

Chapter 9. Building and Housing

§ 9-11.1. Preamble.

[Ord. No. 10-1986, Preamble]

The Township of Weehawken has previously determined that an emergency exists in the Township with respect to the rental of housing space; and the governing body of the Township does hereby declare that emergency now exists in the Township with respect to the rental of housing space now subject to rent control, which emergency has been created, in part, by a deterioration of a substantial portion of the existing housing stock, insufficient new housing construction, increased cost of construction and finance, and growing inflation, all of which have caused a substantial and increasing shortage of rental housing accommodations for families of low and moderate income. The governing body has determined that this emergency has been exacerbated by reason of the withholding by owners of available housing space from the rental market in order to increase the value of their property at the expense of persons desiring to rent such housing space and in order to circumvent the protections granted to persons in possession of rental housing space upon conversion of the property to the condominium or cooperative form of ownership, and which actions are determined by the governing body to be unwarranted and causing severe economic hardships upon tenants and are adversely affecting the health, safety and general welfare of the citizens of the Township, warranting legislative action by the governing body.

This section is necessary to protect the rights of tenants during the existing housing shortage crisis in the Township.

§ 9-11.2. Notification of Rent Leveling Board.

[Ord. No. 10-1986, § 1]

The owner of any dwelling unit which is subject to the provisions of the Weehawken Rent Leveling^[1] Ordinance, as amended, at any time when such dwelling unit has been vacant for a period of 30 days shall, within 10 days thereafter, notify the Weehawken Rent Leveling Board in writing of the fact of such vacancy, the identity of the owner, the address and apartment number of the vacant dwelling unit, and the date upon which it became vacant.

[1] *Editor's Note: See Chapter 7, Rent Control.*

§ 9-11.3. Owner required to make effort to rent dwelling unit.

[Ord. No. 10-1986, § 2]

At or before the time any dwelling unit described in Subsection **9-11.2** shall become vacant, and continuing during the period of such vacancy, the owner shall make diligent efforts to rent the same.

§ 9-11.4. Standards to determine acceptance of tenant.

[Ord. No. 10-1986, § 3]

The owner shall accept as a tenant for immediate occupancy of such dwelling unit any person who offers to pay the lawful rent and any proper security deposit which may be required for the apartment

and agrees to any reasonable rental terms; provided that:

- a. The owner may refuse to accept any such person as a tenant where he is able to establish clearly and convincingly that the prospective tenant:
 1. Would be likely to engage in conduct which would constitute one of the good cause grounds for eviction set forth in N.J.S.A. 2A:18-61.1, except those contained in Subsections g, h, k, or 1 as presently constituted; or
 2. Has failed to comply with the reasonable requests of the owner for financial or other relevant personal information which is necessary for the owner to make an informed decision as to the suitability of the person as a prospective tenant, within a reasonable time after request therefor.
- b. The owner may offer any such person a tenancy in such dwelling unit with occupancy to begin on a date which is no more than 60 days from the date such prospective tenant offers to rent the dwelling unit, where the owner is able to establish clearly and convincingly that the delay in occupancy is necessary for the purpose of making repairs or improvements to the dwelling unit, which repairs or improvements cannot practicably be made while a person is in possession and occupancy of the dwelling unit.

§ 9-11.5. Time limit for notifying applicants.

[Ord. No. 10-1986, § 4]

Within five days after a person has offered to rent a vacant dwelling unit which is subject to the provisions of this section and such person has complied with all reasonable requests of the owner for relevant financial or personal information, the owner shall notify that person and the Weehawken Rent Leveling Board in writing whether such person is accepted for the tenancy, rejected or accepted for a future occupancy and, in the latter two cases, the owner shall also set forth in the notification the specific reasons therefor and, in the last case, the date occupancy is to begin.

§ 9-11.6. Grievance; complaints brought to Municipal Court.

[Ord. No. 10-1986, § 5]

Any person aggrieved by the action or inaction of an owner of a dwelling unit subject to the provisions of this section may bring the matter before the Municipal Court on a complaint for violation of this section.

§ 9-11.7. Notice.

[Ord. No. 10-1986, § 6]

It shall be the obligation of any person required to give written notice under this section to ensure that all parties required to, actually receive such notice.

§ 9-11.8. Violations; penalty.

[Ord. No. 10-1986, § 7]

A violation of any provision of this section shall, upon conviction, be liable to the penalty stated in § 1-5. Each day during which an owner is in violation of any of the provisions of this section shall constitute a separate offense hereunder.

§ 9-11.9. Effective date.

[Ord. No. 10-1986, § 8]

This section shall also be applicable to all apartments which are vacant on the effective date of this section and which either have been vacant for a period of at least 30 days at that time or which remain vacant and later reach that thirty-day vacancy period. A Landlord who would be in violation of this section as of its effective date shall have 15 days to comply with the provisions hereof.