with consent of the tenant;
- (d) voluntary written lease or form in lieu of lease between the landlord and tenant, pursuant to this Article;
- (e) where the particular housing space was entitled to an increase on August 1, 1951, under Federal rent control, and no increase has been granted since that date; or
- (f) where, between August 1, 1953 and June 1, 1955, the landlord made a substantial rehabilitation or major or other improvement or installed replacements, equipment or fixtures necessary for the preservation and maintenance of the housing space or the building in which located and no increase has been granted the landlord by reason of such undertaking.

9. SPECIFIC GROUNDS FOR INCREASE - An agency shall grant an increase for particular housing space, after a determination and finding, pursuant to the regulations, on proof of the following, subject, where applicable, to the 10 and 15% limitation set forth in the preceding section and other conditions designated in this Article and then only in the following instances, provided such housing space is registered:

- (a) on any of the grounds set forth in Section 16(a) to (c) inclusive, of the Act, (increased services or cost of operating expenses - major improvements), provided,
  - (1) that where the application is based on increased costs of operating expenses, the landlord shall set forth any and all instances in which costs of operating expenses have decreased during the period involved or in the alternative shall certify that other costs have not decreased;
  - (2) that where increased costs represent taxes, insurance, heat, fuel, supplies, salaries, utilities and other similar items, they shall be computed on an annual basis; the landlord shall be granted an adjustment to the extent of the increase over the base year;
  - (3) that for the purposes hereof, 1/2 of the actual or reasonable and recognized cost, whichever is lower of the following services - painting and decorating - interior and exterior repairs - improvements - the replacement of equipment and fixtures - shall, pursuant to and under the conditions and to the extent set forth in Section 4, Part II, Article III, and Sections 11 and 12 of this Article, be considered increased costs over and above ordinary repair and maintenance; provided, however, any other provision of these regulations to the contrary notwithstanding, landlords owning four or less controlled units in the State shall be required to only set forth the services, dates involved,

the actual or recognized cost, whichever is lower and with whatever bills or proof is available;

- (4) increased services shall be deemed to include restoration of services by a landlord where the lawful rent has previously been reduced by reason of failure of the landlord to provide required services. In such cases, the landlord shall be permitted to provide and maintain such services where the tenant has not provided and maintained them or continued to provide and maintain them and such services are necessary for the preservation and maintenance of the housing space or the building in which located; or
  - (5) the major improvement, replacement or equipment has been consented to in writing by the tenant or is necessary for the operation, preservation or maintenance of the housing space or the building.
- (b) on the grounds set forth in Section 16(d) of the Act (Comparability); however, space on which an adjustment has been made under the following sub-sections of this regulation shall not be considered comparable: (f) (voluntary increase in space and services); (h) (prior opinion); and (i) (voluntary lease or form in lieu of lease). An increase on this ground shall constitute a bar to any increase on any other ground available to the applicant at the time of the application. For the purposes of determining the questions of fact relating to comparability, the agency shall, prior to a determination of the application, have a physical inspection and written report made of the housing space, comparable units designated, which may be either in the same project including units in the tier or project or another project, and any other controlled units it deems comparable, which report shall be filed with the agency at least five (5) days prior to the hearing or determination, whichever is earlier, and be available to any of the parties in interest or their attorneys. Such report shall include the following: age of building, number of units, size, layout, condition of rooms, location, surrounding area, proximity of comparable units, services, desirability and any other relevant factors, disregarding increases granted on grounds which do not apply to the particular housing space. Where the landlord is entitled to an adjustment, the agency shall grant an increase based on the general prevailing rent of comparable units as represented by either the median of the rental range or the rental cluster, disregarding isolated high or low rents. A rental cluster exists where the lawful rent is equal for two or more comparable units in the same tier;
- tier;
- (c) on the grounds set forth in Section 16(e) and (f) of the Act (increased occupancy) where there has been increased occupancy since August 1, 1953, without the consent of the landlord. Any order granting an increase on this ground shall be conditioned on the former lawful rent being restored where such increased occupancy ceases to exist;
  - (d) on the ground set forth in Section 16(g) of the Act (special and unusual circumstances);
  - (e) on the grounds set forth in Section 16(h) of the Act (fair net operating return);
  - (f) where the landlord and tenant, by mutual, voluntary written agreement, subject to the approval of the agency, agree to a substantial increase in dwelling space,

whichever is lower and with whatever bills or

ed to include restoration of services by a  
as previously been reduced by reason of  
required services. In such cases, the land-  
de and maintain such services where the  
ntained them or continued to provide and  
; are necessary for the preservation and  
or the building in which located; or  
nt or equipment has been consented to in  
ecessary for the operation, preservation or  
or the building.

16(d) of the Act (Comparability); however,  
en made under the following sub-sections of  
comparable: (f) (voluntary increase in space  
(i) (voluntary lease or form in lieu of lease).  
stitute a bar to any increase on any other  
e time of the application. For the purposes  
relating to comparability, the agency shall,  
tion, have a physical inspection and written  
omparable units designated, which may be  
nits in the tier or project or another project,  
ms comparable, which report shall be filed  
prior to the hearing or determination, which  
any of the parties in interest or their at-  
following: age of building, number of units,  
ation, surrounding area, proximity of com-  
and any other relevant factors, disregarding  
o not apply to the particular housing space.  
adjustment, the agency shall grant an in-  
ng rent of comparable units as represented  
e or the rental cluster, disregarding isolated  
xists where the lawful rent is equal for two  
ier;

(e) and (f) of the Act (increased occupancy)  
ancy since August 1, 1953, without the con-  
ng an increase on this ground shall be con-  
ng restored where such increased occupancy

16(g) of the Act (special and unusual cir-

(h) of the Act (fair net operating return);  
mutual, voluntary written agreement, subject  
to a substantial increase in dwelling space,

or an increase in the services, furnishings, furniture or equipment required for the  
housing space, or the tenant has accepted and is obtaining the benefit of in-  
creased services, furniture, furnishings or equipment;

- (g) where there has been since August 1, 1953, an increase in the rental value of the  
housing space or dwelling units therein, as a result of substantial rehabilitation  
of the building which materially adds to the value of the property or appreciably  
prolongs its life, excluding ordinary repairs, maintenance and replacements, pro-  
vided that if the building is a slum or blighted, the rehabilitation is part of a  
program of slum clearance, redevelopment and replanning or urban renewal under  
Federal, State or local law or authorization relating to the area in which the  
housing space is located or it is located in a fringe area and the rehabilitation  
will have the effect of improving the quality of the area and aid in preventing  
the spread of slums or blight therein;
- (h) where a prior opinion has been granted as to the particular housing space, and  
the major or other improvement, replacement, equipment or fixtures, rehabilitation  
or increase in space, services, furniture and furnishings has been completed,  
installed or provided and is being maintained, pursuant to the terms of such prior  
opinion;
- (i) where any of the grounds for increase set forth in Section 16(a) to (h) inclusive  
of the Act or of this section exist as to particular housing space, and the land-  
lord is required or agrees as part of his services to paint and decorate such hous-  
ing space, a landlord and tenant may voluntarily and in good faith enter into  
a lease, or form in lieu of lease, in the form prescribed by the Director for a  
minimum term of two years or until midnight, September 30, 1957, whichever  
period is the shorter, at a fair rental not in excess of 115% of the lawful rent,  
less any increase granted during the six (6) month period preceding the approval  
thereof, requiring the landlord to provide and maintain the services designated  
therein, including painting and decorating, pursuant to Section 2, Article III,  
Part II, which latter service if not performed by the landlord within the two year  
period prior to the date thereof, shall be done within three (3) months of the  
issuance of the order of the agency hereunder. Such lease, or form in lieu of  
lease, shall be subject to the approval of the agency and the approved rent  
thereafter shall be the lawful rent for the housing space for all purposes under  
the Act and these regulations. The lease, or form in lieu of lease, shall continue  
in effect for the term thereof and be for the benefit of the tenant in possession or  
subsequent tenants, in the event such original tenant should vacate the premises  
prior to the termination thereof and shall be binding on the subsequent landlords  
or owners. The amount of the increase in such lease, or form in lieu of lease,  
shall be considered as having been based on the grounds set forth in Section  
16(a) to (h) of the Act, inclusive, or any of same. Under this sub-section, the  
landlord shall file an executed copy of such lease or form in lieu of lease, with  
the agency no later than the time of making his application for approval thereof;
- (j) where the rental arrangement, custom or other arrangement between landlord and  
tenant does not include the privilege of installing a television antenna on the  
roof of the building, the landlord shall be entitled to an increase not in excess of

\$1.00 per month for a single antenna or \$.50 per month for an antenna used by two or more tenants or in such less amount as may be agreed upon between them;

- (k) where the rental arrangement, custom or other arrangement between the landlord and tenant does not include the privilege of installing one or more air-conditioning units in particular housing space and such unit or units, as installed, extend six (6) or more inches beyond the building line, the landlord shall be entitled to an increase not in excess of \$1.00 per month for each such unit or such lesser amount as may be agreed upon between the parties. Any such increase, subject to the general limitations of this section, shall be in addition to an increase that may be granted under sub-section (a) hereof for increased electricity costs or repairs and necessary improvements to the electrical wiring system as a result of such installation, the cost thereof to be apportioned pursuant to this Article.

No increase shall be granted on any ground other than that set forth in this section.

10. GROUND FOR DECREASE - CONDITION - LIMITATIONS - An agency shall, at any time, on its own initiative or on application of the tenant or other authorized party, order a decrease in lawful rent on proof of the following, subject to the conditions designated, if any, and then only in the following instances:

- (a) on any of the grounds set forth in Section 18(a) and (b) of the Act (withholding of services - condition on which increase granted no longer exists), which shall be deemed to include a substantial violation of any lease, or form in lieu of lease, entered into between the landlord and tenant, pursuant to these regulations;
- (b) where there has been a substantial deterioration of the housing space or the building in which it is located because of failure of the landlord to properly maintain the same in violation of his obligation so to do;
- (c) where the operation, maintenance and management of the housing space or building in which it is located constitute a fire hazard, unsafe or unsanitary conditions and substantially violate any law, ordinance or regulations relating thereto;
- (d) the landlord seeks to decrease the space, services, furniture, furnishings, equipment, facilities or improvements where the housing space is vacant or the tenant in occupancy consents thereto; provided, the tenant can reasonably perform any essential services which will no longer be provided by the landlord under such an arrangement.

Under sub-sections (b) and (c) hereof, the agency shall first give the landlord a reasonable time, not exceeding thirty (30) days by written notice within which to remedy such deterioration or violation and promptly send the Director a copy thereof. However, where the landlord requests additional time within which to do so, the agency may grant additional time, not exceeding a further period of 60 days. Such extension shall only be granted on written request containing the reasons therefor, notice of which is given to the tenant, where the agency finds it is made in good faith as indicated by the landlord's conduct and further time is necessary. A copy of such notice or extension shall be promptly sent by the agency to the Director and the tenant or tenants. In the event the condition still exists on termination of such reasonable time, the lawful rent shall be decreased by the amount the agency finds to be the reduction in the rental value of the housing space because of the conditions referred to, taking into consideration all factors

.50 per month for an antenna used by  
is may be agreed upon between them;  
or arrangement between the landlord and  
calling one or more air-conditioning units  
or units, as installed, extend six (6) or  
the landlord shall be entitled to an in-  
crease on each such unit or such lesser amount  
as. Any such increase, subject to the  
in addition to an increase that may be  
increased electricity costs or repairs and  
wiring system as a result of such in-  
crease pursuant to this Article.

other than that set forth in this section.

