

**MOBILE HOME PARKS**

**Chapter 217**

**MOBILE HOME PARKS**

**ARTICLE I**

**Licensing and Standards**

- § 217-1. **Definitions.**
- § 217-2. **Enforcement; authority to investigate.**
- § 217-3. **License required.**
- § 217-4. **Expiration of license; renewal.**
- § 217-5. **Application requirements; fee.**
- § 217-6. **Investigations prior to licensing.**
- § 217-7. **Issuance of license.**
- § 217-8. **Conditional license.**
- § 217-9. **Age restriction license.**
- § 217-10. **Adequate water supply, sewage disposal and fire protection facilities required.**
- § 217-11. **Limitation on licenses issued.**
- § 217-12. **Standards and requirements.**
- § 217-13. **Management.**
- § 217-14. **Revocation of license.**
- § 217-15. **Hearing; notification; decision.**
- § 217-16. **Effect on existing parks; annual renewals.**
- § 217-17. **Period of license.**
- § 217-18. **Violations and penalties; injunctive relief.**

HAZLET CODE

ARTICLE II  
Rent Control

- § 217-19. Findings.
- § 217-20. Definitions.
- § 217-21. Rent Control Board.
- § 217-22. Prohibited rent increases.
- § 217-23. Procedure for rent control increases.
- § 217-24. Application by landlord for rent increase.
- § 217-25. Application by tenant for rent decrease.
- § 217-26. Notice of hearing.
- § 217-27. Hardship rent increase.
- § 217-28. Capital improvement surcharge.
- § 217-29. Automatic rent increases.
- § 217-30. Tax and utility increases.
- § 217-31. Landlord reporting..
- § 217-32. Illegal eviction.
- § 217-33. Prohibited acts applicable to landlords.
- § 217-34. Lease provisions; violations; remedy procedures.
- § 217-35. Construal of provisions.
- § 217-36. Violations and penalties.
- § 217-37. Filing of complaints.
- § 217-38. Vacancy decontrol.
- § 217-39. Effective period; extensions.

[HISTORY: Adopted by the Township Committee of the Township of Hazlet as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

- Rent Control Board for Mobile Home Parks — See Ch. 83.
- Numbering of buildings — See Ch. 127.
- Uniform construction codes — See Ch. 145.
- Flood damage prevention — See Ch. 183.
- Licensing and permits — See Ch. 209.

ARTICLE I

Licensing and Standards

[Adopted 3-16-1982 by Ord. No. 555-82 as Sec. 9-1 of the 1982 Revised General Ordinances]

§ 217-1. Definitions.

Whenever used in this article, unless a different meaning appears from the context, the following definitions shall apply:

**AGE RESTRICTION** — Any restriction based on the age of any or all residents of a mobile home park imposed by a mobile home park owner. [Added 7-16-1991 by Ord. No. 838-91]

**MOBILE HOME** — Any vehicle or structure so designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade, or use as a selling or advertising device; and so designed that it is or may be mounted on wheels and used as a conveyance on public highways or streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

**MOBILE HOME PARK** — Any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or locations or accommodations for one or more mobile homes, and upon which any mobile homes are parked, and shall include all buildings used or intended for use as part of the equipment thereof. Mobile home park shall not include mobile home, automobile or

trailer sales lots on which unoccupied mobile homes or trailers are parked only for purposes of inspection and sales.

**MOBILE HOME SITE** — A section or plot of land in a mobile home park of not less than 800 square feet of unoccupied space in an area designated as the location for only one automobile and one mobile home.

**PERSON** — Includes individuals, partnerships, firms, companies, tenants, owners, lessees or licensees, their agents, heirs, successors or assigns.

**§ 217-2. Enforcement; authority to investigate.**

It is hereby made the duty of the Construction Code Official of the township to investigate all applications for licenses pursuant to this article and to enforce all provisions as may hereafter be enacted. For the purpose of securing such information and enforcement, he or she shall have the right and he or she is hereby empowered to enter upon any premises on which any mobile homes are located or are about to be located and inspect such and all accommodations connected therewith at any and all reasonable times.

**§ 217-3. License required.**

No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him or her a mobile home park within the limits of the township without having first secured a license therefor from the Township Clerk in compliance with the terms of this article.

**§ 217-4. Expiration of license; renewal.**

Such license shall expire one (1) year from the date of issuance and may be renewed under the provisions of this Article for additional periods of one (1) year.

