

**BOROUGH OF BERGENFIELD
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE #26-2667

AN ORDINANCE OF THE BOROUGH OF BERGENFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO AMEND CHAPTER 240 ENTITLED "RENT CONTROL"

WHEREAS, the power to control rent is part of the general police powers afforded to municipalities by N.J.S.A. 40:48-2; and

WHEREAS, the governing body of the Borough of Bergenfield desires to amend Chapter 240 of the Borough Code, upon recommendation from the Borough's Rent Leveling Board.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Bergenfield, County of Bergen, State of New Jersey, that the portions of the Borough Code set forth below are hereby amended and those portions of the Borough Code not set forth below shall remain unchanged.

SECTION 1. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control," Section 240-2, currently entitled "Rent Leveling Board and Office," shall **amend** the following subsection (B):

§ 240-2. Rent Leveling Board and office.

B. Powers of Board. The Rent Leveling Board is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this Chapter, including but not limited to the following:

- 1) To issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this Chapter, which rules and regulations shall have the force of law until revised, repealed or amended from time to time by the Board in the exercise of its discretion, provided that such rules are filed with the Borough Clerk.
- 2) To supply information and assistance to landlords and tenants to help them comply with the provisions of this Chapter.
- 3) To hold hearings and adjudicate applications from landlords as herein provided.
- 4) To hold hearings and complaints from tenants as herein provided.

SECTION 2. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control," Section 240-4, entitled "Establishment of Rents," subsection C shall be **deleted** in its entirety.

SECTION 3. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control," Section 240-5, entitled "Cost of living increase," shall be deleted in its entirety and replaced with the following:

§ 240-5. Cost of living increase.

A. Timeframe.

1. General. A landlord shall be entitled to a cost of living increase, once a year, on the anniversary of when the tenancy began.
2. Exception. For tenancies with a written lease term of greater than one year, a landlord shall only be entitled to a cost of living increase at the expiration of the written lease.

B. Cap on Increase. Any cost of living increase in excess of 4% shall be void upon the adjudication of a successful complaint pursuant to § 240-9.

C. Notice to Tenant of Increase.

1. Any landlord seeking a cost of living increase shall notify the tenant, in writing, and include in their notice the tenant's current base rent, the allowable rental increase, and the new base rent.
2. All landlords must send the above-described notice to their tenants at least 30 days prior to the tenancy's anniversary or leases' expiration (for tenancies greater than one year). If a landlord is not able to send the notice within the prescribed timeframe, the landlord may petition the Board to send a notice out-of-time, which shall be granted by the Board upon a showing of good cause. The Board shall not consider petitions filed later than 60 days after the tenancy's anniversary or the expiration of the lease. In the event that the Board approves the landlord filing a notice out-of-time, the landlord shall still be required to comply with subsections (C)(1) and (C)(3) in order for the rent increase to be valid. Under no circumstances can the landlord charge the increased rent retroactively, in other words, the landlord shall only be entitled to the cost of living increase for the remaining time left of the year or lease (for tenancies greater than one year).
3. A notice of rent increase must be sent via certified mail, return receipt requested. If a tenant agrees, in writing, to receive notices of rent increases electronically, a landlord may be permitted to send the notices via email correspondence, so long as the landlord can provide proof that the email was properly delivered to the correct email address. No other electronic notification shall be permitted.

D. Notice to Rent Leveling Board of Increase. All landlords shall submit a monthly report, which evidences the cost of living increase(s) that took place in that month, pursuant to §

240-7. In the event the Rent Leveling Board determines that such increase shall be in violation of this section, it shall notify the landlord and the tenant in writing of its determination and fix a date for a hearing with reference to this issue. The rent increase in question shall be frozen upon issuance of said notice and shall remain frozen until the conclusion of such hearing.

- E. Any rental increase imposed in violation of this section shall be void upon the adjudication of a successful complaint pursuant to § 240-9. Additionally, a landlord may be barred from imposing a cost of living increase upon the adjudication of a successful complaint pursuant to § 240-9.