MITIGATIONS - An agency shall, at any  
time of the tenant or other authorized party,  
the following, subject to the conditions  
in instances:

18(a) and (b) of the Act (withholding of  
rented no longer exists), which shall be  
of any lease, or form in lieu of lease,  
pursuant to these regulations;  
deterioration of the housing space or the  
due to failure of the landlord to properly  
maintain so to do;  
deterioration of the housing space or building  
in a dilapidated, unsafe or unsanitary conditions and  
regulations relating thereto;  
cost of services, furniture, furnishings, equip-  
ment for the housing space is vacant or the  
tenant, if provided, the tenant can reasonably perform  
services to be provided by the landlord under

the agency shall first give the landlord a  
written notice within which to remedy  
and the Director a copy thereof. However,  
if the tenant fails to do so, the agency may grant  
an extension of 60 days. Such extension shall only be  
granted if the tenant, notice of which is given to  
the agency in good faith as indicated by the land-  
lord's copy of such notice or extension shall  
be given to the tenant or tenants. In the event  
of an extension of reasonable time, the lawful rent shall  
be the reduction in the rental value of the  
property, taking into consideration all factors

bearing on the equities involved. Where the landlord, after receiving such notice,  
remedies such deterioration or violation, an agency shall not permit the landlord, without  
the consent of the tenant, to amend or supplement his papers to include as a request  
for increase the additional cost thereof. Where the tenant consents to the amendment, the  
agency, in considering an increase based on this work, shall take the longest period of  
computation as indicated by times within which the landlord last substantially performed  
the particular service or services. Where the landlord does not, or is unable to, amend or  
supplement his papers for increase to include the additional cost thereof, he shall have the  
right, pursuant to the regulations, to apply at a later date for an increase on such grounds.

11. APPORTIONMENT OF ADJUSTMENT - INCREASE OR DECREASE TO NEAREST  
DOLLAR - An agency shall apportion the amount of any increase or decrease properly  
attributable to particular housing space among all housing space therein to which the  
adjustment is properly attributable so that each such space bears an equitable  
portion thereof. In making such apportionment, the agency shall give due considera-  
tion to all previous adjustments by lease, or otherwise, provided, however, no hous-  
ing space shall bear more than that portion of the increase or decrease attributable  
to it, even though the amount so apportioned among other space in the project or  
building is not applied for or collectible, in whole or in part. The amount of increase  
shall, subject to the limitations of Section 8 hereof, not exceed the increased rental  
value of the housing space or the amount of the increased costs of operating ex-  
penses, the cost of major or other improvements, equipment, replacements, or other  
items referred to herein, whichever is the lower, pro-rated and apportioned, pursuant  
to this Article. In determining the amount of increase or decrease, the agency shall  
take as the base year 1951, except where an increase or decrease has been granted  
subsequent thereto in which situation the base year shall, as to the particular ground  
or grounds on which the increase or decrease was granted, be the year in which  
granted. In granting any adjustment in rent under this Article, an agency shall in all  
cases fix the lawful rent to the nearest half dollar amount, disregarding fractions  
or parts thereof

12. AMOUNT OF INCREASE OR DECREASE - PRORATING OF COST - PRORATION  
SCHEDULE AND EFFECT - In determining the amount of any increase or decrease  
under this Article and in apportioning the amount, an agency shall be governed by  
Schedule 4, attached hereto and made a part hereof in each instance in which said  
schedule designates the formula for determining the amount of adjustment. Costs shall  
be determined as the lower of the actual or reasonable and recognized cost of the  
item or undertaking. The above schedule, designated Proration Schedule, sets forth  
the general category of each service, major or other improvement, replacement of  
equipment and fixtures, portion of cost, if any, representing increased costs, computa-  
tion period, if any, to be divided into such increased cost and, where applicable,  
flat or percentage amounts of increase. An agency, in granting any adjustment under  
this Article, shall be bound in each such instance by said schedule except where  
the application is based on fair net operating return (Section 16(h) of the Act) in  
which case the prescribed form of application shall be controlling. The Proration  
Schedule shall, pursuant to the Regulations, be subject to change from time to time.

13. NO INCREASE - FIRE HAZARD - UNSAFE - UNSANITARY - ROOMING HOUSES - OVERCROWDING - No order shall be issued increasing the rent of any housing space where the building in which it is located or its operation, management or maintenance constitute a fire hazard, unsafe or unsanitary conditions and substantially violate any law, ordinance or regulation relating thereto; or in rooming houses for increased occupancy where such increased occupancy will result in overcrowding or violates any law, ordinance or regulation relating thereto.
14. CONSENT OF TENANT - EFFECT - An agency shall, in determining adjustments of rent by way of increase or decrease under this Article and subject to the limitations therein, give great weight and consideration to the written consent, either complete or partial of the opposing party where such written consent was not the result of misrepresentation, fraud, connivance, collusion or undue pressure.
15. PROVISIONS OF LEASE - EFFECT - The provisions of any lease or other rental agreement shall remain in force and effect pursuant to the terms thereof except insofar as those provisions are inconsistent with the Act and the regulations; however, any agreement by the tenant to waive any provisions of the Act or these regulations is void.

#### ARTICLE VI - PRIOR OPINIONS

1. RIGHT TO PRIOR OPINION - EFFECT - Unless a landlord applies for a prior opinion, the amount of any adjustment of rent by way of increase to which he may be entitled shall be limited, pursuant to Section 8 of the preceding Article. An agency in granting a prior opinion shall not limit the amount of increase other than as set forth in the Proration Schedule. A landlord may, pursuant to the regulations, on notice to the tenant, apply to an agency for a prior opinion as to the amount of increase that will be granted for particular housing space where the cost of substantial rehabilitation, major or other improvements, installation of new equipment or fixtures or increased space, services, furniture or furnishings, amounts to \$300.00 or more for or attributable to such housing space, computed on the basis of actual estimated outlay or the estimated, annual additional cost of the increased space or services, or where the tenant refuses to allow the landlord to install replacements of fixtures or equipment or perform services which are necessary for the preservation and maintenance of the housing space or the building in which located.
2. PRIOR OPINION - CIRCUMSTANCES IN WHICH GRANTED - CONDITIONS - An agency shall, after a determination and finding, issue an order of prior opinion setting forth the amount of increase that will be granted in the following instances, provided such housing space is registered - such order shall be subject to review under the regulations.
  - (a) where the landlord seeks to make substantial rehabilitation or major or other improvements or install replacements, equipment or fixtures in the housing space or the building in which located, and such undertaking or modernization is necessary for the preservation and maintenance of housing space or the building in which located or for the comfort and benefit of the tenants therein;

**UNSANITARY - ROOMING HOUSES -** Increasing the rent of any housing space operation, management or maintenance conditions and substantially violate any ; or in rooming houses for increased will result in overcrowding or violates o.

cy shall, in determining adjustments of s Article and subject to the limitations the written consent, either complete or ten consent was not the result of mis- undue pressure.

rovisions of any lease or other rental pursuant to the terms thereof except at with the Act and the regulations; ive any provisions of the Act or these

ess a landlord applies for a prior opin- way of increase to which he may be en- of the preceding Article, An agency in amount of increase other than as set may, pursuant to the regulations, on a prior opinion as to the amount of in- housing space where the cost of sub- vements, installation of new equipment iture or furnishings, amounts to \$300.00 space, computed on the basis of actual lditional cost of the increased space or w the landlord to install replacements which are necessary for the preservation ilding in which located.

**WHICH GRANTED - CONDITIONS -** An nding, issue an order of prior opinion ll be granted in the following instances, - such order shall be subject to review

stantial rehabilitation or major or other equipment or fixtures in the housing ed, and such undertaking or moderniza- and maintenance of housing space or the mfort and benefit of the tenants therein

this shall be deemed to include reconstruction or repair by reason of damage by fire, the elements, an act of God, or otherwise; and

(b) where the landlord seeks to increase the space, services, furniture or furnishings.

No prior opinion shall be granted under this section with respect to substantial rehabilitation, major improvement, installation of replacements, equipment and fixtures or improvements unless it is necessary for the preservation and maintenance of housing space or the building in which located or, if not so necessary, the objections thereto are made by less than 25% of the tenants in occupancy and with respect to increases in space, services, furniture or furnishings, unless the tenant, if any, in occupancy, consents thereto.

**3. DURATION OF ORDER - EFFECT.** - Any order granted under Section 2 hereof shall remain in full force and effect for a period of six months from the effective date unless extended an additional three months by further order of the agency, on notice to the tenant. Such order shall not constitute an authorization for increase in rent which shall be granted only after completion of the undertaking or modernization or an increase in space or services after application is made, pursuant to the regulations and prior opinion.

**4. DETERMINATION OF APPLICATION - STANDARDS, FACTORS AND AMOUNT OF INCREASE** ! An agency, in the determination of an application for a prior opinion hereunder, shall consider all factors bearing on the equities involved, including preservation and maintenance of the housing space or the building in which located, maintenance of safe and sanitary housing, the prevention of blight and slums, dis- location and hardship which may result to tenants and whether the building in which the housing space is contained, considering location and type of construction, warrants the undertaking.

The order of prior opinion shall designate the amount of increase that will be granted; said amount shall be determined by the agency, pursuant to the provisions of the pre- ceding Article relating to adjustments in rents and Schedule 4 referred to therein.

**5. INTERIM ORDER OF INCREASE - INSPECTION - APPLICATION FOR INCREASE -** On completion of the undertaking or modernization or of increase in space or ser- vices, pursuant to the prior opinion, a landlord may give notice to the agency and apply for an increase. On the filing of such application by the landlord the agency shall, within ten (10) days, cause an inspection and written report to be made of the housing space and building which report shall be available to the parties in interest or their attorneys. If such report indicates substantial compliance with the prior opinion, the agency shall, immediately after such inspection, issue an interim order granting an increase in rent pursuant to the preceding Article which order may be modified by the agency, after determination of the application. If the report in- dicates non-compliance, no interim order will be entered. The agency shall thereafter process the application and its findings shall be limited to whether the landlord has complied with the prior opinion in whole or in part.

ARTICLE VII - SLUM, BLIGHTED AND FRINGE AREAS - TYPE AND CHARACTERISTICS OF HOUSING SPACE

1. SPECIAL CONSIDERATION - SLUM CLEARANCE - DECREASE WHERE SLUM  
Agencies shall, in the administration of rent control under the Act and regulations, give special consideration and encouragement to any program of slum clearance, redevelopment and replanning or urban renewal under Federal, State or local law or authorization relating to the area in which the housing space is located by granting a rent adjustment by way of increase, pursuant to the preceding Articles of Part II, of the regulations. It shall, on application by tenant, an authorized agency of a municipality or on its own initiative, wherever authorized under the regulations, take the necessary action to decrease the rents for housing space where landlords have willfully and continued, or through gross negligence or disregard of their obligations and responsibilities under State or local law or regulation, permitted the housing space or the building in which located to become a slum, blighted or in the process of becoming such.
2. COLD WATER FLATS - LOWER INCOME TENANTS - HARSHIP AND DISLOCATION -  
In granting rent adjustments under the Act and regulations, an agency shall take into consideration the rental range of the housing accommodations and in the public interest give due weight to hardship and dislocation that may result to the tenants occupying cold water flats and housing space renting to families in the lower-income brackets.

ARTICLE VIII - SURVEYS AND REPORTS

1. SURVEYS BY AGENCIES - Each agency shall, within the limits of its personnel and facilities, make the following surveys in controlled areas under its jurisdiction, and submit written reports to the Director every three months as to:
  - (a) shortage or non-shortage of housing space of various types in controlled areas;
  - (b) the effect of the administration of rent control, if any, on the availability of housing space in controlled areas;
  - (c) the effect of decontrol provisions of the regulations and orders entered thereon on rental housing in controlled areas;
  - (d) manipulative and speculative practices and rental and leasing practices which tend to unreasonably increase rentals or evictions;
  - (e) violations of the Act or regulations by landlords and tenants in controlled areas;
  - (f) the effect of leases, written or other agreements under the regulations on the administration of rent control by such agency;
  - (g) rental housing space in slum, blighted or fringe areas with respect to availability thereof, services, violations of the Act, rehabilitation or modernization, and the effect of the administration of the Act and regulations thereon;
  - (h) housing space renting to persons in the lower income ranges with respect to matters referred to in sub-section (g); and
  - (i) housing space contained in 1, 2, 3, and 4 family houses with respect to the effect of the administration of the Act and regulations thereon.

