

**TOWNSHIP OF BARNEGAT**

**ORDINANCE 2018 - 30**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 64 OF THE TOWNSHIP CODE REGARDING RENT LEVELING**

**WHEREAS**, the Township of Barnegat, through adoption of Barnegat Municipal Code Chapter 64 established a series of municipal requirements which govern the rules as applied to mobile home parks and mobile home spaces; and,

**WHEREAS**, the Township of Barnegat, through adoption of Barnegat Municipal Code Chapter 64-1 through 64-13 delineated specific factors which should be utilized in determining appropriate amounts that could be charged as rent and various other charges that could be passed through as rent; and,

**WHEREAS**, the Township of Barnegat desires to amend Chapter 64 of the Municipal Code to redefine the position of Chairman of the Rent Leveling Board and redefine the terms of service for Members of the Board. Additionally, the Township desires to eliminate the appeal process whereby decisions of the Board may be appealed to the Barnegat Township Committee.

**WHEREAS**, the Township of Barnegat will not provide clerical or legal assistance to the Barnegat Rent Leveling Board; and,

**NOW, BE IT ORDAINED** by the Township Committee of the Township of Barnegat, in the County of Ocean, in the State of New Jersey, as follows:

**Section 1.** Chapter 64 Rent Leveling is amended as follows:

**64-8. Additional rent increases.**

G. Hearings. Any appeal or hardship rent increase application must be filed forty-five (45) days prior to the proposed hearing date. Any data upon which the landlord seeks to rely upon before the Board must be submitted with the application in order to allow the Board adequate time to review the data prior to the hearing. If the Board finds that it has been given the proper and appropriate information prior to the hearing, the Board may, in its discretion, agree to review additional data at the time of the hearing not previously submitted. The Board would make such determination based on the pertinence to the landlord's appeal and the finding that the landlord is unable to submit the information or material on a timely basis and was acting in good faith.

**64-9. Rent Leveling Board. (replace existing Chapter 64-9A. with the following language):**

- A. Board created. There is hereby created a Rent Leveling Board within the Township of Barnegat. The Board shall consist of four (4) regular members and a Chairman. Each mobile home park in the Township shall be represented on the Board by a landlord representative and a tenant representative. A voting Chairman shall be chosen by the Barnegat Township Mayor and Committee on an annual basis. The Chairman will preside over each meeting of the Board. All members shall be appointed by the Township Committee and shall serve one year terms, commencing the first day of January of the year of their appointments. There shall be two (2) alternates, appointed annually by the Township Committee, to serve in the absence or disqualification of a corresponding regular member, one (1) of whom shall be a landlord representative and one (1) of whom shall be a tenant representative of a mobile home park. Vacancies shall be filled for the balance of the terms. No member shall vote upon or enter into discussions as to any matter in which he has a direct or indirect interest, financial or otherwise.

**64-10. Appeals. (replace existing Chapter 64-10A. with the following language):**

- A. Both a landlord and tenant may appeal, in writing, the findings of the Rent Leveling Board to a court of competent jurisdiction or any other body agreed upon by the parties. The Township Committee shall not hear any appeals. All expenses associated with the cost of an appeal shall be the responsibility of the parties. The Township Committee will have no authority to hear appeals of decisions made by the Board.

**Section 2.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**Section 3.** This ordinance may be renumbered for codification purposes.

**Section 4.** In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**Section 5.** This ordinance shall take effect upon final passage and publication as provided by law.

Introduced: September 4, 2018

Adopted: October 2, 2018

**NOTICE AND SUMMARY OF ORDINANCE 2018 - 30**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 64 OF THE TOWNSHIP CODE REGARDING RENT LEVELING

The purpose of this Ordinance is to redefine the term of service for Members of the Rent Leveling Board and eliminate the authority of the Township Committee to hear appeals of decisions of the Rent Leveling Board.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Barnegat on September 4, 2018, and will further be considered for final passage and adoption at the Barnegat Township Municipal Building, 900 W. Bay Avenue Barnegat, NJ 08005, on October 2, 2018 at 6:30pm, or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Barnegat, Town Hall, to members of the general public who shall request the same

**MICHELE RIVERS, RMC  
MUNICIPAL CLERK**

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance was finally adopted after Public Hearing at a regular meeting to the Township Committee held on the 2<sup>nd</sup> day of October, 2018, in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

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Michele Rivers, RMC  
Municipal Clerk