



CITY OF EAST ORANGE

Ted R. Green, Mayor

Department of Code Enforcement

Division of Rent Control Board
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Eladio Negron, Director

Michael Galloway, Chair
Wanda Watson, Rent Control Officer
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Office Use Only:
Fee: \$125.00 per unit and APPLICATION

Payments payable to: The City of East Orange

(Complete this application in its entirety)

DECONTROL RENTAL UNIT APPLICATION

The rental decontrol inspection fee for the initial inspection of the dwelling unit is \$125.00 (Certified Check(s) or Money Order(s) payable to the City of East Orange. At the time of the initial inspection, the unit must be able to pass the inspection requirements for Decontrol. All requirements are listed in the Rent Control & Conversion Chapter 218 General Code pursuant to §218-27. (Applicants must acknowledge an understanding by initialing and dating each page.)

DATE: _____

PROPERTY INFORMATION:

ADDRESS _____ BLK _____ LOT _____ WARD _____

DECONTROL APARTMENT NO. _____ Was the unit previously deregulated? _____ If unit previously decontrol what year? _____

Is the building occupied? _____ Is the building vacant? _____ Date of vacancy _____

Why is the building vacant? _____

BUILDING SUPERINTENDENT NAME _____ LICENSE NO. _____

PHONE (HOME) _____ (MOBILE) _____

OWNER INFORMATION:

NAME: _____ C/O _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE (DAY) _____ (EVE) _____ (FAX) _____

AGENT INFORMATION:

NAME _____ C/O _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE (DAY) _____ (EVE) _____ (FAX) _____

Upon the vacation of a residential unit by a tenant, the unit shall become eligible for decontrol. A landlord is only permitted to apply for either a capital improvement surcharge, hardship increase or rent decontrol in a given calendar year that impacts the same unit. The Rent Regulation Officer and Rent Control Board shall consider the first application and shall automatically deny the remaining applications in the same calendar year.

NAME OF OLD TENANT(S) _____ OLD TENANT LEASE DATE _____

RENTAL UNIT _____ RENTAL AMOUNT _____ MOVE-OUT DATE _____ NO. OF BEDROOMS _____

WAS THE PREVIOUS RENT REGISTERED? YES _____ NO _____ DATE of LAST RENT-ROLL FILED _____

(Attach a copy of the last rent-roll filed)

REASON FOR VACATING:

- () Vacancy was accomplished by a legal process of law identified by Court Docket Number _____ Date of Hearing _____
() Vacancy was accomplished by willful abandonment by former tenant
() Vacancy was accomplished by the tenant upon termination of a written lease or other periodic tenancy

PROPOSED NEW RENT \$ _____ PERCENTAGE OF INCREASE _____ % EFFECTIVE DATE OF NEW RENT _____

Any dwelling unit decontrolled shall not be eligible for decontrol for 10 years from the issuance of the certificate of habitability/decontrol.

At the time of inspection, there shall be no open code violations throughout the common areas of the building or premises where the unit is located. In addition, when there is health, safety code violation(s) associated with the unit or the common areas violations (s) of the property at the time the application is submitted, the decontrol application shall be denied, and no inspection shall be given for the unit seeking to be decontrolled. (If a decontrol application is denied, for any reason, the landlord shall be prohibited from submitting a new decontrol application for a period of six months from the date of denial.)

Should the apartment not be ready on the effective date of application the owner will forfeit his/her fee of \$125.00 and must reapply.

Initials _____ /Date _____

The landlord shall be eligible for decontrol only under the following circumstances:

(a) The tenant vacates the apartment voluntarily, and there is no unreasonable pressure from the landlord or his agent.

(b) The tenant vacates the apartment as a result of a court order from a court of competent jurisdiction. This ground shall not be available to a landlord who receives a court order to dispossess a tenant based upon a tenant holding over and continuing in possession of the premises after the expiration of his/her term.

(c) In those situations where tenants move to different units within the same building or complex, the apartment into which the tenant moves will not be decontrolled. The unit vacated will be eligible for decontrol.

(d) When a landlord seeks to decontrol a dwelling unit under this section, the landlord shall file a vacancy decontrol application, with the applicable fee, with the Rent Regulation Officer prior to the effective date of the new tenancy. All decontrol applications shall be decided within 60 days from the date the application is filed with the Rent Regulation Officer. [Amended 11-21-2016 by Ord. No. 53-2016; 11-27-2023 by Ord. No. 30-2023]

Before the dwelling unit is approved for a certificate of decontrol, the landlord shall meet the following inspection requirements: (Note: The tenancy occupancy factors and standards are as set forth in Chapter 159, entitled "Housing Standards; Property Maintenance," of the Code of the City of East Orange. At the time of inspection all utilities must be operational. All inspections must be complete prior to occupancy by the new tenant.