AREAS - TYPE AND CHARACTER-

ANCE - DECREASE WHERE SLUM  
ntrol under the Act and regulations,  
to any program of slum clearance,  
under Federal, State or local law or  
housing space is located by granting a  
the preceding Articles of Part II, of  
nant, an authorized agency of a mu-  
nicipality, authorized under the regula-  
tions, take the necessary steps to  
control housing space where landlords have  
shown negligence or disregard of their obliga-  
tion under the law or regulation, permitted the  
area to become a slum, blighted or in the

TS-HARSHIP AND DISLOCATION -  
Under the regulations, an agency shall take  
such steps as may be necessary to provide  
adequate accommodations and in the public  
interest to prevent the hardship and disloca-  
tion that may result to the tenants  
renting to families in the lower-

l, within the limits of its personnel  
and resources, to inspect and control  
rented areas under its jurisdiction,  
within three months as to:

various types in controlled areas;  
control, if any, on the availability of hous-

regulations and orders entered thereon

and rental and leasing practices which  
constitute discriminations;  
landlords and tenants in controlled

areas under the regulations on the ad-

mission of areas with respect to availability  
of housing for rehabilitation or modernization, and the  
regulations thereon;

lower income ranges with respect to

4 family houses with respect to the  
regulations thereon.

2. RECOMMENDATIONS BY AGENCIES - Each agency shall include in any such reports concerning surveys any recommendations it may have as to changes in the Act and regulations or the administration of rent control thereunder.
3. SURVEYS AND DECONTROL BY DIRECTOR - The Director will, from time to time, conduct surveys as to the availability or non-availability of housing space, various types thereof, and the demand therefor, pursuant to the Act. Such surveys, wherever feasible, shall be conducted by the Federal Census Bureau and the Director shall make findings based thereon. After each survey, further regulations may, from time to time, be issued with respect to decontrol of various types of housing space.
4. QUARTERLY REPORTS OF AGENCIES AND BOARDS AS TO BUSINESS CONDUCTED - Each agency and board shall submit quarterly reports on the prescribed form as to the business of such agency or board during the quarterly period. Such reports shall be filed with the Director, in duplicate, within two weeks after the end of each quarter.

## PART III - REGISTRATIONS, PROCEDURE AND PROCEEDINGS

### ARTICLE I - REGISTRATIONS

1. REGISTRATIONS TO BE FILED - Every landlord of controlled housing space shall file on the form prescribed by the Director a verified registration statement unless a registration statement was heretofore filed in accordance with the regulations under Federal or State rent control.
2. CHANGE OF IDENTITY OF LANDLORD - Where, since the filing of the registration statement for any housing space, there has been a change in the identity of the landlord by transfer of title, or otherwise, and no notice of such change has been filed, the successor landlord shall file a notice of such change on the prescribed form within thirty (30) days.
3. NOTICE TO ADDRESS IN REGISTRATION STATEMENT OR CHANGE OF IDENTITY - PROPER NOTICE - Any application, notice, order or other paper directed to the person named in the registration statement, or where a notice of change in identity has been filed, to the person named as landlord in the most recent such notice, shall constitute notice to the person who is then the landlord.
4. FAILURE TO FILE - EFFECT - Where the landlord has failed to file a proper and timely registration statement, as required by this Article, he shall not be entitled to relief under the Act and regulations other than to apply for decontrol or a determination as to whether the space is controlled until a registration statement is filed. In such cases, an agency may determine the lawful base or lawful rent, pursuant to Article II, Part II of the regulations.
5. CHANGES NOTED ON REGISTRATION - Any change in the lawful base or lawful rent, services or space or control shall be noted on the registration statement, and a copy of the order or determination relating thereto shall be attached to such statement by the agency.
6. INFORMATION TO BE SUPPLIED AS TO HOUSING SPACE BY AGENCY - An agency shall, at the written request of a landlord or tenant, advise such landlord or tenant in writing of the lawful rent, services or space on the applicable date; however, certified and photostatic copies of the registration or other papers shall only be supplied by the agency at a reasonable charge to be fixed by it.
7. RECORDS TO BE KEPT BY LANDLORD - Every landlord shall keep, preserve and make available for examination by the agency, the board or Director, records of the same kind as he has customarily kept relating to the rents received for housing space and the costs of operating, managing and maintaining such space.

### ARTICLE II - COMMENCEMENT OF PROCEEDINGS

1. COMMENCEMENT OF PROCEEDINGS - JOINDER - TYPES OF PROCEEDINGS - A proceeding is commenced by the filing of an application with an agency and one or more parties may join or be joined in an application, answer or reply. There shall be the following types of proceedings - applications for decontrol, determination as to control, lawful rent, services, space, etc. - applications for increase or decrease in rent, certificates of eviction prior opinions and applications for reviews.

d of controlled housing space shall  
fied registration statement unless a  
cordance with the regulations under

, since the filing of the registration  
a change in the identity of the land-  
tice of such change has been filed,  
uch change on the prescribed form

EMENT OR CHANGE OF IDENTITY  
order or other paper directed to the  
here a notice of change in identity  
n the most recent such notice, shall  
lord.

lord has failed to file a proper and  
Article, he shall not be entitled to  
apply for decontrol or a determina-  
il a registration statement is filed.  
ful base or lawful rent, pursuant to

change in the lawful base or lawful  
d on the registration statement, and  
thereto shall be attached to such

NG SPACE BY AGENCY- An agency  
nant, advise such landlord or tenant  
e on the applicable date; however,  
ation or other papers shall only be  
be fixed by it.

ry landlord shall keep, preserve and  
the board or Director, records of the  
g to the rents received for housing  
aintaining such space.

DER - TYPES OF PROCEEDINGS -  
application with an agency and one  
ication, answer or reply. There shall  
ons for decontrol, determination as to  
lications for increase or decrease in  
applications for reviews.

2. FILING OF APPLICATION - REQUIREMENTS - All proceedings by a landlord or tenant shall be instituted by the filing of a duly verified application for the relief requested with the agency in the county in which the housing space is located, on the form prescribed by the Director, which form shall be filled out, executed, served and filed, pursuant to instructions thereon, and the applicant shall submit proof of service therewith and annex thereto the originals, photostats or true copies of all available supporting papers, bills or documents in substantiation of his claim for relief. The original of any paper filed will be returned only after disposition of the entire proceeding and on a true copy being submitted in place thereof.
3. PROCEEDING INITIATED BY AGENCY - An agency may institute a proceeding on its own initiative by forwarding to all parties affected thereby a notice setting forth the proposed action and reasons therefor.
4. PROCEEDING INITIATED BY MUNICIPALITY - CONDITIONS - A municipality in which the Act is operative or any duly authorized agency, board or officer thereof may institute a proceeding with an agency by filing an application for decrease in the lawful base or lawful rent of housing space in slum or blighted buildings or fringe areas on the grounds for decreases set forth in Article V, Part II, of the regulations; such application shall be filled out, executed, served and filed, pursuant to instructions thereon.
5. PROCEEDING INITIATED BY DIRECTOR AND DECLARATORY RULINGS BY DIRECTOR - The Director may institute a proceeding on his own initiative whenever he deems it necessary or appropriate, pursuant to the Act or the regulations, or on the written request of any interested party, he may, in his sound discretion, make a declaratory ruling with respect to the applicability to any person, property or state of facts of the Act or regulations. Such declaratory ruling shall be binding on the agencies and boards and on parties to the proceeding on the stated facts. Full opportunity for a hearing shall be afforded to the interested parties and such ruling shall be deemed a final decision.
6. NON-RESIDENT LANDLORDS - POWER OF ATTORNEY - A non-resident landlord shall, prior to or simultaneously with the filing of an application or answer in any proceeding, execute and file with the agency a power of attorney on the prescribed form constituting the agency his true and lawful attorney upon whom may be served any county district court summons and complaint on review of such proceeding. Willful and continued failure to file such power of attorney shall result in dismissal of the landlord's application or answer, and rescission of any order granting relief to the landlord. The agency shall forward to the landlord by registered mail, return receipt requested, any summons and complaint served upon it pursuant to such power of attorney.
7. VENUE - CHANGE OF VENUE - The venue of a proceeding shall be laid by the applicant in the county in which the housing space is located and there shall be no change of venue except by order of the Director on application made therefor where a fair and impartial disposition of the matter cannot be had in the county and the Director exercises his power of review, pursuant to the Act.

8. DISMISSAL WHERE NOT DISPOSED OF WITHIN TIME - TRANSFER OF RECORD - Where an order of dismissal is entered, pursuant to Sections 1 and 2, Article III, Part III of the regulations, the proceeding with the record and all papers on file shall be transferred to the Director or board for review. No application for review or an answer or reply need be filed in such cases and the board or Director shall notify the parties of the transfer.
9. SERVICE ON OPPOSING PARTIES AND ON MUNICIPALITIES IN CERTAIN INSTANCES - The landlord and tenant shall, prior to filing an original with the agency, serve a copy of the application, answer and reply and other papers filed by them in the proceedings on the opposing parties and other parties affected thereby. A copy of an application for adjustment in rent, either by way of increase or decrease under Articles V and VI, Part II, of the regulations where it involves rehabilitation, deterioration or violation of local law or regulation or for a prior opinion based on rehabilitation, shall also be served by the applicant on the applicable municipal agency or officer in charge of rehabilitation, urban renewal or enforcement of such law or regulation.
10. SERVICE AND TIME LIMIT FOR FILING - Service of all applications, answers, orders, determinations, certificates of eviction and other papers on a party or person shall be,
  - (a) personally, or on any officer or person in charge of the corporation; or
  - (b) by leaving with a person over the age of fourteen (14) at his residence or office; or
  - (c) by mailing by regular mail, postage prepaid to the last known address.All papers shall be filed within three (3) days of such service.
11. LIMIT ON PLEADINGS FILED - There shall be an application, an answer or reply, or a cross application and answer or reply thereto. No other pleading is allowed.
12. APPLICATIONS - CONTENTS - CONDITIONS - An application or cross application shall include all grounds then existing and available for the relief sought and shall contain a statement of fact on which the claim is based showing applicant is entitled to relief and a request for the relief applied for. Applications for the following types of relief shall also contain or have annexed thereto,
  - (a) for increase in rent on the ground of comparability, a description of at least two comparable units, whether the claim is based on tier, building or comparables of other projects;
  - (b) for prior opinion or rehabilitation, description of the undertaking or services, together with written estimates of costs or contracts relating thereto;
  - (c) for increased operating costs or major improvement, itemization of costs to the project or space for base year and each subsequent year, arrangement and custom as to painting and decorating, names and addresses of suppliers or insurance brokers, description of major or other improvements, together with written estimates of costs or contracts relating thereto;
  - (d) for decrease in rents for substantial deterioration or violation of law or regulation, description of deterioration and violation together with reference to law or regulations; and

TIME - TRANSFER OF RECORD -  
it to Sections 1 and 2, Article III,  
the record and all papers on file  
review. No application for review or  
and the board or Director shall notify

MUNICIPALITIES IN CERTAIN  
to filing an original with the agency,  
ly and other papers filed by them in  
r parties affected thereby. A copy of  
way of increase or decrease under  
here it involves rehabilitation, deter-  
or for a prior opinion based on re-  
licant on the applicable municipal  
ban renewal or enforcement of such

vice of all applications, answers,  
and other papers on a party or

je of the corporation; or  
en (14) at his residence or office; or  
the last known address.

uch service.

an application, an answer or reply,  
No other pleading is allowed.

An application or cross application  
table for the relief sought and shall  
is based showing applicant is en-  
d for. Applications for the following  
thereto,

ibility, a description of at least two  
l on tier, building or comparables of

n of the undertaking or services, to-  
acts relating thereto;

vement, itemization of costs to the  
equent year, arrangement and custom  
addresses of suppliers or insurance  
mprovements, together with written  
o;

tion or violation of law or regulation,  
together with reference to law or

(e) for decontrol of housing space, increased or decreased services and all other  
applications, grounds on which based, any lease, form in lieu of lease or agree-  
ment relating thereto.