**§ 217-5. Application requirements; fee.**

- A. Application form. The application for such license or the renewal thereof shall be filed with the Township Clerk and shall be accompanied by a fee of ten dollars (\$10.) for each mobile home site in the existing or proposed mobile home park. The application for a license or renewal thereof shall be made on printed forms furnished by the Township Clerk and shall include the name and address of the owner in fee of the tract and such description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. If the fee is vested in some person other than the applicant, the application shall include a duly verified affidavit by that person that the applicant is authorized by him or her to construct or maintain the mobile home park and make the application.<sup>1</sup>
- B. Additional required information. The application shall be accompanied by four (4) copies of a plan or sketch showing the following, either existing or as proposed:
- (1) The extent and area of the total premises used for mobile home park purposes.
  - (2) Roadways and driveways.
  - (3) The location, dimensions and area of each mobile home site.
  - (4) The location and dimensions of each mobile home existing on each mobile home site.
  - (5) The location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of mobile homes.

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (6) The method and plan of sewage disposal.
- (7) The method and plan of garbage removal.
- (8) The method and plan for potable water supply.
- (9) The method and plan for electrical lighting of the mobile home park and the mobile homes located or to be located thereon.

**§ 217-6. Investigations prior to licensing.**

The Township Clerk shall forthwith forward one (1) copy of the application and accompanying data to the Board of Health. The Construction Code Official shall investigate the premises for compliance with other pertinent ordinances of the township. The Board of Health shall investigate the premises for the purpose of determining compliance with the Board of Health ordinances and for the purposes of making recommendations within the area of its expertise, within thirty (30) days of the receipt of the applications and accompanying data. The Construction Code Official and the Board of Health shall complete their investigations and shall forward their findings and recommendations to the Township Committee.

**§ 217-7. Issuance of license.**

If the Township Committee shall thereafter find that there has been compliance with this Article and all other applicable ordinances of the township, it shall grant the license to the applicant.

**§ 217-8. Conditional license.**

In the event that there shall be one (1) or more subjects of noncompliance with this Article, other pertinent ordinances of the township or ordinances of the Board of Health, the Township Committee may, in its discretion, issue a license conditional upon the subject or subjects of noncompliance being remedied by the applicant within specified periods of time.

**§ 217-9. Age restriction license. [Added 7-16-1991 by Ord. No. 838-91]**

In the event that a mobile home park owner wishes to impose an age restriction on the residents of that mobile home park, the mobile home park owner shall apply for an age restriction license. In addition to the information required by § 217-5, a mobile home park owner shall submit a certification stating that the mobile home park meets the requirements of the Federal Fair Housing Act and all applicable state laws, including but not limited to 24 CFR 100.300 et seq. Any mobile home park owner who submits a false or inaccurate certification shall be subject to revocation of his or her age restricted license in accordance with § 217-15. Such mobile home park owner shall further be subject to § 217-18.

**§ 217-10. Adequate water supply, sewage disposal and fire protection facilities required.**

No mobile home park shall be located within the limits of the township unless there is available a public water supply and a proper sewage disposal system which shall be approved by the Board of Health of the township. There shall be available fire hydrant facilities or equivalent facilities for fire protection within six hundred (600) feet of all units.

**§ 217-11. Limitation on licenses issued.**

No more than nine (9) licenses for mobile home parks shall be issued within the limits of the township.

**§ 217-12. Standards and requirements.**

**A. Park plan design.**

- (1) Every mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of stormwaters or other waters.

- (2) Mobile home sites shall be clearly designated and the mobile home park so arranged so that all mobile homes shall face or abut on a driveway of not less than forty (40) feet in width, giving easy access from all mobile homes to a public street. Driveways shall be surfaced and maintained in good condition, have proper drainage, be well lighted at night and shall not be obstructed.
- B. Electric service. Every mobile home shall be furnished with an electric service outlet. Such outlets shall be equipped with an externally operated switch or fuse of not less than thirty (30) amperes' capacity, and a heavy duty outlet receptacle.
- C. Water supply.
- (1) An adequate supply of pure water, furnished through a distribution system connected directly with a public utility water main, shall be furnished for each mobile home for drinking and domestic purposes.
  - (2) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room or water closet compartment.
  - (3) An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities.
- D. Waste and garbage disposal.
- (1) All waste from showers, toilets, laundries, faucets and lavatories shall be disposed of into a sanitary sewer system.
  - (2) All sanitary facilities in any mobile home which are not connected with a sewer system by means of rigid pipe connections shall be sealed, and their use is hereby declared unlawful.
  - (3) Each faucet site shall be equipped with facilities for drainage of waste and excess waste into a sewer. In no case shall any wastewater be thrown or discharged upon the surface of the ground or disposed of by means other than as herein provided.

- (4) Every mobile home shall have a substantial flytight metal garbage depository from which the contents shall be removed at least once each week.

E. Fire and emergency precautions.

- (1) Fire. There shall be maintained in convenient places hand fire extinguishers approved by the Board of Fire Commissioners in the ratio of one (1) to each eight (8) mobile homes.<sup>2</sup>
- (2) Emergency. Rear exit doors from mobile homes shall either be equipped with movable stairs or shall be kept clear to permit easy access in case of emergency.