SECTION 3. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control," section 240-6, entitled "Surcharges," shall be **amended** by adding a new subsection as follows:

§ 240-6. Surcharges.

D. Policies Applicable to All Surcharges

- 6) Any surcharge in excess of what is authorized by this section shall be voidable upon the adjudication of a successful complaint pursuant to §240-9.

SECTION 4. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control," Section 240-9 currently entitled "Complaints," shall be **deleted** in its entirety and **replaced** with the following:

§ 240-9. Complaints.

A. Statute of limitations. Every action cognizable under this Chapter, and subsequent amendments thereto, shall be commenced within 18 months next after the cause of any such action shall have accrued.

- 1) Definition of "subsequent amendments." The reference to "subsequent amendments thereto" contained in Subsection A above shall include all ordinances that have been enacted into law or will be enacted into law in the future as to amendments and/or supplements to Bergenfield Ordinance No. 1045.
- 2) The date of commencement of such action, as set forth in Subsection A above, shall be the date on which a written complaint is accepted for filing by the Rent Leveling Board Secretary (or his or her agent), located at the Bergenfield Municipal Building, Bergenfield, New Jersey.

B. Filing of complaint. The Rent Leveling Board Secretary (or his or her agent)

shall accept a written complaint for filing, provided that it complies with the following procedural requirements:

- 1) The written complaint shall be made on forms provided by the Board, which shall be made available at the office of the Borough Clerk and/or the office of the Rent Leveling Board Secretary.
- 2) The complainant shall attach to such written complaint all written correspondence and true copies of all relevant leases relating to the complaint.
- 3) The complainant shall pay any filing fee as may be required for the filing of such complaint.

C. Amendment to complaint.

- 1) Subsequent actions. A complaint that has been accepted for filing may be amended to include ongoing or additional actions that accrue subsequent to the filing of the written complaint, provided that the respondent to such complaint is served with written notice by the complainant of such subsequent actions in advance of the final hearing before the Rent Leveling Board. The Board upon application may grant the respondent an adjournment of the final hearing in order to allow the respondent additional time in which to prepare a response to the subsequent actions. The Board shall routinely allow such amendments to the complaint, upon written request by the complainant. The Board shall routinely allow requests for adjournment of a final hearing in order to allow the respondent additional time in which to prepare a response to such amendments, upon written request by the complainant.
- 2) Prior actions. Any proposed amendments to the complaint that pertain to an action or actions that predate the filing of the original complaint shall not be allowed without the permission of the Bergenfield Rent Leveling Board, and only upon written application to the Board by the complainant after a hearing, and upon written notice of such application and hearing date by the complainant to the respondent at least 20 days in advance of such hearing.

D. Upon the filing of a complaint, the matter must be set forth for a hearing no later than 60 days upon receipt of the complaint

E. The Rent Leveling office must notify the landlord of the filing of the complaint within 14 days of receipt thereof.

F. If a tenant requires the services of a translator for the hearing(s) on their complaint, the Board will provide a translator for the tenant at no cost to the tenant. In the event that the tenant's complaint is adjudicated successfully by the Board, the landlord shall be required to reimburse the Board for the costs of

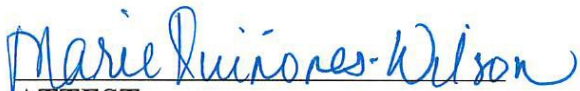
the translating services for the hearing(s).

- G. Prospective application of this Chapter. This section shall apply prospectively only. This section shall not apply to any complaints pending before the Rent Leveling Board as of the effective date of this section. A matter shall be deemed to be pending before the Rent Leveling Board if a written complaint has been accepted for filing by the Secretary (or his or her agent) of the Bergenfield Rent Leveling Board.

SECTION 15. Part II, General Legislation, of the Borough of Bergenfield Code, Chapter 240, entitled, "Rent Control," Section 240-15 shall be deleted in its entirety.

Introduced: May 19, 2026

Adopted: June 16, 2026


ATTEST


APPROVED