13. TIME TO ANSWER OR REPLY - CONTENTS - CONDITIONS - A party in his answer  
or reply shall state in short and plain terms his defenses, admissions or denials to  
each claim or state that he has no knowledge or information thereof which will have  
the effect of a denial; he shall have seven (7) days from the date the application,  
answer or notice is served or properly filed, whichever is the later, in which to serve  
or file an answer or reply. Such answer or reply need not be under oath. Statements in  
an application, other than the request for relief, are admitted when not denied in the  
answer, but statements in an answer or reply shall be taken as denied unless ad-  
mitted in writing.

14. AMENDMENTS OR SUPPLEMENTS - A party may amend or supplement his application  
or answer as a matter of course at any time before an answer is filed, otherwise he  
may amend or supplement only by leave of the agency or written consent of the  
adverse party and leave shall be freely given to prevent unfairness; copies of  
amended or supplemented papers shall be served and filed and answers and replies  
made thereto in the same manner as the originals.

15. INTERVENTION - An agency may allow any person showing that he may be sub-  
stantially and specifically affected by the proceeding to intervene as a party in  
the whole or any portion of a proceeding and allow any other interested party to  
participate by presentation of argument, orally or in writing, or for any other limited  
purpose as the agency under the circumstances may deem appropriate and in order.

16. APPEARANCES LIMITED - Appearances in any proceeding shall be limited to any  
person appearing pra se or represented by an attorney at law admitted to practice  
in this State.

17. NOTICE TO PARTIES - WHERE MATTER CONTINUED FOR COMPLIANCE - Where  
an agency gives a landlord, prior to the dismissal of an application, a reasonable  
time to remedy deterioration, violation or to provide services, it shall, prior to  
granting the landlord's application for relief, where there is compliance give notice  
to all parties of its proposed action. Such party shall have five (5) days in which to  
file written objections with the agency.

#### ARTICLE III - CONDUCT OF PROCEEDINGS

1. DISPOSITION OF MATTERS - TIME LIMITS - All proceedings shall be disposed by a-  
gencies and boards within the times hereinafter set forth;

(a) where no notice of hearing is given, pursuant to Section 4 hereof, within forty  
(40) days from the time of the commencement of the proceeding or review except  
in cases involving applications for increase based on fair net operating income  
under Section 16(h) of the Act and such cases shall be disposed of within sixty  
(60) days;

(b) where notice of hearing is given, pursuant to Section 4 hereof, by Essex and

Hudson County agencies within sixty (60) days and forty-five (45) days by all other agencies and review boards, the time to be computed from the date of commencement of the proceeding or review;

(c) where the agency or board gives the landlord, prior to dismissal of an application, a reasonable time within which to remedy a deterioration, a violation or provide services, the time in which the matter shall be disposed of will be extended by such period of time, plus ten (10) days. The agency or board in such cases shall notify the Director in writing of the matter and the period of time given.

2. WHERE NOT DISPOSED OF - LOSS OF JURISDICTION - DISMISSAL - Where a proceeding is not disposed of within the times set forth in the preceding section, the agency or board shall have no further jurisdiction except to enter an order of dismissal and the file shall be transferred to the Director who shall either undertake the review himself or transfer the file to the review board of the county. In any event, notice thereof shall be given to the parties and a copy of the order of dismissal shall be forwarded by the agency or board to the Director.

The provisions of this section and the preceding section shall not be applicable to the Hudson County Agency until Aug. 15, 1955, except where the Director finds that a review of a proceeding is necessary in the interest of proper administration of the Act and regulations as a result of delay in disposition thereof.

3. DISMISSAL OF APPLICATION WHERE PARTY MEMBER, OFFICER OR EMPLOYEE OF AGENCY OR BOARD - Where an application is filed with an agency and one of the parties is a member, officer or employee of any agency or board, the application shall be denied, which denial shall be deemed without prejudice. A copy of the order shall be promptly forwarded to the Director who shall thereupon invoke his power of review and give notice to the parties.

4. POWERS OF AGENCY DURING PROCEEDING - In any stage of a proceedings, the agency may:

- (a) reject or dismiss the application if it is insufficient or defective; however, prior to such dismissal, it shall, where necessary to prevent injustice, give the applicant notice of the insufficiency or defect and a reasonable opportunity to amend;
- (b) make such investigation of the facts, require the filing of such reports, evidence, affidovits or other material relevant to the proceedings or hold such conferences on notice to the parties for simplification of the issues as may be necessary; provided, however, an agency shall make investigations and written reports thereof in proceedings involving, (1) increases for comparability and substantial rehabilitation; (2) prior opinions or increases pursuant thereto; (3) decreases based on substantial deterioration or violation of laws or regulations; and (4) total decontrol of housing space. Such investigation and written report shall be completed and filed prior to the hearing if held, if not, prior to determination.
- (c) dispose of procedural requests or similar matters;
- (d) forward to or make available for inspection to either party or their attorney any relevant evidence;
- (e) for good cause, accept for filing any papers, even though not filed within the

days and forty-five (45) days by all to be computed from the date of com-

l, prior to dismissal of an application, a deterioration, a violation or provide ll be disposed of will be extended by e agency or board in such cases shall and the period of time given.

**JURISDICTION - DISMISSAL** - Where a set forth in the preceding section, the :tion except to enter an order of dis- Director who shall either undertake the ew board of the county. In any event, a copy of the order of dismissal shall :tor.

ing section shall not be applicable to <cept where the Director finds that a st of proper administration of the Act ereof.

**MEMBER, OFFICER OR EMPLOYEE** on is filed with an agency and one of f any agency or board, the application without prejudice. A copy of the order who shall thereupon invoke his power

3 - In any stage of a proceedings, the

nsufficient or defective; however, prior ary to prevent injustice, give the ap- :fect and a reasonable opportunity to

re the filing of such reports, evidence, proceedings or hold such conferences f the issues as may be necessary; pro- stigations and written reports thereof in mparability and substantial rehabilita- nt thereto; (3) decreases based on sub- r regulations; and (4) total decontrol of ten report shall be completed and filed e termination.

matters;

in to either party or their attorney any

ers, even though not filed within the

time required by the regulations except where it has no further jurisdiction as set forth in the preceding section;

- (f) require any person to appear or produce documents or both, pursuant to subpoena;
- (g) forward to the parties notice of action proposed to be taken by the agency;
- (h) grant or order a hearing;
- (i) consolidate two or more proceedings which have at least one ground in common; provided, however, that an agency shall consolidate all proceedings where the matters involve the same questions of fact and the housing space is located in the same project or building.

**5. HEARINGS - WHERE GRANTED AND REQUIRED - NOTICE WITHIN TWENTY-FIVE DAYS** - Hearings will only be held on the written request of a party in the discretion of an agency and if not so requested, on direction of the agency on notice to the parties; provided, however, hearings shall be held in cases which involve:

- (a) a matter of great public interest;
- (b) applications by landlords or tenants involving more than five (5) dwelling units where there are substantial objections;
- (c) applications for certificates of eviction where an answer has been filed by the tenant specifically denying the statements in the application and indicating that hardship will result to the tenant on issuance of such a certificate.

Where a hearing is required or the agency decides to grant or order a hearing, a notice that a hearing will be held shall be sent to the parties and noted on the docket within twenty-five (25) days of the time of the commencement of the proceedings; thereafter, the parties shall be notified of the time and place thereof, unless it appears in the prior notice.

Such hearing may be confined to the proceeding of the applicant and parties filing answers objecting to the relief requested.

**6. CONDUCT OF HEARINGS** - All hearings shall be conducted in a fair and impartial manner and shall be subject to the following rules:

- (a) the burden of proof shall be on the applicant except that the party asserting any affirmative defenses shall have the burden of proof as to such defenses;
- (b) all witnesses shall be sworn and subject to cross examination. The applicant shall present his case and thereafter the opposing party shall be given an opportunity to present his defense;
- (c) testimony of witnesses shall be given orally and not taken stenographically. Where requested by one of the parties, a stenographic record shall be made of the proceeding provided it be at the expense of such party and he supplies the agency and opposing party with copies of the transcript;

- (d) the agency may bar persons from the hearing where it finds their conduct is contemptuous or where necessary for a fair and impartial hearing, limit attendance to the parties, attorneys and witnesses;
- (e) the agency, in order to assure prompt disposition of the hearing, may limit testimony where it is cumulative and not necessary to establish the grounds of the application or defense. Officers conducting such hearings shall not be bound by common law and statutory rules of evidence. All evidence having reasonable probative value shall be admitted, but evidence which is immaterial, irrelevant or unduly cumulative shall be excluded. Effect shall be given to the rules of privilege recognized by law, and every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts.
- (f) all evidence, including any records, investigations, reports and documents in the possession of the agency of which it desires to avail itself as evidence in making a decision shall be offered and made a part of the record, and no other factual evidence shall be considered except that the agency may take official notice of any fact which may be judicially noticed by the courts. The parties shall be notified of the material so noticed, and they shall be afforded a fair opportunity to refute the facts before decision.

**7. POWERS OF AGENCY, MEMBER OR DULY AUTHORIZED PERSON RE HEARINGS AND PROCEEDINGS** - In any proceeding or hearing thereon, an agency or member or duly authorized officer or employee thereof shall have the power to:

- (a) administer oaths, affirmations, examine witnesses and receive evidence;
- (b) issue subpoenas for the attendance of witnesses or the production of books or records;
- (c) rule upon offers of proof;
- (d) regulate the course of the proceeding; and
- (e) make decisions in conformity with Section 10 hereof;

Provided, however, that no person engaged in investigative or prosecuting functions for an agency involving the particular proceeding shall be designated to hear such matter nor shall any person who shall hear or dispose of a proceeding consult with any party, directly or indirectly, on any matter in issue except on notice and opportunity to all parties to participate other than to the extent required for the disposition of ex parte matters.

**8. FILE - OFFICIAL RECORD** - Each agency shall keep an official record in the file of the proceeding which shall be available for inspection by the parties. The file shall contain all the records and testimony, if transcribed, or if not, a summation thereof and the finding, determination or order entered thereon.

**9. FINAL DISPOSITION - POWERS** - In finally disposing of a proceeding, the agency on such terms and conditions as it may determine, pursuant to the regulations, may,

- (a) dismiss the application where the applicant fails to sustain the burden of proof;
- (b) grant or deny the application in whole or in part;
- (c) issue an appropriate order in a proceeding instituted on its own initiative.

A copy of any order issued shall be forwarded by the agency to all parties to the proceeding; however, the agency may forward the original of any certificate of eviction to the landlord.

10. WHEN DETERMINATION FINAL DECISION - MAJORITY - Every determination shall become a final decision of the agency where an appropriate order is issued thereon when:

- (a) the agency consists of a single individual who renders the decision; or
- (b) the agency is a group of individuals and all or a majority of them preside and render a decision; or
- (c) the agency is a group of individuals and all or a majority approve the decision, either at a regular or special meeting of such agency, or by signing a statement to that effect; or
- (d) a hearer is designated by the agency and his recommended report and decision containing findings has been filed with the agency and delivered or mailed to the parties or their attorneys and an opportunity afforded each party to file exceptions, objections or replies thereto or present written arguments to the agency. The agency may thereafter adopt, reject or modify the recommended report and decision and issue an appropriate order, pursuant to this section.

11. TYPES OF ORDERS - An agency shall issue an appropriate order disposing of the proceedings which order shall either be a certificate of eviction, order of denial, dismissal, increase or decrease, determination, decontrol or prior opinion, and such order of an agency shall be effective ten (10) days from the date of issuance except that an order for a certificate of eviction shall not be effective during such further period as provided by Article IV, Part II of these regulations; however, orders of an agency or board shall be retroactive or operative prior to the effective date thereof in the instances set forth in Part II of these regulations. All such orders shall set forth the findings or grounds on which based and the reasons therefor. All findings shall be supported by reliable, relevant and substantial evidence.