F. Site numbers; street signs.

- (1) Prominent display of site numbers. Each mobile home shall have displayed prominently and facing the street its lot or site number in reflecting numerals.
- (2) Street signs. Signs shall be erected at all street corners designating the street and the numbers of the lots or sites contained along the street.

G. Heating systems. Every mobile home shall be equipped with a heating system of the type and method of installation as shall meet the requirements of either Appendix I of the National Building Code, 1955 Edition, as amended, recommended by the National Board of Fire Underwriters, or the provisions of any act of the New Jersey Legislature, or regulations promulgated thereunder, and pertaining to the type of heating systems and method of installation thereof in mobile homes.

**§ 217-13. Management.**

- A. Management office. In every mobile home park there shall be an office building in which shall be located the office of the person in charge. A copy of the mobile home park license and of this Article shall be posted therein. The register, hereinafter described, shall be kept in such office at all times.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1. General Provisions, Art. I.

- B. Management duties. It is hereby made the duty of the attendant or person in charge, together with the licensee, to:
- (1) Keep at all times a register of all mobile home tenants showing their names and addresses, which shall be open at all times to inspection by state and federal officers and officials of the township.
  - (2) Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
  - (3) See that the provisions of this Article are complied with and enforced and report promptly to the proper authorities any violations of this Article or any other violations of law which may come to his or her attention.
  - (4) Report to the Board of Health all cases of persons or animals affected or suspected of being affected with any communicable disease.
  - (5) Prevent the running loose of dogs, cats or other animals or pets.
  - (6) Prohibit the lighting of open fires on the premises.
  - (7) Prohibit the use of any mobile home by a greater number of occupants than that which it is reasonably designed to accommodate.

**§ 217-14. Revocation of license.**

The Township Committee is hereby authorized to revoke any license issued pursuant to the terms of this Article if, after the investigation, it determines that the holder thereof:

- A. Has violated any of the provisions of this Article.
- B. Has failed to remedy any areas of noncompliance within the periods specified in any conditional license.
- C. Is maintaining any mobile home or mobile home park in an unsatisfactory or unsafe manner or as a nuisance.

**§ 217-15. Hearing; notification; decision.**

Any person aggrieved by an order of the Township Committee granting, denying, renewing or revoking a license of a mobile home park under this article may file a written request for a hearing before the Township Committee within 10 days after the issuance of such order. The Township Committee shall give notice of a public hearing upon this request to be held not less than 10 days nor more than 20 days after service of the notice on the person requesting the hearing. At such hearing, the Township Committee shall determine whether the action taken was in accordance with the provisions of this article, and all persons interested shall be given an opportunity to be heard concerning the same.

**§ 217-16. Effect on existing parks; annual renewals.**

- A. On or before November 30, 1975, the Township Clerk shall provide applications pursuant to this article to each owner of an existing mobile home park within the township advising that such licenses as may have been issued under the licensing ordinance of the township originally adopted January 21, 1957, shall be deemed to terminate June 30, 1976, and that licenses pursuant to the provisions of this article shall be required from and after July 1, 1976, and that applications for such licenses shall be filed on or before May 1, 1976.
- B. In ensuing years, the Township Clerk shall provide license applications to each owner of a mobile home park on or before April 1, and such applications shall be filed on or before May 1 of each year.

**§ 217-17. Period of license.**

Licenses issued pursuant to the provisions of this article shall be effective for the period of one year, commencing July 1 and terminating on June 30 of the ensuing year.

**§ 217-18. Violations and penalties; injunctive relief.  
[Amended 9-21-1993 by Ord. No. 923-23]**

For violation of any provision of this article, the maximum penalty, upon conviction, shall not exceed the maximum penalties set forth in Chapter 1, General Provisions, Article II. In addition, there shall be a minimum mandatory fine of \$100 for each violation. Every day such violation shall continue shall constitute a separate and distinct offense. In the event that any violation shall continue for a period of five days or more, appropriate injunctive relief may be sought in a court of competent jurisdiction restraining and enjoining such continued violation.

**ARTICLE II  
Rent Control**

**[Adopted 3-16-1982 by Ord. No. 555-82 as Sec. 9-2 of  
the 1982 Revised General Ordinances; amended in  
its entirety 1-18-1994 by Ord. No. 936-94]**

**§ 217-19. Findings.**

The following matters and things are hereby determined, declared and recited:

- A. An emergency continues to exist within the township with respect to the rental of mobile home spaces and mobile homes in mobile home parks by reason of continuing demands for increases in rent, as herein defined, which are determined by the Township Committee to be causing severe hardships to tenants of such mobile home parks and adversely affecting the health, safety and general welfare of the citizens of the township, thereby warranting legislative action by the Township Committee.
- B. The number of mobile home parks and spaces permitted within the Township has been limited by the Township Committee so as to achieve a balance in the types of housing permitted in the township. It is desirable to

maintain such balance, and the present situation cannot be corrected by increasing the number of mobile home parks or the number of mobile home spaces within such parks.

