



**BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE 17-2024

**ORDINANCE AMENDING CHAPTER 277-2(A) OF THE CODE
OF THE BOROUGH OF ATLANTIC HIGHLANDS**

WHEREAS, in 2023, the Borough’s rent control ordinance was amended to extend the protection of rent control to all residential apartments in the Borough, except residential buildings of four housing units or less, mixed-use buildings with two housing units or less and condominium units if the owner owns four units or less; and

WHEREAS, the Borough Council believes that further amendment to the rent control ordinance is necessary to close a loophole therein that would allow previously controlled housing units to become decontrolled notwithstanding no change in tenancy;

NOW, THEREFORE, BE IT ORDAINED that Chapter 277-2(A), “Rent Control, Definitions,” is amended to read as follows:

Section 1. § 277-2(A) is amended to read as follows:

§ 277-2 Rent control.

A. Definitions. As used in this chapter:

BASE RENT

The actual legal monthly rental a tenant is paying for the apartment.

CPI

The Consumer Price Index for all urban consumers for the region of the United States, of which Atlantic Highlands, New Jersey, is a part (i.e., the New York-Northeast-New Jersey region) published periodically by the Bureau of Labor Statistics, United States Department of Labor.

CURRENT RENT

The actual legal monthly rental a tenant is paying for his apartment, including any hardship increase or improvement surcharge.

**DATE THAT THE LEASE IS ENTERED INTO IN THE CASE OF THE RENEWAL OF
LEASES**

The starting date of the last renewal term.

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HOUSING SPACE, DWELLING OR APARTMENT

Includes the portion of a structure rented or offered for rent for living and dwelling purposes to one or more individuals or a family unit together with all privileges, services, furnishings, furniture, equipment, facilities, parking and garage facilities (whether optional or mandatory), and improvements connected with the use or occupancy of such portions of the property. Included are any building, structure, trailer, or land used as a trailer park, rented or offered for rent to one or more tenants or family units. Exempt from this chapter are: commercial buildings containing two or fewer housing ~~units~~ **spaces**; and housing structures of four housing ~~units~~ **spaces** or fewer, **and motels, hotels and similar-type buildings**. Also exempt are condominiums and condominium complexes, ~~motels, hotels, and similar-type buildings~~ except any ~~portion~~ **housing space** thereof that is owned or controlled by a person or entity owning or controlling (meaning greater than 50% ownership by the same related party interests) five or more of those ~~apartments or units~~ **housing spaces** that are rented or offered for rent. **Not exempt from this chapter is any housing space, dwelling or apartment previously subject to the provisions of this chapter which would otherwise become exempt due to a change in the number of housing spaces owned or controlled by an individual or entity, or the number of housing spaces in a mixed-use building or housing structure, provided that the tenant leasing the housing space remains the same.**

NOTIFY or NOTIFICATION

Either certified mail or hand delivery acknowledged by written receipt; or if the party refuses to claim or acknowledge delivery, by regular mail.

REAL ESTATE TAX

All real estate or property taxes paid to the Borough of Atlantic Highlands, including but not limited to municipal, county and school taxes, and any other taxes or fees listed on the annual property tax bill.

SUBSTANTIAL COMPLIANCE

That the housing space and dwelling are substantially free from all heat, hot water, elevator and all health, safety and fire violations as well as 90% qualitatively free of all other violations of the Atlantic Highlands Property Maintenance Code and/or the Multifamily Dwelling Code.

Section 2. This ordinance shall take effect immediately upon its final passage and publication as required by law.

Motion: Introduce Ordinance 17-2024, **Moved by** Councilwoman Forber; **Seconded by** Councilwoman Cusack

Vote: Motion carried by roll call vote (**summary:** Yes = 5).

Yes: Councilman Colasurdo, Councilwoman Cusack, Councilman Dougherty, Councilwoman Forbes, Councilman Murphy

No: None

Absent: Councilman Crowley

Deleted material with ~~strike-through~~; new material **bold and underlined**.

I, Michelle Clark, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held July 11, 2024, WITNESS my hand this 12th day of July 2024.

Michelle Clark

Michelle Clark, Municipal Clerk



Motion: Adopt Ordinance 17-2024 **Moved by** Councilman Crowley, **Seconded by** Councilwoman Cusack

Vote: Motion carried by roll call vote (**summary:** Yes = 5).

Yes: Councilman Crowley, Councilwoman Cusack, Councilman Dougherty, Councilwoman Forbes, Councilman Murphy

No: None

Absent: Council Colasurdo

I, Michelle Clark, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its Regular Meeting held August 8, 2024. WITNESS my hand this 9th day of August 2024.

Michelle Clark
Municipal Clerk

DATE OF MAYOR'S APPROVAL: August 9, 2024

Lori Hohenleitner
Mayor