12. REHEARING - REVOCATION OR MODIFICATION OF ORDER - An agency may, on notice to the parties, on its own initiative or on application of a party arrange for a rehearing of any matter or revoke, rescind or modify any order issued by it where there is any evidence of fraud or the ends of justice require such action; however, no such action shall be taken by an agency while a matter is under review by a board, the Director or county district court.

#### ARTICLE IV - REVIEWS OR APPEALS

1. PROVISIONS RELATING TO AGENCIES - APPLICABLE TO BOARDS OR DIRECTOR - the provisions of these regulations relating to agencies, shall, unless a different intent clearly appears from the context, be deemed to apply equally to boards and the Director on reviews.
2. COMMENCEMENT OF REVIEW - ANSWER - REPLY - A party aggrieved by an order of an agency may apply for a review to a board, or the Director. Such review is commenced by the filing of an application therefor with a board of the county in

which the housing space is located or with the Director at 520 E. State Street, Trenton, New Jersey. Such application shall be on the form prescribed by the Director or by letter and shall comply with the requirements for applications filed with an agency with particular reference to execution, service, proof of service and papers required to be annexed thereto unless such papers have heretofore been filed with the agency and are part of the file. Such application shall be filed with the board or Director within thirty (30) days from the effective date of the order under review, and a copy sent to the agency, and any application not filed within such time shall be dismissed unless the Director takes jurisdiction of the review on his own initiative. Answers and replies shall be made, served and filed under the same conditions, provisions and limitations as apply to answers and replies to applications filed with agencies.

3. **APPLICABILITY OF REGULATIONS TO COMMENCEMENT AND CONDUCT OF REVIEWS - HEARING** - All reviews shall be conducted and hearings held by boards under the same conditions and in the same instances as are applicable to agencies under Articles II and III, Part III of the regulations.
4. **REVIEWS HEARD DE NOVO - DISPOSITION** - On reviews the board or the Director shall hear the proceeding de novo and may affirm, set aside or modify the order or determination under review or make any order that should have been made by the agency without remanding the proceedings to such agency.
5. **TRANSFER OF FILE BY AGENCY** - An agency, on receipt of a copy of any application for review to a board or the Director, or on notice of such review from the board or Director, shall transfer the file to the board or Director, and notice of such transfer shall be duly noted on its docket. The board or Director shall acknowledge receipt of such file from the agency.
6. **TRANSFER OF FILE BACK TO AGENCY** - Thirty (30) days after an entry of an order by a board or the Director finally disposing of a review, the file shall be transferred back to the agency, and the agency shall acknowledge receipt thereof; however, prior thereto and on issuance of such order, the board or Director shall forward a copy of the order to the parties and to the agency.
7. **DECLINATION OF JURISDICTION BY DIRECTOR - EFFECT** - Where an application for review is made to the Director, he may decline to take jurisdiction thereof in which case the review shall be assigned by him to the board of the county in which the housing space is located. Such reference shall be by an order entered in the proceeding and in such cases a further application to the board for review will not be necessary.

#### ARTICLE V - DIRECTOR

1. **GENERAL POLICY SET BY DIRECTOR** - General policy in the administration of rent control and the enforcement thereof under the Act and regulations shall be determined by the Director, pursuant to regulations issued by him, declaratory rulings, interpretations, memoranda to agencies and boards and such further actions as may be necessary in the public interest.

Director at 520 E. State Street, on the form prescribed by the Director, requirements for applications filed for review, service, proof of service and other papers have heretofore been filed. An application shall be filed with the Director on the effective date of the order under review if the application not filed within such period is within the jurisdiction of the review on his part. All applications served and filed under the same provisions shall be answered and replies to applications shall be filed within the time specified in the regulations.

#### APPLICABILITY AND CONDUCT OF HEARINGS

Provisions of the Act and regulations shall be applicable to agencies and boards as are applicable to agencies and boards.

The Director may review the board or the Director may set aside or modify the order or may affirm the order if it should have been made by the agency.

On receipt of a copy of any application for review from the board or the Director, and notice of such transfer of jurisdiction, the Director shall acknowledge receipt of the application.

Within thirty (30) days after an entry of an order for review, the file shall be transferred to the Director. On acknowledgment receipt thereof; however, the Director shall forward a copy of the file to the agency or board.

**- EFFECT -** Where an application is taken under review in which the jurisdiction of the county in which the house is located is in question, an order entered in the proceeding and review will not be necessary.

The general policy in the administration of the Act and regulations shall be to render decisions by him, declaratory rulings, and such further actions as may be required.

2. **DELEGATION OF DUTIES BY DIRECTOR** - The Director may designate his deputy, assistant or assistants, to act for him in any matter.
3. **REVIEW BY DIRECTOR - CONDITIONS - LIMITATIONS** - The Director may review any order or determination or the issuance of a certificate of eviction of any agency or board where he finds that such review is necessary.
  - (a) in the interest of uniformity in the administration of the Act or interpretation of the regulations; or
  - (b) it is a matter of great public interest; or
  - (c) the Director finds that such review is necessary for the proper administration of the Act and regulations.

In such cases, the Director shall by order make such finding and provide for the review through hearers, pursuant to the Act. A copy of such order shall be sent to the agency or board, and the file shall be transferred to the office of the Director within five (5) days of the date thereof. Such review shall be disposed of by the Director and be conducted in the same manner as provided in the preceding Articles; however, no such order shall be issued by the Director exercising his power of review prior to final determination of a matter by an agency or board other than where there is unusual delay in disposing of same, or the matter is not disposed of within time as provided in Section 1, Article III, Part III, of the regulations, or more than ninety (90) days after determination by an agency or board or prior to such determination unless it involves:

- (1) a matter of great public interest which requires prompt adjudication; or a substantial question under the Act or the regulations of great importance requiring an immediate determination, or the agency or board requests such action by the Director; or
  - (2) a serious question as to whether there has been fair or impartial hearing of the matter or there is fraud or other facts which require the exercise of the power of review in the public interest.
4. **CONDUCT OF REVIEWS - HEARERS** - Such reviews shall be conducted by the Director through hearers designated by him and such hearers shall conduct reviews pursuant to the regulations, on notice to the parties, in a summary manner and,
    - (a) prepare and file a report containing written findings, recommendations and conclusions with the Director
    - (b) forward a copy of such report to each of the parties;
    - (c) the parties shall have five (5) days within which to file with the Director written exceptions, objections and replies to such report and present written arguments with respect thereto.

After expiration of such five day period, the Director shall, on due consideration of the record, report of the hearer, findings, recommendations and conclusions and of the exceptions, objections, replies and arguments of the parties, make an order disposing of the matter without the necessity of any further order or determination by the agency or board.

ARTICLE VI - RECORDS AND FILES

1. STAMPING SYSTEM - Agencies shall establish a stamping system so that all applications or papers received by it and all orders and determinations entered or issued by it shall be stamped so as to indicate the date and time same were received, issued or entered.
2. FILES KEPT GEOGRAPHICALLY - REGISTRATIONS SEPARATE - Registrations shall be kept in a separate file, or files, geographically, and indexed "Registration File". All records pertaining to housing space under the jurisdiction of any agency, including registration statements, shall be filed geographically - records pertaining to the same project shall be in the same file.
3. DOCKET OF PROCEEDINGS - Each agency shall keep a docket of all proceedings which shall indicate, among other things, date of filing papers, date of hearing, disposition thereof and all other pertinent facts relating to such proceeding.
4. TRANSFER OF FILE TO COUNTY DISTRICT COURT - An agency, board or the Director, on receiving a notice that an order or determination is under review by the county district court, shall transfer the file to such court on obtaining a receipt therefor, and a notation of such transfer shall be duly noted on the docket.
5. TRANSFER BACK FROM COURT - A county district court shall, on final disposition of a review of any action, order or determination of an agency, board or Director, return the file and send a copy of any order or judgment finally disposing of the matter to the agency and also to the board or Director where their action was under review. On receipt of such order or judgment, an agency shall make an entry thereof on its docket.
6. RECORDS PUBLIC UNLESS MARKED CONFIDENTIAL - All records of an agency, board or Director, shall be public records open to inspection at the office of such agency, board or Director, subject to such reasonable conditions as the agency, board or Director may prescribe; provided, however, confidential information designated as "confidential" will not be disclosed unless such disclosure is necessary in the public interest.
7. CERTAIN INFORMATION CONFIDENTIAL - An agency, board or Director shall not publish or disclose any information obtained under the Act or regulations that they deem confidential or with reference to which a request for confidential treatment is made by the person furnishing such information unless it is determined that the withholding thereof is contrary to the public interest.

PART IV - PROHIBITIONS  
You're viewing an archived copy from the New Jersey State Library.  
ARTICLE I - LANDLORDS, TENANTS AND OTHER PERSONS

stamping system so that all ap-  
and determinations entered or is-  
date and time same were received,

IONS SEPARATE - Registrations  
hically, and indexed "Registration  
ler the jurisdiction of any agency,  
geographically - records pertaining

keep a docket of all proceedings  
filing papers, date of hearing, dis-  
g to such proceeding.

COURT - An agency, board or the  
termination is under review by the  
such court on obtaining a receipt  
ly noted on the docket.

ict court shall, on final disposition  
n of an agency, board or Director,  
judgment finally disposing of the  
ector where their action was under  
agency shall make an entry thereof

NTIAL - All records of an agency,  
to inspection at the office of such  
sanable conditions as the agency,  
ver, confidential information desig-  
ness such disclosure is necessary

agency, board or Director shall not  
der the Act or regulations that they  
equest for confidential treatment is  
n unless it is determined that the  
st.

1. VIOLATIONS - LAWFUL RENT - EVICTION - DECREASE-SPACE OR SERVICES -  
It shall be unlawful, regardless of any contract, lease or other obligation heretofore or hereafter entered into or any notice of increase in rent or of eviction served, for any person to demand or receive any rent for any housing space in excess of the lawful rent, or to evict, dispossess or institute any action for repossession of housing space or to exclude any person from possession of housing space or decrease space or services in violation of any regulation, order or requirement under the Act or these regulations, or to offer, solicit, attempt or agree to do any of the foregoing or to evade or attempt to evade the Act or the regulations, either directly or indirectly.
2. EVASIONS - MEMBERSHIP FEE - COMMISSIONS - The lawful rents and other requirements provided in the Act and regulations shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges; or by modification of the services furnished or required to be furnished with the housing space, or otherwise.
3. TIE-IN AGREEMENT - BONUSES - GRATUITIES - No person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property, or to pay a bonus, commission, give any other benefit or gratuity or do any other thing or enter into any agreement prohibited by the Act and regulations as a condition of renting housing space. The term "person" shall be deemed to include an agent or any other employee of a landlord acting with or without the authority of his employer.
4. TERM OF OCCUPANCY - CHANGE - SECURITY DEPOSITS - No tenant shall be required to change his term of occupancy or leasing arrangement; for example, a tenant on a monthly basis shall not be required to change to a weekly basis and a tenant on a weekly basis shall not be required to change to a daily basis or a tenant in occupancy in the absence of a prior written agreement shall not be required to pay a security deposit.
5. SECURITY DEPOSIT - LIMIT ONE MONTH - Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing space except if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance.
6. MANIPULATIVE - SPECULATIVE - RENTAL AND LEASING PRACTICES - It shall be unlawful and a violation of these regulations for any person to engage or attempt to engage in any manipulative or speculative or renting and leasing practice which tends to unreasonably increase rents or evictions.
7. EFFECT OF VIOLATION - DISMISSAL - Where the agency finds in any proceeding that a party has willfully and continuedly violated the Act and regulations or any order entered pertaining to the housing space, subject of such proceeding, and if such violation is substantial, it shall dismiss the proceeding or the answer filed by such party or continue it for a reasonable time, not exceeding seven (7) days, to give such party an opportunity to cure the violation.