- C. Mobile home park owners continue to enjoy an unintended monopoly which could be abused by the charging of unregulated rents.
- D. The continued regulation of rents in mobile home parks will prevent abuses and at the same time ensure the benefits of balanced housing and regulation achieved by the licensing of mobile home parks and limitation of their number.
- E. The township is empowered to regulate the rents in mobile home parks pursuant to the provisions of N.J.S.A. 40:48-2, bestowing power to enact ordinances for the preservation of the public health, safety and welfare of the township and its inhabitants.

#### § 217-20. Definitions.

For the purposes of this article, the following definitions shall apply.

**AGE RESTRICTION** — Any restriction based on the age of any or all residents of a mobile home park imposed by a mobile home park owner.

**APPLICATION** — All applications for rent increases shall be submitted by the landlord upon forms provided by the Rent Control Board and may include requests for increases due to hardship and/or capital improvements and/or unusual or extraordinary repairs and/or tax and utility and/or consumer price index (CPI), singularly or jointly.

**BASE RENT** — The lawful rent in effect for the mobile home space as of August 1, 1975, together with all subsequent base rental increases granted by the Rent Control Board pursuant to this article. The term "base

rent" shall not include any amounts granted by the Rent Control Board for major capital improvement surcharges or reimbursement of expense for unusual or extraordinary repairs.

**GROSS INCOME** — The annual income derived, directly or indirectly, from the operation of the mobile home park, including, but not limited to all rents received, including the owner's share of interest on security deposits, income from vending machines and laundry facilities, deductions from security deposits, late fees, pool fees, finder's fees, extra-person occupancy fees, amounts received from successful tax appeals, tax and sewer rebates, capital improvement surcharges and insurance proceeds.

**INCREASE** — Not only an increase in rent but any increase in or addition to the rent or any other charges made by the landlord to the tenant, and shall include any rebate not passed along to the tenant by the landlord and any diminution of services rendered as incident to the letting or occupancy as of August 1, 1975.

**LANDLORD** — The mobile home park operator, owner or other person leasing a mobile home and/or a mobile home space to a tenant.

**LEASE** — Shall include any written or oral agreement pursuant to which any person is permitted to occupy a mobile home and/or mobile home space.

**MAJOR CAPITAL IMPROVEMENT** — A substantial addition to the mobile home park housing accommodations such as would materially increase the rental value of the mobile home space and which provides an additional service or benefit to the residents of the park not previously accorded them. The term does not include repairs or replacements which merely maintain the mobile home park in efficient operating condition. In determining whether a particular expenditure constitutes a major capital improvement

under this article, the Rent Control Board shall consider the following:

- A. The nature of the improvement.
- B. The extent and cost of the improvement.
- C. The additional service or benefit to the mobile home park and to the residents' enjoyment thereof gained as a result of the improvement.
- D. The degree of permanency of the improvement.
- E. Whether the park owner depreciated the cost of the improvement on his tax return.

**MOBILE HOME SPACE** — That portion of a trailer or mobile home park rented or offered for rent within the Township of Hazlet for the purpose of parking a trailer or mobile home thereon and/or occupying a mobile home for living or dwelling purposes by one or more individuals or family unit, together with all privileges, services, equipment, parking spaces, facilities and improvements connected with the use or occupancy of such space or mobile home. The term mobile home space as defined herein, includes any mobile home located upon a mobile home space and offered for rent. The term mobile home park includes one or more mobile home spaces.

**NET OPERATING INCOME** — Gross income less reasonable and necessary operating expenses.

**REASONABLE AND NECESSARY OPERATING EXPENSES** — All expenses incurred and paid by the mobile home park or space owner to operate the park or space during the period reflected in gross income computed in accordance with the provisions and limitations of this article. In computing reasonable and necessary operating expenses, the following limitations shall apply in all cases.

- A. Expenses incurred by the sales of new or used mobile homes shall not constitute a reasonable and necessary operating expense.

