

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting February 12, 2024

Presented by Councilwoman Congalton-Hali

ORDINANCE NO. 2479

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING SECTION 322-9 ENTITLED ‘CAPITAL IMPROVEMENTS’ OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

introduced on the 12th day of February, 2024, do now pass a final reading and be adopted, and that the Borough Clerk be and she is authorized and directed to publish once, the aforesaid title, together with a notice of the date of its passage on final reading and approval thereof in The Record, a newspaper circulating in the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Kontolios	X			
Ryu	X			
Congalton-Hali	X			
Kim		X		
Ramundo	X			
Said	X			
Mayor Jimenez				

Approved:

Attest:

Hugo Jimenez, Mayor

Linda M. Silvestri,
Borough Clerk

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“AN ORDINANCE AMENDING SECTION 322-9 ENTITLED ‘CAPITAL IMPROVEMENTS’
OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

SECTION I: Amendments.

Section 322-9, entitled “Capital Improvements”, of the Code of the Borough of Ridgefield be and same is hereby amended by deleting the wording of the existing subsection B. in its entirety and replacing same with the following:

A "capital improvement" is defined as a service or improvement to property which provides an additional benefit to tenants not previously accorded them, and which changes their housing accommodations in a major way. A capital improvement is not a service or improvement that is required by law or by lease and is not a repair, or a replacement of substantially equal value.

Section 322-9, entitled “Capital Improvements”, of the Code of the Borough of Ridgefield be and same is hereby amended by deleting the wording of the existing subsection C. in its entirety and replacing same with the following:

A landlord seeking a capital improvement surcharge shall petition the Rent Leveling Board for permission to collect same. Such petition must be in the form of an application and filed no later than 12 months following the completion of the work for which the landlord seeks a capital improvement surcharge. Thereafter, the Rent Control Office shall review the application for completeness, and if the Office determines the application complete, the Rent Control Office shall stamp the application as “complete” and shall designate a hearing date for the Board’s consideration of the application. Once a hearing date is designated, the Rent Control Office will provide the landlord with a copy of the stamped completed application and a Notice of Completed Application and Hearing Date. The landlord shall then notify all tenants of the application and the scheduled hearing date by providing the tenants with the Notice of Completed Application and Hearing Date and a copy of the stamped completed application by certified and regular mail at least thirty (30) days prior to the scheduled hearing date. In the event that a scheduled hearing date is postponed, the landlord must provide notice of the rescheduled hearing date at least thirty (30) days prior to the rescheduled date, however, said notice may be provided by regular mail only. After the landlord has finished

providing notice to the tenants, the landlord shall submit a Notice Log to the Rent Control Office confirming said notice has been provided to the tenants no later than five (5) days before the scheduled hearing date.

Section 322-9, entitled “Capital Improvements”, of the Code of the Borough of Ridgefield be and same is hereby amended by deleting the wording of the existing subsection K. in its entirety and replacing same with the following:

A landlord may seek a surcharge after completion of a capital improvement. Notice shall be provided by the landlord, and the tenant shall have opportunity to object, all as set forth above. No greater or lesser consideration shall be given to the applicant by the Board because of the fact that the application is made subsequent to the project’s completion. Any landlord who shall make application for a capital improvement surcharge after accomplishment of the project shall do so at his or her own risk that a surcharge will be granted. In order to be granted a capital improvement surcharge, all work must receive and pass all required governmental inspections. To the extent practicable, government inspections are to be completed within ninety (90) days of completion of all work. Where government inspections must be made to the interior of dwellings, notice is to be provided to each tenant via certified and regular mail that work has been completed and that government inspections are to commence no earlier than ten (10) days from the date of notice. After the government inspections are completed, the landlord must submit an official written confirmation from the government inspector or Borough Construction Official indicating that the completed work has passed all required government inspections. Said written confirmation must be provided to the Rent Leveling Board prior to the hearing.

SECTION II. Ratification and Affirmation.

In all other respects, the terms, conditions and provisions of Sections 322-9 of the Code of the Borough of Ridgefield are ratified and affirmed.

SECTION III. Repealer.

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Ridgefield inconsistent with the provisions of this ordinance is hereby repealed as to said inconsistencies and conflicts.

SECTION IV. Severability.

If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION V. Retroactive Application.

This ordinance shall apply retroactively to any outstanding Capital Improvement Applications, which have not been adjudicated on the merits by the Rent Leveling Board.

SECTION VI. Effective Date.

This ordinance shall take effect immediately upon final passage and publication according to law.

Approved:

Attest:

Hugo Jimenez, Mayor

Linda M. Silvestri,
Borough Clerk