

ORDINANCE OF THE TOWNSHIP OF WINSLOW, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF WINSLOW TO ESTABLISH CHAPTER 212 “RENT CONTROL”

WHEREAS, the Township of Winslow (the “Township”) is a municipal corporation organized and operating under the laws of the State of New Jersey; and

WHEREAS, the Township wishes to establish rent control provisions within the Township consistent with recently proposed State legislation; and

WHEREAS, the Township Committee finds it in the best interest of the Township and its residents to provide regulations for maximum rent increases for mobile home properties within the Township; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Mayor and Township Committee of the Township of Winslow are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Committee of the Township of Winslow as follows:

SECTION 1: The Code of the Township of Winslow is hereby amended, revised, and supplemented to establish Chapter 212, “Rent Control,” as follows:

CHAPTER 212 – RENT CONTROL

§ 212-1 Purpose.

The cost of housing in New Jersey, including rental housing, constitutes one of the most substantial financial challenges faced by residents of this State, and a substantial number of New Jersey renters pay more than 35 percent of their household income on rent. Due to the summary nature of landlord-tenant proceedings, limited discovery, case-by-case determinations of unconscionability, disparity in bargaining power, and limited present setting forth a bright line standard for

unconscionable rent increases, residential tenants, including tenants that reside in mobile homes, are limited in their ability to dispute a rent increase, which for many tenants, has exceeded nine percent. Therefore, to protect the health and well-being of residential tenants, it is in the public interest to establish a reasonable limitation on annual rent increases for tenants that live in rental housing commonly known as "mobile homes."

§ 212-2 Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

COVERED DWELLING UNIT

A structure, or a room or a group of rooms within a structure:

1. offered for rent by a landlord for residential purposes, other than a dwelling unit in an owner-occupied premises of not more than three dwelling units;
2. that is rented to a residential tenant for their principal place of residence; and
3. that is a mobile home rental space.

LANDLORD

Any person or entity who rents or leases or offers to rent or lease a covered dwelling unit, for a term of at least one-month, dwelling units, except dwelling units in owner-occupied premises of not more than three dwelling units, or in hotels, motels or other guest houses serving transient or seasonal guests. "Landlord" includes a person or entity who rents or leases or offers to rent or lease, for a term of at least one-month, mobile home pad space for living or dwelling purposes in a mobile home park.

MOBILE HOME PARK

A parcel of land, or two or more contiguous parcels of land, containing at least 10 sites equipped for the installation of mobile homes, where these sites are under common ownership and control, other than as a cooperative, for the purpose of leasing each site to the owner of a mobile home for the installation thereof, and where the owner provides services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include, but shall not be limited to:

1. Construction and maintenance of streets;
2. Lighting of streets and other common areas;
3. Garbage removal;
4. Snow removal; and
5. Provision for the drainage of surface water from home sites and common areas.

MOBILE HOME RENTAL SPACE

That portion of a trailer or mobile home park rented or offered for rent for the purposes of parking a trailer or mobile home for living and dwelling purposes to one individual or family unit, together with all privileges, services equipment, facilities and improvements connected with the use or occupancy of such portion of the property. Mobile home rental spaces which are vacant or are newly constructed and rented for the first time are exempted, and the initial rent may be determined by the owner. All subsequent rents will be subject to the provisions of this chapter.

TENANCY

The lawful occupation of a dwelling unit and includes a lease or sublease, oral or written.

§ 212-3 Maximum rental increase.

- a. Except as provided in subsections 212-3(c) and 212-3(d) of this Section, a landlord shall not, over the course of a 12-month period, increase the rent on a covered dwelling unit by more than 2.5%.
- b. A tenant of a covered dwelling unit shall not enter into a sublease that results in a rental rate for the covered dwelling unit that exceeds the allowable rental rate authorized by 212-3(a). Nothing in this subsection shall be construed to authorize a tenant to sublet or assign the tenant's interest where otherwise prohibited.
- c. A landlord may, notwithstanding 212-3(a), establish the initial rent rate for a new tenancy in which no tenant from the prior tenancy remains in lawful possession of the covered dwelling unit. 212-3(a) shall only apply to subsequent increases after that initial rent rate has been established with respect to the new tenancy.
- d. This Section shall not apply to the following:
 1. Non-residential real property;
 2. A covered dwelling unit restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income; or
 3. A covered dwelling unit subject to a "Notice of Rent Protection Emergency," established pursuant to P.L.2002, c.133 (C.2A:18-61.62 et seq.), the application of which results in a lower permitted rent increase for the specified year than that permitted pursuant to 212-3(a).
- e. If the landlord of a covered dwelling unit requests or accepts an increase in rent exceeding the amount permitted pursuant to 212-3(a), the applicable rent for the duration of the present lease term, or subsequent lease term if the present term is month-to-month, shall be the rent for the rental term preceding the rent increase in violation of this Section.

§ 212-4 Enforcement.

The Township Housing Inspector is specifically granted authority to sanction violations of this chapter by a summons in Municipal Court or any other court permissible by law.

§ 212-5 Violation and penalties.

A willful violation of any of the provisions of this Chapter shall be punishable by a fine of not more than \$2,000 or imprisonment for not more than 90 days, or both. A violation affecting more than one rental space shall be considered a separate violation as to each rental space.

SECTION 3: Except as set forth in Section 1 above, the balance of the Code of the Township of Winslow shall not be affected by this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCED: April 23, 2024

ADOPTED: MAY 14 2024


MARIE D. LAWRENCE, MAYOR


LISA L. DORITY, RMC
MUNICIPAL CLERK

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Winslow at a regularly scheduled meeting on **May 14, 2024** at the Winslow Township Municipal Building

Lisa L. Dority, RMC
Municipal Clerk

Dated: _____

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