- B. Operating expenses shall not include mortgage, amortization, mortgage interest or depreciation, or cost of mobile home units or amortization or depreciation of mobile home units, or charges for real estate taxes, mobile home license fees, sewer, water, trash removal or township recycling fees.
- C. Taxes shall be limited to amounts actually paid, including those paid in escrow pending appeal. Taxes shall not include the park owner's real estate taxes on his personal residences.
- D. Repairs and maintenance expenses shall not include expenditures for major capital improvements or for unusual or extraordinary repairs.
- E. Purchase costs for new equipment not qualifying as a major capital improvement under this article shall be prorated over the useful life of the item.
- F. Legal and accounting expenses shall be limited to actual costs for the operation of the park. Legal and accounting expenses resulting solely from an application made pursuant to this article shall not be considered reasonable and necessary operating expenses as defined in this article.
- G. Management expenses shall be limited to actual services performed and paid for, including the resident manager's salary, telephone expenses, postage, office supplies, stationary and the value of the resident manager's mobile home site, if said value is included in gross income. In the case of self-management by a park owner performing management duties from an on-site personal residence, management expenses shall be allocated between moneys expended in the operation of the park and moneys expended for the park owner's personal and household expenses. In no event shall a fee for management services exceed 8% of the gross income.

**REBATE** — Any reimbursement received by or credited to a landlord for any tax or utility charge paid by or assessed against him in connection with the operation of a mobile home park, or any reduction in the amount of any tax or utility charge or assessment a landlord is required to pay in connection with the operation of a mobile home park.

**RENT** — Includes any charge or charges made, fixed, demanded or charged for the use or occupancy of a mobile home space whether or not commonly known as “rent,” be it for a landlord- or tenant-owned mobile home.

**REPAIR** — The reconstruction or renewal of any part of an existing mobile home park for the purpose of its maintenance.

**SERVICE** — The term “service” shall mean either personal service or via certified mail with return receipt.

**TAX AND UTILITY** — The term “tax and utility” shall include those amounts paid by the landlord for real estate taxes, mobile home license fees, sewer and water charges of the utility companies providing these services, trash removal and township recycling fees.

**UNUSUAL OR EXTRAORDINARY REPAIRS** — Repairs to existing major park improvements that are necessary, unexpected and which do not include expenses for normal or anticipated maintenance of improvements. Unusual or extraordinary expenses for repairs shall be reimbursed to the landlord in accordance with its actual and reasonable cost, with interest, at the prime rate calculated on a declining balance method and prorated over the time period that the particular expense is not expected to reoccur and shall be assessed to the tenants as a surcharge for that amount of time, after which time the surcharge will cease. Any surcharge granted shall not become a part of the base rent and shall not be included for the purpose of calculating any future rent increases.

VACANCY — The vacancy of a tenant due to the following:

- A. The sale of a mobile home by the owner of said mobile home.
- B. The lawful termination of the lease of a periodic tenant.

**§ 217-21. Rent Control Board.**

The composition, term and powers of the Rent Control Board shall be such as established in Chapter 83, Rent Control Board for Mobile Home Parks, of this Code.

**§ 217-22. Prohibited rent increases.**

From and after the effective date of this article, no landlord shall demand or receive any rent for any mobile home space presently in existence in excess of the base rent in effect for such mobile home space on August 1, 1975, less all rebates, except in conformity with the provisions of this article. From and after the date of this article, no landlord shall demand or receive rent for any mobile home space hereafter coming into existence in excess of the aggregate of the base rent in effect for a comparable mobile home space owned by such landlord on August 1, 1975, and such rent increases therefor as may have been granted in conformity with the provisions of this article. No landlord shall collect any rental for any mobile home space thereafter coming into existence until, prior to the occupancy of such mobile home space, the landlord shall have submitted the proposed rental, together with supporting data therefor, to the Rent Control Board and shall have received approval thereof. [Amended 5-27-1997 by Ord. No. 1049-97]

**§ 217-23. Procedure for rent control increases.**

Rent control increases may be allowed by the Rent Control Board established by Chapter 83, Rent Control Board for

Mobile Home Parks, of this Code, upon application thereto by the landlord in the manner and for the reasons set forth in this article.

**§ 217-24. Application by landlord for rent increase.**

- A. Landlord's statement filed with Rent Control Board. Each landlord shall file with the Township Clerk and the Secretary of the Rent Control Board a statement setting forth:
- (1) His name and address.
  - (2) The location and description of the leased premises.
  - (3) The name and address of each tenant.
  - (4) The general provisions of all leases, and in subsequent years, the prevailing rents of each at that time.
- B. Application procedures.
- (1) A landlord seeking a rent increase over the base rent or an increase in any rent increased by the Rent Control Board shall file a written application with the Secretary of the Board, who shall designate a date for hearing thereon, which shall not be less than 15 days nor later than 60 days following the filing of a complete application for rent increase as certified by the Clerk of the Board. The park owner shall forward a check made payable to the Township of Hazlet in the amount of \$500 or \$100 per mobile home space, whichever is less, for a hardship increase request which may include request for reimbursement for major capital improvements and/or unusual or extraordinary repairs and \$500 or \$100 per mobile home space, whichever is less, for a request for increase for tax and utility and/or CPI to cover the cost of administration of the application.
  - (2) The application shall set forth:

- (a) The name and address of the landlord.
  - (b) The name, address and unit number(s) of the tenant or tenants who will be affected by the increase.
  - (c) The location of the property and description of all the terms of the lease then in effect.
  - (d) The actual rent charged and received during the period from August 1, 1975, to the date of filing the application.
  - (e) Identification of any and all surcharges to the tenants for major capital improvements or unusual or extraordinary repairs, the date(s) each surcharge was approved by the Board, the original term of the surcharge and the date each surcharge is to end.
- (3) The applications shall also set forth the reason for which the increase is requested, the amount of the increase requested and all calculations necessary to justify the increase.
  - (4) A true copy of such application shall be served, either personally or by certified mail, return receipt requested, on each tenant affected by the increase requested at least 10 days before the date of the hearing. At least three days before the scheduled hearing, the landlord shall file with the Board proof of such service, including copies of the return receipts in the event that service has been made by certified mail. The proof of service shall be in affidavit form.
  - (5) No landlord shall file an application for a rent increase for any leased premises within one year of any prior application for a rent increase for the same leased premises.

- C. Time of filing application and hearing. All applications for increases shall be filed and received by the Secretary of the Board by March 31 in each calendar year.

**§ 217-25. Application by tenant for rent decrease.**

- A. A tenant whose base rent has been increased during the period from August 1, 1975, to the effective date of this article may similarly make written application to the Board for decrease of this rent by filing an application with the Board, setting forth,:
- (1) The name and address of the tenant.
  - (2) The name and address of the landlord.
  - (3) The location and description of the leased premises.
  - (4) The rent paid prior to the most recent rental increase.
  - (5) The term of the lease.
  - (6) The reason the tenant feels that the increase in rent was unjustified, with supporting documentation.
  - (7) The amount the tenant feels is the correct rental amount.
- B. In determining whether or not the increase was justified, the Rent Control Board shall apply the same criteria as this article requires it to apply to a request for an increase.
- C. The tenant shall file such application with the Board at least 15 days before the date set for the hearing and at least 10 days before the date set for the hearing, shall serve a copy thereof upon the landlord, personally or by certified mail, return receipt requested. At least three days before the scheduled hearing, the tenant shall file with the Board proof of such service, including a copy of the return receipt in the event that service has been

made by certified mail. The proof of service shall be in affidavit form.

- D. At the time of the filing of said application for a rent decrease, the tenant or group of tenants making such applications shall forward a check made payable to the Township of Hazlet in the amount of \$100 to cover the cost of administration of the application.

**§ 217-26. Notice of hearing.**

At the time of serving an application, whether by landlord or by tenant, the person filing the application shall cause to be served with it a notice of the time and place at which the Rent Control Board will hear the matter and shall make due proof of the service thereof. The applicant is to obtain the hearing date from the Secretary of the Board.

**§ 217-27. Hardship rent increase.**

Upon application duly made pursuant to the requirements of this article, the Rent Control Board may grant a park owner a hardship rent increase upon a showing that his reasonable and necessary operating expenses for the last full calendar year exceeded 60% of his gross income. If the Rent Control Board is satisfied that such a showing has been established, then the Board may grant a rent increase sufficient to restore reasonable and necessary operating expenses to 60% of gross income. In considering such application, the following rules and restrictions shall apply:

- A. No park owner may make application for a hardship rent increase until he has owned the park for a period of at least one year.
- B. The Board may grant a hardship rent increase to a particular park owner only once in a twelve-month period.

- C. In support of this application for a hardship rent increase, the park owner shall submit to the Board at the time of application a detailed summary of gross income and operating expenses for each of the prior three one-year periods.
- D. Copies of all documentation in support of the application shall be filed by the park owner with the Secretary of the Rent Control Board no later than 20 days prior to the date of the hearing on the application. Copies thereof shall be made available for inspection and copying by any interested tenant or his legal representative during this twenty-day period.
- E. The hardship application fee, if not otherwise reimbursed to the landlord, may be included in the landlord's calculations pursuant to this section.
- F. Any increase granted shall be effective on a date to be set in the discretion of the Board, subject to the laws of the State of New Jersey regarding rent increases.

**§ 217-28. Capital improvement surcharge.**

Upon application made in accordance with the provisions of this article, the Rent Control Board may grant a rent surcharge to reimburse the park owner for the cost of a major capital improvement. Any surcharge granted by the Board shall be equal to the actual cost incurred by the landlord, with interest at the prime rate calculated on a declining balance method, and shall be collected by the park owner from the tenants in equal monthly installments over the actual useful life of the improvement, as determined by the Board. Such surcharge shall not become a part of the base rent and shall not be included for the purpose of calculating any future rent increase. In considering such an application, the following rules and restrictions shall apply:

- A. No park owner may make application for a major capital improvement surcharge until he has owned the park for a period of at least one year.