ARTICLE II - AGENCIES, BOARDS AND DIRECTOR

1. DISCLOSURE OF INTEREST - MISCONDUCT - DISQUALIFICATION - Neither the Director, members of any agency or board, their officers, agents or employees shall acquire any interest, direct or indirect, in any housing space subject to regulation under the provisions of the Act or the regulations. If such person has any interest, direct or indirect, in any such housing space, he shall immediately file a written report making a disclosure of such interest and forward it to the State Office of Rent Control, 520 E. State Street, Trenton, New Jersey. Such disclosure shall be kept on file by the Director as a public record. Failure to disclose such interest shall constitute misconduct in office. Any such officer or employee shall not participate in any action affecting such housing space.
2. REMOVAL - AGENCIES AND BOARD - Any person or persons constituting an agency and any member of a board may be removed by the Board of Chosen Freeholders of the county or by the Director for good cause shown, upon notice to the person involved and after a public hearing.
3. SUBSTANTIAL, WILLFUL AND CONTINUED VIOLATION OF ACT OR REGULATIONS - GROUND FOR REMOVAL - Neither the members of any agency or board, their officers, agents or employees or the officers or employees of the State Office of Rent Control shall violate any provisions of the Act or these regulations or any order issued thereunder. Any substantial, willful and continued violation shall be deemed cause for removal.
4. DISCLOSURE OF INFORMATION PROHIBITED - GROUND FOR REMOVAL - It shall be ground for removal for any member, officer or employee of any agency, board or the State Office of Rent Control to disclose, otherwise than in the course of official duty, any information obtained under the Act or regulations or to use any such information for personal benefit.

**PART V - FORMS, SCHEDULES AND**

**MISCELLANEOUS PROVISIONS**

**ARTICLE I - FORMS AND SCHEDULES**

1. **PRESCRIBED FORMS TO CONTINUE UNTIL CHANGED** - The forms heretofore prescribed for use in the administration of rent control under the regulations of which this is a revision shall continue in full force and effect until changed by the Director.
2. **SCHEDULE OF FORMS** - A schedule designated Schedule of Forms will be issued by the Director and filed with the Secretary of State after the effective date of these regulations; such Schedule shall be subject to change from time to time.
3. **REPRODUCTION OF FORMS** - The forms prescribed by the Director shall be reproduced by agencies and boards indicating the correct name of the agency or board, location of office and telephone number.
4. **ADDITIONAL FORMS TO BE FILED WITH DIRECTOR** - Agencies and boards shall, within ten (10) days after the use thereof, file with the Director any forms used by them other than those prescribed in these regulations.

**ARTICLE II - MISCELLANEOUS PROVISIONS**

1. **COOPERATION BETWEEN AGENCIES, BOARDS AND DIRECTOR** - Cooperation between the agencies, boards and Director is desirable and necessary in order to efficiently administer the Act and regulations and to that end recommendations of agencies and boards as to procedures or changes in the regulations may be submitted to the Director at any time. Conferences will be held with the agencies and boards whenever possible, and at least, once every six (6) months.
2. **COURTEOUS TREATMENT OF PUBLIC** - Since agencies and boards, their officers, employees and personnel come into constant contact with numerous persons in all walks of life, it is urgent in the public interest that such persons receive prompt and courteous treatment; agencies and boards shall, therefore, administer their offices so that such persons be put to as little inconvenience and delay as possible and all inquiries receive prompt, courteous attention; however, such agencies and boards may, because of the pressure of business, limit telephone inquiries and require personal appearance or written inquiries.
3. **CONSULTANT - SMALL LANDLORDS - TENANTS** - Every agency shall appoint one of its employees to act as a consultant to landlords owning not more than four (4) dwelling units and tenants as to their rights under the Act and regulations so as to assist them in preparing the necessary forms.
4. **EXTENSION OF TIME - SURVEYS AND REPORTS** - Where reports of surveys and other reports required by the regulations, excluding quarterly reports, as to the operation of agencies and boards, cannot be made by such agencies and boards within the times prescribed without substantially interfering with the administration of rent control by them and the making of such reports will result in backlogs and delay in disposing of proceedings or reviews, the agency or board shall notify the Director in

writing thereof, and where possible, he shall extend the time for making such reports or designate employees of his office to aid in the investigations and work necessary.

5. **INTERNAL ORGANIZATION - SIGNING ORDERS, ETC.** - Each agency or board shall organize and adopt such rules, regulations and procedures as are necessary for its own internal organization including authorization for issuance of subpoenas for witnesses, books and records, and making, entering, filing and signing orders, determinations or certificates of eviction. Where the agency or board consists of more than one member, it may, by regulation provide for rotation of the chairmanship, and other offices thereof. Any such orders, determinations or certificates of eviction shall be signed by at least one authorized member of the agency or board or an officer or employee thereof; provided, however, where it is signed by someone other than the agency or a member of the agency or board, the signing shall only be a ministerial act and not a determination, and the agency or board shall adopt a resolution authorizing the officer or employee to perform such function.
6. **ISSUANCE OF SUBPOENA - CONTEMPT - VACATION OR MODIFICATION** - A subpoena directed to a person or for the production of books, records and papers shall be issued by an agency, board or by the Director at the request of a party or on its own initiative where it appears that the issuance of such a subpoena is necessary in the conduct of any proceeding. In the event of refusal of any person to obey a subpoena, the agency, board or Director may proceed to have the person on whom such subpoena has been duly served held in contempt, pursuant to the Act. Any witness summoned may petition the agency, board or Director to vacate or modify the subpoena issued. The agency shall give prompt notice to the party, if any, who requested the issuance of the subpoena, and after such investigation as may be appropriate, the petition may be granted in whole, or in part, upon a finding that the testimony or evidence does not relate with reasonable directness to any matter in question or that the attendance of the witnesses or the production of evidence is unreasonable or oppressive or that it has not been issued at a reasonable period in advance of the time when the evidence is requested.
7. **RIGHT OF INSPECTION - HOUSING SPACE** - Agencies, boards and the Director or their duly authorized employees shall have the right to inspect housing space and records relating thereto within their respective jurisdictions.
8. **DECONTROL OF MUNICIPALITY - NOTICE TO DIRECTOR** - An agency shall immediately notify the Director in writing of any action taken by a municipality in the county rescinding a resolution making rent control operative therein.
9. **FEDERAL RECORDS - OBTAINING AND RETURN** - Agencies shall make arrangements with proper Federal authorities for obtaining records relating to the administration of rent control within its county or any part thereof necessary for the administration of the Act and regulations, and on termination of rent control, shall arrange to return such records to the proper Federal authorities subject to such directives as may be issued by the Director concerning such return, particularly with reference to any records in the files concerning the administration of State rent control.

extend the time for making such record in the investigations and work

RS, ETC. - Each agency or board and procedures as are necessary for issuance of subpoenas entering, filing and signing orders, if the agency or board consists of members, provide for rotation of the chairmanship, nominations or certificates of eviction of the agency or board or an officer if it is signed by someone other than the signing shall only be a ministerial act and a board shall adopt a resolution authorizing.

VACATION OR MODIFICATION - A resolution of books, records and papers of the Director at the request of a party or the issuance of such a subpoena is necessary in the event of refusal of any person to obey a subpoena, pursuant to the Act. Any witness subpoenaed to vacate or modify the subpoena to the party, if any, who refuses to do such investigation as may be approved in part, upon a finding that the subpoena is unreasonable directness to any matter in dispute or the production of evidence is not reasonable when issued at a reasonable period in advance.

Agencies, boards and the Director shall have the right to inspect housing space and premises in their jurisdictions.

10. DIRECTOR - An agency shall implement any action taken by a municipality in the field which is not operative therein.

11. JRN - Agencies shall make arrangements for the preservation of records relating to the administration thereof necessary for the administration of rent control, shall arrange to return such records to the agencies subject to such directives as may be issued, particularly with reference to the return of State rent control.

10. DIRECTOR OR DULY AUTHORIZED EMPLOYEE - INSPECTION OF AGENCY OR BOARD RECORDS - The Director or his duly authorized officers, employees or agents shall have the right to inspect any files, books or records of agencies or boards at the offices of such agencies or boards, and the agencies and boards shall make such records available for inspection.
11. OFFICE HOURS - AGENCIES AND BOARDS - The offices of the agency, board and Director shall be open on weekdays, except Saturdays, during the same hours and days as prescribed for the other county offices.
12. LEGAL SERVICES - AGENCIES - BOARDS - Any legal services required by an agency or board shall be furnished by the county or any authorized personnel employed by them.
13. REPRODUCTION AND DISTRIBUTION OF REGULATIONS BY AGENCIES - Agencies shall reproduce and distribute at their own cost and expense copies of the regulations and Act in the same form as prescribed by the Director.

## PART VI - REGULATIONS, CHANGES AND REPEAL - EFFECTIVE DATE

### ARTICLE I - INTERPRETATIONS, CHANGES OR REPEAL OF REGULATIONS

1. REQUEST FOR CHANGES - REGULATIONS OR SCHEDULES - An agency, board or interested person may petition to the discretion of the Director, in writing, requesting the adoption, amendment or repeal of any regulation or schedule and shall accompany the petition with such written data, views or arguments deemed pertinent. Such petition shall be processed by the Director insofar as practicable, in the same manner as reviews.
2. INTERPRETATIONS BY DIRECTOR - Official interpretations of general applicability with respect to the provisions of the Act or the regulations shall be issued only by the Director on the request of an agency or board. Such interpretations shall not be given in response to any hypothetical question. Interpretations shall remain in full force and effect unless and until revoked or modified in writing by the Director.
3. CHANGES IN REGULATIONS - EFFECTIVE DATE - HEARING - Any of these regulations may be supplemented, amended, modified or repealed by the Director at any time, provided, however, such change shall not be effective until after it has been filed with the Secretary of State, State House, Trenton, New Jersey and not until the date designated in such change as the effective date thereof. Wherever possible, and necessary in the public interest, public hearings will be held with respect to any substantial changes in the regulations. The Director shall cause copies of any such changes to be sent to the agencies, boards, other interested public bodies and interested groups.
4. INTENT TO EFFECTUATE GRADUAL DECONTROL - It is the intent of these regulations, wherever practicable and in the public interest, to make changes to effectuate gradual decontrol and from time to time such changes shall be made pursuant to surveys, findings and reports relating to the availability or non-availability of various types of housing space in controlled areas.

### ARTICLE II - SEVERABILITY - EFFECTIVE DATE

1. SEVERABILITY - If any provision of these regulation or the application thereof to any person or circumstance is held invalid, it is intended that such invalidity shall not affect other provisions or application of the regulations which can be given effect without the invalid provisions or application, and to this end, provisions of these regulations are declared to be severable.
2. UNTIL EFFECTIVE DATE, PRIOR REGULATIONS AND FORMS CONTINUE IN EFFECT - Until the effective date of this revision of the regulations, the regulations heretofore issued, together with all changes thereto and forms prescribed thereunder, shall continue in full force and effect; however, on the effective date of these revised regulations or on changes in forms or adoption of supplemental forms, the former regulations or forms shall be and are hereby superseded, rescinded and repealed, pursuant to law, unless otherwise specifically excepted under this revision, provided, however, such repealer shall not affect orders, determinations or certificates of eviction heretofore issued. Such orders, determinations or certificates of evictions

## REGULATIONS AND REPEAL- DATE

### REPEAL OF REGULATIONS

**SCHEDULES** - An agency, board or committee of the Director, in writing, requesting the repeal of a regulation or schedule and shall accompany such request with arguments deemed pertinent. Such regulations shall be repealed, in the same manner as regulations.

Interpretations of general application of the regulations shall be issued only by the Director. Such interpretations shall not be effective until they are filed in writing by the Director.

**DATE - HEARING** - Any regulation repealed by the Director shall not be effective until after it has been published in the State Register at Trenton, New Jersey and not until the effective date thereof. Wherever possible, hearings will be held with respect to such regulations. The Director shall cause copies of any regulations to be sent to interested parties, other interested public bodies and the State Register.

