

ORDINANCE NO. 2016:03

AN ORDINANCE AMENDING CHAPTER XI ENTITLED “AUTHORIZING DESIGNEE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD

WHEREAS, the Rent Leveling board has made a recommendation to the Mayor and Council of the Borough of New Milford to amend Chapter XI, entitled Authorizing Designee, of the Revised General Ordinances of the Borough of New Milford; and

WHEREAS, the Mayor and Council of the Borough of New Milford believe the recommended changes are in the best interest of the residents of New Milford.

NOW THEREFORE BE IT ORDAINED, the Rent Leveling board has made a recommendation to the Mayor and Council of the Borough of New Milford to amend Chapter XI, entitled “Authorizing Designee”, of the Revised General Ordinances of the Borough of New Milford of the Revised General Ordinances of the Borough of New Milford shall be amended as follows;

11-2: DEFINITIONS:

The following definitions be added in their entirety as follows:

Designee shall mean the Rent Level Board Coordinator or such other person who shall be authorized to act on behalf of the Rent Leveling Board as set forth herein.

11-3: ESTABLISHMENT OF RENTS

- (d) Any landlord seeking an increase in rent shall notify the tenant at least forty-five (45) days prior to the increase becoming effective, of the present rent and of the calculations involved in computing the increase and the proposed rent. The notices shall also be filed with the Rent Leveling Board forty-five (45) days prior to the effective date of any increase. The Rent Leveling Board shall advise the landlord of the approval or disapproval of such increase within fifteen (15) days after receipt of such notice of increase. The landlord shall then notify the tenant of the current rental. No increases shall become effective without the prior approval of the Rent Leveling Board or its designee.

11-5.2: APPLICATION PROCEDURES

- (a) Replace misspelled word “mini-mum” with “minimum”
- (b) 5 Replace misspelled word “maxi-mum” with “maximum”

Section 11-5.2 “Application Procedures”, shall be amended to add the following:

- (d) If the applicant fails to meet the requirements of paragraphs b. and c. or the threshold requirement of paragraph a., the Board or its designee shall reject the application, without prejudice to reapplication upon completion of the necessary requirements.

11-7.2: CONDITIONS FOR INCREASE

Section 11-7.2 “Conditions for Increase”, shall be amended as follows:

- (b) Notwithstanding any limitations upon permissible rent increases under any other provisions of this chapter, upon the voluntary uncoerced vacation of a dwelling unit, rent increases for which are controlled in this chapter, the landlord shall have the right to fix the rent for such vacated apartment at such sum as he deems appropriate upon certification by the Rent Leveling Board or its designee.
- (c) Upon the voluntary, uncoerced vacation of a dwelling unit and where the landlord seeks a rental increase pursuant to this subsection, the landlord shall file with the Rent Leveling Board a certification approved by the Board, subparagraphs 1, 2, 3, 4, 5, 6 or 7 shall not be affected by this amendment.
- (d) The Rent Leveling Board, or its designee, if satisfied that the vacation of the dwelling was the uncoerced and voluntary act of the former tenant, shall approve and certify the requested rental increase. No such rental increase will be allowed for a dwelling unit vacated due to a judicially mandated eviction for reasons other than nonpayment of rent unless the landlord shows by clear and convincing evidence that said eviction was necessary to protect the rights of neighboring tenants of the vacated dwelling unit.
- (e) In the event that the Rent Leveling Board or its designee, determines that the vacation was not the voluntary uncoerced act of the tenant or that the landlord has made a material misstatement in the statement required to be filed with the Rent Leveling Board; the rental for the dwelling unit shall remain at the rent prevailing at the time of vacation, together with any increases provided for by this chapter.

11-10.2: POWERS

The Rent Leveling Board or its designee as authorized by the Board is hereby granted, and shall have and exercise, in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purposes of this ordinance, including but not limited to the following:

Section 11-10.2 “POWERS”, shall be amended to add the following:

- (f) Issue summons for a violation of the provisions of Chapter XI.

11-11: APPEALS TO MAYOR AND COUNCIL

Section 11-11 “Appeals to Mayor and Council”, shall be amended to add the following

Both the landlord and tenant may appeal the findings of the Rent Leveling Board within forty-five (45) days of its decision to the Mayor and Council.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon passage and publication in accordance with law and that the remainder of this ordinance remains unchanged.

BE IT FURTHER ORDAINED that a copy of this ordinance be forwarded to the New Milford Rent Leveling Board, and the Rent Leveling Coordinator.