- B. The Board may grant a major capital improvement surcharge to a particular park owner only once in a twelve-month period.
- C. Copies of all documents in support of the application shall be filed by the park owner with the Secretary of the Rent Board no later than 20 days prior to the date of the hearing on the application. Copies thereof shall be made available for inspection and copying by any interested tenant or his legal representative during this twenty-day period.
- D. No expenses for a return on an investment shall be permitted.
- E. Any surcharge granted shall be effective on a date to be set, in the discretion of the Board, subject to the laws of the State of New Jersey regarding rent increases.

**§ 217-29. Automatic rent increases.**

- A. Calculation of allowable automatic increase. At the expiration of a lease or at the termination of the lease of a periodic tenant and upon application to the Board, the landlord may request and receive from the tenant a percentage rental increase equal to the difference between the consumer price index, as identified in the New Jersey Law Journal not less than 120 days prior to the proposed date of implementation of the rent increase and the consumer price index 120 days prior to the last consumer price increase, not to exceed a maximum of 5%. The landlord shall utilize the same base month for the increase calculation that was utilized in its previous application. The percentage of allowable increase calculated hereunder shall be applied to the tenant's existing rental charge.
- B. Limitation on frequency of automatic increase. No tenant shall be given more than one increase in rent in any twelve-month period pursuant to this section. This

limitation shall not in any way affect other permitted rent increases pursuant to the terms of this article.

- C. **[Amended 5-27-1997 by Ord. No. 1049-97]** Notice to tenants of automatic increase. Any landlord seeking an automatic increase in rent under this section shall, at least 30 days prior to the date of the anticipated implementation of the automatic increase, serve the affected tenants and the Board with a copy of the application and provide proof of service of the application upon each affected tenant to the Board within 20 days of service. The application shall contain the following information in addition to the other application requirements of this article:
- (1) The consumer price index as identified in the New Jersey Law Journal 120 days prior to the last consumer price index increase.
  - (2) The consumer price index no less than 120 days prior to the proposed date of entry into the new leasing arrangement.
  - (3) The calculation of the allowable percentage increase in rent pursuant to this section.
  - (4) The calculation of the amount of the allowable rental increases.
  - (5) The calculation of the tenant's rent for the new leasing term.
  - (6) The date of the anticipated implementation of the automatic increase which is the date upon which the thirty-day notice period expires pursuant to Subsection C above.
- D. Hearing on tenant challenge of automatic CPI increase.
- (1) Notice and hearing. In the event that the facts and/or calculations required pursuant to this section are disputed by an affected tenant, the tenant shall have the right to a hearing by the Board by mailing to the landlord and the Board, not less than 20 days

after service of the CPI application upon the tenant by the landlord, a notice that the facts and/or calculations are disputed and the exact particulars of the manner in which they are disputed. The aggrieved tenant shall attach thereto a copy of the notice served upon him by the landlord pursuant to this section. The aforementioned twenty-day period shall be calculated from the date of postmark and shall be a jurisdictional requirement for the Board. In the event of a perfected appeal, the automatic increase will be stayed until the Board has held a hearing and rendered a decision on the dispute. If the Board renders a finding in favor of the landlord, the automatic increase shall, subject to any applicable statutory law, be effective as of the original scheduled date of implementation even though same may require a retroactive rent increase payment by the tenant. If the Board renders a finding in favor of the tenant, the anticipated automatic increase shall be void; no further automatic increase may be sought or implemented until the erroneous facts and/or calculations have been corrected and a new notice of increase pursuant to Subsection C above is served upon the tenant.

- (2) The Board may, independently, direct the landlord to appear before it and appear and/or furnish such additional documentation as it requires to substantiate the landlord's application pursuant to this section.
- (3) In the event that no tenant appeal is perfected, or no notification is received by the landlord from the Board pursuant to Subsection D(2) above, the rental increase due to the increase in CPI sought by the landlord shall be effective at the expiration of the thirty-day period identified in Subsection C(6) above. [Amended 5-27-1997 by Ord. No. 1049-97]

- (4) Fee. At the time an aggrieved tenant files an appeal with the board, pursuant to Subsection D(1) above, such tenant shall include therein an application fee by check or money order made payable to the Township of Hazlet in the amount of One Hundred Dollars, which shall be subject to reimbursement by the landlord to the tenant in the event that the tenant shall prevail after the hearing by the Board on the dispute. The application fee paid by the landlord and not otherwise reimbursed to it shall be included in any CPI increase approved by the Board.