(a) There must be standard locks on all doors of ingress and egress in accordance with the applicable code provisions in the building and the subject dwelling unit.

(b) Floors, if wood, shall be sanded and refinished to their original color and condition, or wall-to-wall carpet shall be installed throughout the unit.

(c) Kitchen and bathroom floors shall be tiled or of water-resistant material and reflect their original color and condition.

(d) All walls and ceilings shall be painted, covered or decorated to reflect original or modern styles.

(e) Kitchens shall contain a minimum of four electrical outlets for appliances and other kitchen usage. The sink, stove and refrigerator shall be operable and reflect original or modern styles. If the sink is not cleanable, it shall be replaced.

(f) Bathrooms shall contain tub and/or a shower, commode and face basin reflecting original or modern styles. If any of the foregoing fixtures are not operable and cleanable, they shall be replaced.

(g) All windows shall be weathertight and workable. All windows shall be properly glazed and free of cracks or breaks. Screens shall be available during the required time of the year.

(h) All tenant facilities shall be in proper working order and clean, which shall include bells, buzzers, intercoms, elevators, laundry rooms, garbage rooms and storage rooms, where necessary.

(i) All common areas throughout the building shall reflect original or modern styles and be free from any damage, cracks, peeling paint, dirt and debris.

(j) Garages shall be maintained in accordance with applicable code provisions. Driveways and parking areas shall be properly lit and marked for parking and free from brakes and holes or any other ground hazard which may exist in the parking area.

(k) All utilities shall be operational at the time of inspection. A functioning stove and refrigerator shall be in the unit at the time of inspection.

(l) At the time of inspection, there shall be no open code violations throughout the common areas of the building or premises where the unit is located.

(m) At the time of inspection, the exterior of the premises shall be free of peeling paint on the building and building trim. All paintings shall be in reasonable condition.

If the Unit has not passed the decontrol inspection:

- Should inspection requirements not be met, any subsequent inspection shall include an additional fee of \$50 for each inspection.
- If there are violations of the foregoing inspections requirements, the landlord shall be given a thirty-day compliance period to correct the violations.
- If the violations are not completely corrected at the expiration of the compliance period, the decontrol application shall be denied. (No other inspections shall be provided for a single decontrol application.)
- When a decontrol is denied, for any reason, the landlord shall be prohibited from submitting a new decontrol application for a period of six months from the date of from the date of denial.
- The applicant has the option of requesting a regular Certificate of Habitability. There would be no reimbursements or credit for the difference in fees between the two certificates. To change the Decontrol request to a Regular Certificate of Habitability request, a notarized letter must be sent to the Division of Rent Leveling, Department of Code Enforcement/Property Maintenance.
- Pursuant to the General Code §159 it is unlawful to rent or allow occupancy of any dwelling unit without obtaining and returning a properly executed Certificate of Habitability to the Department of Code Enforcement/Property Maintenance.

Initials _____ /Date _____

After the inspection requirements are met: The Director of Property Maintenance and Revitalization shall cause a certificate of decontrol to be issued for the dwelling unit.

If there are violations of the foregoing inspection requirements, the landlord shall be given a thirty-day compliance period to correct the violations. If the violations are not completely corrected at the expiration of the compliance period, the decontrol application shall be denied. If there are health and safety code violations associated with the unit or the common areas of the property at the time the application is submitted, the decontrol application shall be denied, and no inspection shall be given for the unit seeking to be decontrolled. If a decontrol application is denied, for any reason, the landlord shall be prohibited from submitting a new decontrol application for a period of six months from the date of denial.

After the certificate of habitability/decontrol is issued, the landlord shall register his rents pursuant to §218-14 of this chapter. **All dwelling units decontrolled prior to the effective date of this section shall also be registered pursuant to §218-14 and be subject to the provisions of this chapter for rent-controlled dwelling units. In addition, any dwelling unit decontrolled in accordance with the foregoing provisions shall not be eligible for decontrol for 10 years from the issuance of the certificate of habitability/decontrol for the unit.**

Initials _____/Date_____

I hereby certify that all statements of this application are true. I am aware that if any of the facts are willfully false, I can be subjected to punishment and/or the effects of the certification can be rescinded.