**CONTROL** - It is the intent of these regulations, in the public interest, to make changes to effect such changes shall be made pursuant to the availability or non-availability of funds.

Regulation or the application thereof shall be invalid, it is intended that such invalidity shall apply to all copies of the regulations which can be obtained by the public, and to this end, provisions shall be made for the repeal of such regulations.

**REGULATIONS AND FORMS CONTINUE IN EFFECT** - Notwithstanding the repeal of any regulation, the regulations, the regulations thereto and forms prescribed therein shall continue in effect; however, on the effective date of the repeal of any regulation or adoption of supplemental forms, such regulations, forms and orders are hereby superseded, rescinded and specifically excepted under this revision, except that orders, determinations or certificates of evictions shall continue in effect.

shall continue in full force and effect until changed in accordance with the provisions of the revised regulations.

**3. AMENDMENTS TO BE PERMITTED IN PENDING PROCEEDINGS** - Agencies, boards and the Director shall, on the effective date of these regulations and on any changes being made on the prescribed forms or the adoption of supplemental forms, permit amendments in pending proceedings so as to conform to the provisions of these regulations and the applicable form.

The foregoing regulations include all revisions, amendments and supplements. They have been filed with the Secretary of State and are presently in effect.

June 15, 1955.

Schedule 1

MUNICIPALITIES IN WHICH ROOMING HOUSES ARE NOT EXCEPTED  
FROM RENT CONTROL PURSUANT TO SECTION 2(i),  
ARTICLE I, PART II OF THE REGULATIONS

COUNTY	MUNICIPALITY
ATLANTIC	Atlantic City
	Margate City
	Ventnor City
BERGEN	Cliffside Park
	Hackensack
	North Arlington
BURLINGTON	Burlington (City)
CAMDEN	Camden
ESSEX	Newark
HUDSON	Bayonne
	Hoboken
	Jersey City
	North Bergen
	Union City
	West New York
MERCER	Trenton
MIDDLESEX	New Brunswick
	Perth Amboy
MORRIS	None
PASSAIC	Passaic
	Paterson
UNION	Elizabeth

Schedule 2

PARTICULAR HOUSING SPACE WHERE A TENANT IS IN OCCUPANCY  
WHICH IS SUBJECT TO DECONTROL UNDER  
SECTION 3(b), ARTICLE I, PART II OF THE REGULATIONS

The following housing space shall be subject to decontrol under the above section  
of the regulations:

COUNTY	AMOUNT OF LAWFUL MONTHLY RENTAL ON MARCH 1, 1955, EXCLUDING ANY CHARGE FOR GARAGE	
	1 to 4 Units	More than 4 Units
Atlantic	\$125.00 or more	\$125.00 or more
Bergen	\$125.00 "	\$125.00 "
Burlington	\$125.00 "	\$125.00 "
Camden	\$125.00 "	\$125.00 "
Essex	\$150.00 "	\$200.00 "
Hudson	\$150.00 "	\$200.00 "
Mercer	\$125.00 "	\$125.00 "
Middlesex	\$125.00 "	\$125.00 "
Morris	\$125.00 "	\$125.00 "
Passaic	\$125.00 "	\$125.00 "
Union	\$125.00 "	\$125.00 "

Schedule 3

MUNICIPALITIES IN WHICH RENT CONTROL IS OPERATIVE

COUNTY	MUNICIPALITY	COUNTY	MUNICIPALITY	
Atlantic	Atlantic City	Hudson	Bayonne	
	Margate City		East Newark	
	Ventnor City		Guttenberg	
Bergen	Bergenfield	Hudson	Harrison	
	Cliffside Park		Hoboken	
	Edgewater		Jersey City	
	Fairlawn		Kearny	
	Fairview		North Bergen	
	Fort Lee		Secaucus	
	Hackensack		Union City	
	Leonia		Weehawken	
	Little Ferry		West New York	
	Lodi		Mercer	Ewing Twp.
	New Milford			Hamilton Twp.
	North Arlington			Trenton
	Palisades Park		Middlesex	East Brunswick Twp.
	Paramus			Highland Park
	Ridgefield			New Brunswick
	Ridgefield Park			Perth Amboy
				South Plainfield
Burlington	Burlington (City)		Woodbridge	
Camden	Camden	Morris	Hanover Twp.	
	Oaklyn		Lincoln Park	
	Runnemede	Passaic	Passaic	
	Somerdale		Paterson	
Essex	East Orange	Union	Elizabeth	
	Irvington		Hillside	
	Newark		Linden	
	Nutley		Rahway	
	Orange		Roselle	
			Union Twp.	

Rev. 5/15/55

Execute in triplicate (retain one copy for each and file one with agency on application for approval)

LEASE AGREEMENT, made the \_\_\_\_\_ day of \_\_\_\_\_, 195 \_\_\_\_\_ between \_\_\_\_\_ as Landlord and \_\_\_\_\_ as Tenant.

WITNESSETH: Landlord hereby lets to Tenant and Tenant hereby takes from Landlord \_\_\_\_\_ (Address) \_\_\_\_\_ 195 \_\_\_\_\_ and designation of dwelling unit)

and ending on \_\_\_\_\_ 195 \_\_\_\_\_, to be occupied as a private dwelling unit by Tenant and his immediate family only, and not otherwise. Under no circumstances shall more than one family occupy said unit without written consent of Landlord.

Tenant agrees as follows:-

- (a) To pay rent of \$ \_\_\_\_\_ monthly on \_\_\_\_\_ day of each month in advance.
(b) That he will take good care of the unit, commit no waste therein or damage same.
(c) That he will not assign this agreement or underlet said premises or any part thereof without the written consent of the landlord; however, such consent shall not be unreasonably withheld.
(d) That he will comply with all rules and regulations of municipal and state bodies relating to his tenancy.
(e) That he will keep no animals on the premises without consent of Landlord.
(f) That he will install no roof antenna without consent of Landlord.

The Landlord, at his option, shall have the right to terminate this lease and re-enter the dwelling unit, subject to the Act and regulations where in effect and the obtaining of a certificate of eviction thereunder where the tenant shall commit any substantial breach or violation of any of the covenants or agreements in the nature thereof set forth herein. The Landlord shall also have the right to enter the premises for the purpose of making repairs or showing it for rent or sale at reasonable times and hours where inconvenience will not result to the tenant.

Tenant shall have privilege of terminating this lease on giving Landlord 60 days notice from the date any payment of rent is due hereunder. In such cases, the Landlord shall notify the county rent control agency before re-renting.

The Landlord shall not be liable for any damage or injury to person or property caused by anything other than the negligence of himself, his servants, agents or employees.

This Lease shall not be a lien against said premises in respect to any mortgage that may hereafter be placed on said premises.

The Landlord agrees to furnish and maintain equipment and services as indicated below.

Table with 2 columns: Equipment and Services. Equipment includes Partly furnished, Fully furnished, Running water, Hot water equipment, Flush toilet, Private bath, Shared bath. Services include Electric, Central heating, Heating stove, Refrigerator, Ice Box, Cooking stove, Elevator, Other, Garage, Heat or heating fuel, Cooking fuel, Cold water, Hot water, Electricity, Refrigeration or ice, Janitor service, Garbage disposal, Painting & decorating, Interior repairs, Exterior repairs, Other.

\*(The Landlord agrees to perform the service of painting and decorating as required under the rent control regulations within three months after this lease is approved by the agency.)

This lease has been entered into under the rent control regulations and such regulations are made a part hereof. This lease shall become effective on approval by the appropriate rent control agency and thereafter shall be binding upon the landlord, his heirs, successors, executors and assigns.

The parties certify and agree that the rent specified herein is fair \*\* (not in excess of 115% of the lawful rent.)

IN WITNESS WHEREOF, the Landlord and said Tenant have hereunto set their hands and seals the day and year first above written.

By \_\_\_\_\_ L.S. (Landlord)

In the presence of: \_\_\_\_\_ L.S. (Tenant)

\*Not applicable to decontrol or where this service has been performed within two years. In such cases, delete.
\*\*Not applicable to decontrol - in such cases delete.

(SEE INSTRUCTIONS ON REVERSE SIDE)

based on this service on amount of excess rent Sections 5 & 10, Art V

recognized cost of , excluding interest, unless tenant consents,

recognized cost of , excluding interest, acement, unless tenant or 4 burner gas range

per base year.

5

## INSTRUCTIONS

This lease is prescribed for use under the rent control regulations in applications for decontrol and increases in rent in certain instances.

The lease is to be entered into by the landlord and tenant voluntarily and in good faith, not through threat of eviction, undue pressure, connivance or collusion and for a minimum term of at least two years, or until midnight September 30, 1957, whichever period is the shorter. It is for the benefit of the present tenant and future tenants, if any, during the two year term. Any order of approval is subject to revocation under the regulations where substantial violation.

In the event the tenant should vacate the premises prior to the expiration of the lease, the landlord agrees that the lease shall be for the benefit of any future tenant or tenants during the balance of the term.

**PRORATION SCHEDULE****(Sec. 1 and 12, Art. V, Part II of Regs -  
No Rent Adjustments by Way of Increase  
or Decrease Without an Order - See Note)****GENERAL CATEGORY AND TYPE****PERIOD OF COMPUTATION****AMOUNT OF COST - ACTUAL OR RECOGNIZED, WHICHEVER  
IS LOWER OR FLAT SUM - PERCENTAGE OF COST - ABOVE  
ORDINARY REPAIRS AND MAINTENANCE****1. REQUIRED SERVICES**

- (a) Taxes, insurance, salaries, supplies, utilities & other similar items  
(b) Heat and fuel  
(c) Hot water  
(d) Miscellaneous services  
(e) Painting & decorating particular housing space

Annual - Base yr 1951 or subsequent year  
when increase granted on this grnd  
" " " " " " "  
" " " " " " "  
3 yrs min; 5 yrs max; (dependent on category  
under Sec. 2, Art. III, Pt II and circumstances  
Secs. 5&10, Art. V, Pt II - generally see  
Sec. 9(a)(3), Art. V, Pt II of Regs.)

Entire amount of increase representing excess over base year.  
Same as (a)  
Same as (a)  
1/2\*  
1/2\*

- (f) Painting & decorating of building, interior and exterior  
(g) Major, minor and other repairs of all types & description including  
replacements in interior or to exterior of building  
(h) Replacement of furniture, furnishings & linoleum  
(i) Replacements in particular housing space of equipment, fixtures and  
the like including ranges, stoves, refrigerators, sink,  
tub and cabinet combinations, space heaters, etc.

5 years  
100 months  
5 years  
Date of replacement and installation - increase  
based on percentage of cost.

1/2\*  
1/2\*  
1/2\*  
1 1/2\* monthly of lower of actual or reasonable and recognized cost of  
replacement and installation including labor, excluding interest.  
Maximum increase for any one particular replacement, unless tenant  
consents, \$3.50 monthly - minimum increase for 4 burner gas range  
with automatic heat control, \$1.25 monthly.

**2. INCREASED SERVICES**

(Consent of tenant required unless necessary for preservation and maintenance)

- (a) Any of the items set forth under 1(a)(d)(e)(f) & (g)  
(b) Items referred to under 1(i) which shall include additional equipment such  
as storm doors and windows  
(c) Heat and fuel  
(d) Hot water  
(e) Furniture, furnishings - where housing space is changed from unfurnished to  
furnished

Same as for items under 1(a)(d)(e)(f) & (g)  
Date service furnished - increase based on  
percentage of cost

Entire amount  
2% monthly of lower of actual or reasonable and recognized cost of  
replacement and installation, including labor, excluding interest.  
Maximum increase for any particular service, unless tenant consents,  
\$4.00 monthly.  
\$2.25 per month per room incl. bathroom  
\$3.00 per month per unit  
Entire amount

**3. MAJOR OR OTHER IMPROVEMENTS**

(Prior Opinion necessary - See Note and Art. VI, Pt II, regs)  
Structural additions, betterments, major alterations & rehabilitation,  
bathrooms, incinerators and elevators (with particular attention to slum  
or blighted areas).

