

THE LAW OFFICES OF
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September 23, 2014

ATTENTION: Landlord or Property Owner

RE: Rent Control Ordinance Enforcement – Vacancy Decontrol Notices

Dear Sir/Madam:

Please be advised that this office presently represents the Neptune Township Rent Board concerning the above referenced matter. As you should know, the governing body of Neptune Township in the Fall of 2013 adopted a Rent Control Ordinance. The aforesaid Ordinance is available for your review and distribution on the Neptune Township Website, or by requesting a copy from the Clerk at Township Hall.

This letter shall serve as a notice concerning important provisions in the Rent Control Ordinance that need to be complied with by the landlord or property owner renting property, which is subject to the Rent Control Ordinance. Section 4-30.12 entitled, "Vacant Housing Decontrolled, Recontrolled," specifically allows for the decontrolling of vacant tenancies, which allows the landlord to charge market rate for new tenants for the first year of tenancy; but thereafter, tenancy is subject to rent control. As part of the vacancy decontrol however, the landlord or property owner, upon allowing a new tenant to rent space, must report to the Rent Leveling Board, through the Board Secretary within fifteen (15) days of renting the space, the name of the new tenant, the space being rented (apartment number) and the rent being charged to the new tenant per month. Most importantly, failure to provide this information within fifteen (15) days as specified shall "result in the rental space remaining controlled to the same extent and under the same conditions as if it had not been vacant, and any rental charge to the new tenant in excess of that controlled rate will be void." For example, if a unit has become vacant and the prior tenant was paying \$1,000.00 per month rent, and a new tenant has been obtained and is charged \$2,000.00 a month rent under vacancy decontrol, but no Notice of Decontrol is provided to the Neptune Township Rent Leveling Board, then the new tenant shall be allowed to remain at the \$1,000.00 per month rental rate, rather than the \$2,000.00 per month rental rate. This is enforceable by the Neptune Township Rent Leveling Board.

Although this information can be provided to the Neptune Township Rent Leveling Board in any form, a special form has been provided at your option on the Neptune Township website, or at the Clerk's Office or the Code Enforcement Officer's Office.

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NOTICE IS HEREBY GIVEN, that this notice is being provided as a courtesy, and the Ordinance shall be enforceable the day of this notice onward, without further notice. Moreover, should a tenant file a Complaint based on Section 4-30.12, and a violation of the aforesaid provision, even prior to the date of this letter, but after the adoption of the Rent Control Ordinance, the Neptune Township Rent Leveling Board will have no choice but to enforce the same upon the Complaint being filed.

NOTICE IS ALSO HEREBY GIVEN, that pursuant to Section 4-30.15 of the Rent Control Ordinance, all landlords are required to post a copy of the Rent Control Ordinance in the apartment or mobile home lobby or other conspicuous place, and to provide a copy to all tenants on the initial lease or tenancy, or all existing tenants within sixty (60) days of enactment of the Ordinance. Please comply with the Ordinance with regard to the providing of a copy of the Ordinance to all tenants.

Please note that Section 4-32.1 establishes penalties for violation of the Ordinance, including fines of up to \$1,250.00; imprisonment for a term not exceeding ninety (90) days and/or community service not exceeding ninety (90) days.

Very truly yours,

S/ Gene J. Anthony

Gene J. Anthony, Esq.

GJA:ja