Date_____

Print Authorized Name_____

Authorized Signature_____

The Rent Regulation Officer shall investigate the circumstances under which the tenant vacated the apartment. Issues concerning circumstances of the vacation of a unit by a tenant which are deemed contrary to the provisions of this section by the Rent Regulation Officer shall be reviewable by the Rent Control Board.

In the event that the Board determines that a landlord is seeking to decontrol or has decontrolled a dwelling unit under circumstances other than those set forth in this section, the Rent Control Board may: [Amended 11-27-2023 by Ord. No. 30-2023]

- a. Rescind the decontrol of the dwelling unit, and rent shall revert to that rental on the dwelling unit prior to vacation of the unit.
- b. Prosecute the landlord for violation of this chapter.

Initials _____/Date_____

ALL FEES MUST BE PAID BY CERTIFIED CHECK OR POST OFFICE MONEY ORDER ONLY

Reference No. Initials_____

Fees_____

Receipt_____

Date_____

Date Assigned_____

Interviewer_____

Inspector_____

Any dwelling unit decontrolled shall not be eligible for decontrol for 10 years from the issuance of the certificate of habitability/decontrol

§ 218-29. Warehousing of dwelling units

A. Any dwelling unit subject to rent control under this chapter shall be rented and occupied by a new tenant within 60 days after the end of the preceding tenancy, which shall be designated as the last day of residence by the preceding tenant except when this provision has been waived by the Rent Regulation Officer.

B. The landlord of any dwelling unit which is vacant 30 days after the preceding tenancy shall notify the Rent Regulation Officer on the 31st day of the vacancy, in writing, that the dwelling unit is vacant. The notification shall include the following information:

- (1) The address and location of the premises and apartment number of the dwelling unit.
- (2) The rent charged the preceding tenant and the proposed rent to be charged the incoming tenant.
- (3) The name, address and telephone number of the landlord, agent and resident manager, if any.
- (4) No notification shall be required with respect to any unit rented and occupied within 30 days or less from the end of the preceding tenancy except to the extent as required by § 218-4.

C. Failure to have the unit rented and occupied within 60 days after the end of the preceding tenancy, except where a waiver has been granted by the Rent Regulation Officer, shall be considered a violation of this provision and subject the landlord to the penalties set forth in § 218-20.

D. A landlord may seek a waiver of the provisions of § 218-29A where the condition of the unit or other circumstances make rental within the time period impossible.

E. To obtain a waiver the landlord must notify the Rent Regulation Officer, in writing, within 45 days from the end of the preceding tenancy and set forth with specificity the following:

- (1) The reasons that the unit cannot be rented within the subject time period.
- (2) The steps the landlord shall take to remedy the conditions that make it impossible to rent the unit.
- (3) The date the unit shall be rented and occupied.

F. Full documentation, such as code violation reports, engineering or inspection reports, etc., shall be provided by the landlord. Any waiver granted by the Rent Regulation Officer under this section shall specify a date by which the unit shall be rented and occupied. The Rent Regulation Officer may extend that date upon written request of the landlord but may not provide more than two extensions of more than 30 days. In no event shall any waiver, including extensions, exceed six months from the end of the preceding tenancy.

G. The following circumstances shall constitute grounds for granting of a waiver by the Rent Regulation Officer:

- (1) The landlord wishes to maintain a vacant unit in order to reserve said unit for a family member. The owner shall provide in the waiver request full documentation, such as the name of the future tenant and the date of occupancy.
- (2) A landlord wishes to maintain a vacant unit in order to improve the conditions of said unit pursuant to § 218-27
- (3) A landlord maintains a vacant unit in order to correct code violations in said unit. The owner shall provide in the waiver request full documentation, such as code violation reports, correction plans, permits and the date by which the unit shall be rented and occupied.
- (4) A landlord demonstrates that reasonable efforts have been made to rent a dwelling unit without success.

H. Any tenant living at premises where a dwelling unit is vacant, civic organizations or municipal, state or federal agencies may petition the Rent Regulation Officer to investigate alleged violations of these provisions.

I. Any landlord of any unit which has been vacant 30 days or more from the end of the preceding tenancy as of the effective date of this chapter shall be required to file the notifications required under the foregoing provisions of this chapter within 30 days of the effective date of this chapter.

J. The Rent Regulation Officer shall issue a summons for any violation of any provision of this section.