100 months

Entire amount

**NOTE:** The total of all adjustments in rents by way of increase or decrease shall be prorated pursuant to this schedule and adjusted to the nearest \$.50. Increases in each instance are subject to apportionment. The Regulations, Sec. 8, Art. V, Part II, with certain exceptions, limit the amount of increase that may be granted to 10% in buildings containing more than 4 units and 15% in those having 4 units or less. Where increases exceed these limitations and do not come within the exceptions, the landlord must apply for a prior opinion before commencing and completing the undertaking, otherwise any increase granted will be limited accordingly. See above references and Prior Opinions, Art. VI, Part II, regs.

Once an increase is granted on any ground, no further increase shall be granted for one year and then only at the end of the period of computation. The amount of increase shall be based on excess over previous cost on which first increase granted. For exceptions as to one year provision, see Sections 6 & 7, Art. V, Part II of Regs.

\*Where increase granted under State rent control based on this service - no during period of computation and thereafter only on amount of excess repr increase in cost. As to longer periods see regs, Sections 5 & 10, Art V, P

PRORATION SCHEDULE

(Sec. 1 and 12, Art. V, Part II of Regs -  
 No Rent Adjustments by Way of Increase  
 or Decrease Without an Order - See Note)

PERIOD OF COMPUTATION

AMOUNT OF COST - ACTUAL OR RECOGNIZED, WHICHEVER  
 IS LOWER OR FLAT SUM - PERCENTAGE OF COST - ABOVE  
 ORDINARY REPAIRS AND MAINTENANCE

REAL CATEGORY AND TYPE

REQUIRED SERVICES

- a) Taxes, insurance, salaries, supplies, utilities & other similar items
- b) Heat and fuel
- c) Hot water
- d) Miscellaneous services
- e) Painting & decorating particular housing space
- f) Painting & decorating of building, interior and exterior
- g) Major, minor and other repairs of all types & description including replacements in interior or to exterior of building
- h) Replacements of furniture, furnishings & linoleum
- i) Replacements in particular housing space of equipment, fixtures and the like including ranges, stoves, refrigerators, sink, tub and cabinet combinations, space heaters, etc.

Annual - Base yr 1951 or subsequent year  
 when increase granted on this ground  
 " " " " " " " "  
 " " " " " " " "  
 " " " " " " " "  
 3 yrs min; 5 yrs max; (dependent on category  
 under Sec. 2, Art. III, Pt II and circumstances  
 Secs. 5&10, Art. V, Pt II - generally see  
 Sec. 9(a)(3), Art. V, Pt II of Regs.)  
 5 years  
 100 months  
 5 years  
 Date of replacement and installation - increase  
 based on percentage of cost.

Entire amount of increase representing excess over base year.  
 Same as (a)  
 Same as (a)  
 1/2\*  
 1/2\*  
 1/2\*  
 1/2\*  
 1 1/2% monthly of lower of actual or reasonable and recognized cost of  
 replacement and installation including labor, excluding interest.  
 Maximum increase for any one particular replacement, unless tenant  
 consents, \$3.50 monthly - minimum increase for 4 burner gas range  
 with automatic heat control, \$1.25 monthly.

CREATED SERVICES

- Consent of tenant required unless necessary for preservation and maintenance
- Any of the items set forth under 1(a)(d)(e)(f) & (g)
- Items referred to under 1(i) which shall include additional equipment such as storm doors and windows

Same as for items under 1(a)(d)(e)(f) & (g)  
 Date service furnished - increase based on  
 percentage of cost

Entire amount  
 2% monthly of lower of actual or reasonable and recognized cost of  
 replacement and installation, including labor, excluding interest.  
 Maximum increase for any particular service, unless tenant consents,  
 \$4.00 monthly.  
 \$2.25 per month per room incl. bathroom  
 \$3.00 per month per unit  
 Entire amount

- Heat and fuel
- Hot water
- Furniture, furnishings - where housing space is changed from unfurnished to furnished

Date of improvement - flat amount  
 Date of improvement - flat amount  
 4 yrs first \$500 in cost; balance 5 years

OR OTHER IMPROVEMENTS

- For Opinion necessary - see Note and Art. VI, Pt II, regs)
- Structural additions, betterments, major alterations & rehabilitation, brooms, incinerators and elevators (with particular attention to slum blighted areas).

100 months

Entire amount

The total of all adjustments in rents by way of increase or decrease shall be prorated pursuant to this schedule and adjusted to the nearest \$.50. Increases in each instance are subject to apportionment. The Regulations, Sec. 8, Art. V, Part II, with certain exceptions, limit the amount of increase that may be granted to 10% in buildings containing more than 4 units and 15% in those having 4 units or less. Where increases exceed these limitations and do not come within the exceptions, the landlord must apply for a prior opinion before commencing and completing the undertaking, otherwise any increase granted will be limited accordingly. See above references and Prior Opinions, Art. VI, Part II, regs.

Where increase granted under State rent control based on this service - none during period of computation and thereafter only on amount of excess representing increase in cost. As to longer periods see regs, Sections 5 & 10, Art V, Part II.

Once an increase is granted on any ground, no further increase shall be granted for one year and then only at the end of the period of computation. The amount of increase shall be based on excess over previous cost on which first increase granted. For exceptions as to one year provision, see Sections 6 & 7, Art. V, Part II of Regs.

RC-S2  
Rev. 5/15/55

Execute in triplicate (retain one copy for each and file one with the agency on application for approval)

FORM IN LIEU OF LEASE

\_\_\_\_\_, the landlord hereby certifies that prior to the filing of this form, (he) (it)  
(Name of Landlord)

offered to enter into a written lease on the prescribed form for a term commencing \_\_\_\_\_  
and ending \_\_\_\_\_ at a fair rent of \$ \_\_\_\_\_ per month (\*not exceeding 115% of  
the lawful rent under State Rent Control,) with \_\_\_\_\_

for \_\_\_\_\_ (Name of Tenant)  
(Address & Designation of Dwelling Unit) and that the tenant refused to enter into such lease.

(He) (It) hereby further certifies, represents and agrees that the tenant will be allowed to rent or remain in  
occupancy of such housing space under the conditions set forth herein:

(1) The tenant will be permitted to occupy the housing space for the term of the lease offered, said arrangement  
to become effective upon the entry of an order approving this arrangement and in the event the premises are vacated  
prior to the termination of such period, any new tenant shall be allowed to rent said space on the same terms for the  
balance of the period.

(2) The rent for the housing space during said period shall be \$ \_\_\_\_\_ per month payable in advance on  
the \_\_\_\_\_ day of each and every month; this is fair, (\*not in excess of 115% of the lawful rent under State Rent  
Control.)

(3) This is a month to month tenancy having the same general terms as the prescribed form of lease under the  
rent control regulations which are made a part hereof as though incorporated herein, and the tenant shall not be  
evicted other than as would be permitted under such lease.

(4) The Landlord agrees to furnish and maintain equipment and services as indicated below.

Equipment		Services	
<input type="checkbox"/> Partly furnished	<input type="checkbox"/> Electric	<input type="checkbox"/> Garage	<input type="checkbox"/> Janitor service
<input type="checkbox"/> Fully furnished	<input type="checkbox"/> Central heating	<input type="checkbox"/> Heat or heating fuel	<input type="checkbox"/> Garbage disposal
<input type="checkbox"/> Running water	<input type="checkbox"/> Heating stove	<input type="checkbox"/> Cooking fuel	<input type="checkbox"/> Painting & decorating
<input type="checkbox"/> Hot water equipment	<input type="checkbox"/> Refrigerator	<input type="checkbox"/> Cold water	<input type="checkbox"/> Interior repairs
<input type="checkbox"/> Flush toilet	<input type="checkbox"/> Ice Box	<input type="checkbox"/> Hot water	<input type="checkbox"/> Exterior repairs
<input type="checkbox"/> Private bath	<input type="checkbox"/> Cooking stove	<input type="checkbox"/> Electricity	<input type="checkbox"/> Other
<input type="checkbox"/> Shared bath	<input type="checkbox"/> Elevator	<input type="checkbox"/> Refrigeration or ice	
	<input type="checkbox"/> Other		

(5) (\*\*The Landlord agrees to perform the service of painting and decorating as required under the rent control  
regulations within three months after this lease is approved by the agency.)

(6) If the tenant vacated prior to the two year period, the applicable rent control agency will be notified in  
writing.

(7) It is understood that this arrangement is subject to approval under the regulations and shall not become  
operative until the entry of an order thereunder and thereafter shall be binding upon the landlord, his heirs, successors,  
executors and assigns.

The above certification and representation is made well-knowing that the application concerning the housing  
space, to which this is attached, if granted, will be based on this certification and representation, and it is agreed  
that in consideration of an order being entered, pursuant to such application, (he) (it) will be bound by the provisions  
hereof.

IN WITNESS WHEREOF, (he) (it) has, have, hereunto set (his) (its) hand and seal this \_\_\_\_\_ day of  
\_\_\_\_\_ 195

\_\_\_\_\_  
(Landlord) L.S.

(\*). \_\_\_\_\_, The tenant, have read the above statements of the Landlord and certify  
that an oral agreement has been entered into between the landlord and myself to the above effect.)

\_\_\_\_\_  
(Tenant) L.S.

In the presence of:

\_\_\_\_\_

\* Not applicable to decontrol - in such cases delete.

\*\* Not applicable to decontrol or where this service has been performed within two years - in such cases, delete.

NOTE: - Consent of tenant not required on applications for decontrol provided the landlord has offered the tenant a  
lease as stated in the Regulations.

(SEE INSTRUCTIONS ON REVERSE SIDE)

is service - none  
of excess representing  
& 10, Art V, Part II.

ost of  
interest.  
t consents,

cost of  
interest.  
ess tenant  
gas range

L.

## INSTRUCTIONS

This form in lieu of lease is prescribed for use under the rent control regulations in applications for decontrol and increases in rent in certain instances in which latter instances it is to be entered into by the landlord and tenant voluntarily and in good faith, not through threat of eviction, undue pressure, connivance or collusion and for a minimum term of at least two years, or until midnight September 30, 1957, whichever period is the shorter. It is for the benefit of the present tenant and future tenants, if any, during the aforesaid term. Any order of approval is subject to revocation under the regulations where substantial violation.

In the event the tenant should vacate the premises prior to the expiration of the form in lieu of lease, the landlord agrees that the form in lieu of lease shall be for the benefit of any future tenant or tenants during the balance of the term.

**STATE OF NEW JERSEY**  
**Office of State Rent Control**

**Principal Office - 520 East State St.**  
**Trenton, New Jersey**

**COUNTY RENT CONTROL AGENCIES**

**ATLANTIC**  
Rm 349, Guarantee Trust Build.  
Atlantic City, N. J.  
Ph. Atlantic 4-0558

**BERGEN**  
Administration Building  
Hackensack, N. J.  
Ph. Diamond 3-8414

**BURLINGTON**  
High and Union Sta.  
Mt. Holly, N. J.  
Ph. Elmhurst 7-0920

**CAMDEN**  
11th Floor, City Hall  
Camden, N. J.  
Ph. Woodlawn 4-8700

**ESSEX**  
1028 Broad Street  
Newark 2, N. J.  
Ph. Market 2-1450

**HUDSON**  
2857 Hudson Boulevard  
Jersey City, N. J.  
Ph. Henderson 5-3100

**MERCER**  
Court House  
Trenton, N. J.  
Ph. Export 2-3481

**MIDDLESEX**  
7 Elm Row  
New Brunswick, N. J.  
Ph. Kilmer 5-3600

**MORRIS**  
Court House  
Morristown, N. J.  
Ph. Morristown 4-3360

**PASSAIC**  
7 Church Street  
Paterson, N. J.  
Ph. Lambert 5-3868

**UNION**  
Court House  
Elizabeth, N. J.  
Ph. Elizabeth 3-5000