**§ 217-30. Tax and utility increases.**

- A. At the expiration of a lease or at the termination of the lease of a periodic tenant and upon application to the Board, the Board may grant a rent increase for increases in the landlord's expenses in the preceding twelve-month period by reason of real estate taxes, mobile home license fees, sewer charges, water charges, trash removal, mobile home license fees and Township recycling fees and rent control application fees not otherwise reimbursed to the landlord (hereafter "tax and utility charges").
- B. Contents of application.
  - (1) The application for such an increase shall contain the following information in addition to the other application requirements of this article:
    - (a) The actual increase in expense for tax and utility charges.
    - (b) The actual charge sought from each tenant.
    - (c) Whether any nonmobile home residential use is covered by any included expense.
    - (d) The date of any previous increases granted by the Board for tax and utility, the amount of the increases and identification of the two twelve-

month periods covered by the increase pursuant to Subsection J below.

- (e) The date of implementation of said proposed increase which is not less than 60 days after the date of filing of the application and service upon the tenants.
- (2) The landlord shall supply the Rent Control Board with all documentation supporting an increase in the charges listed in Subsection A above for two consecutive twelve-month periods preceding the application. The supporting documentation shall be current to a period of a maximum of 90 days prior to the date of application.
- C. No more than one such tax and utility application may be filed by any landlord in any twelve-month period.
  - D. No landlord shall include any expenses for tax and utility charges as part of any application for a rent increase authorized by this section which is not a reasonable and necessary operating expense attributable solely to the operation of the mobile home park as a residential rental property.
  - E. The landlord shall serve a copy of an application made under this section on the tenants at the time of filing and provide proof of service of the application upon each affected tenant to the Board within 20 days of said service.
  - F. Notice and hearing. In the event that the facts and/or calculations required pursuant to this section are disputed by an affected tenant, the tenant shall have the right to a hearing by the Board by mailing to the landlord and the Board, not less than 20 days after service of the tax and utility application upon the tenant by the landlord, a notice that the facts and/or calculations are disputed and the exact particulars of the manner in which they are disputed. The aggrieved tenant shall attach thereto a copy of the notice served

upon him by the landlord pursuant to this section. The aforementioned twenty day period shall be calculated from the date of postmark and shall be a jurisdictional requirement for the Board. In the event of a perfected appeal the automatic increase will be stayed until the Board has held a hearing and rendered a decision on the dispute. If the Board renders a finding in favor of the landlord, the automatic increase shall, subject to any applicable statutory law, be effective as of the original scheduled date of implementation even though same may require a retroactive rent increase payment by the tenant. If the Board renders a finding in favor of the tenant, the anticipated automatic increase shall be void; no further automatic increase may be sought or implemented until the erroneous facts and/or calculations have been corrected and a new notice of increase pursuant to this section is served upon the affected tenants.

- G. The Board may, independently, direct the landlord to appear before it and appear and/or furnish such additional documentation as it requires to substantiate the landlord's application pursuant to this section.
- H. In the event that no tenant appeal is perfected, or no notification is received by the landlord from the Board pursuant to Subsection G above, the rental increase due to the increase in Tax and Utility sought by the landlord shall be effective at the expiration of the sixty-day period identified in Subsection B(1)(e) above.
- I. Fee. At the time an aggrieved tenant files an appeal with the Board, pursuant to Subsection F above, such tenant shall include therein an application fee by check or money order made payable to the Township of Hazlet in the amount of \$100, which shall be subject to reimbursement by the landlord to the tenant in the event that the tenant shall prevail after the hearing by the Board on the dispute.

- J. Commencing with the landlord's first application for rent increase submitted pursuant to this section subsequent to the date of enactment herein, that amount determined by the Board to equal the landlord's actual increase for tax and utility shall be doubled and granted as a rent increase, the intent being to reimburse the landlord for increased taxes and utility for the twelve-month period prior to and the twelve-month period beginning with the date of application. Each and every subsequent application of the landlord shall be adjusted by the Board to reflect the actual increase or decrease for tax and utility bills actually paid by the landlord.

**§ 217-31. Landlord reporting.**

All landlords shall provide to the Board within 30 days of the end of the twelve-month period following the landlord's last submission of a rent increase application, and each anniversary date thereafter, a complete accounting of the tax, utility, water, sewer, trash removal, mobile home license and recycling fees for said 12 month period, or multiple periods if not timely filed pursuant hereto. No rent increase will be granted to any landlord who fails to provide the Board with the required accounting for the period commencing with the date of the landlord's last application.

**§ 217-32. Illegal eviction.**

The eviction, threatened eviction or attempt to evict any tenant or threat of any reprisal against any tenant for refusal to pay rent in violation of the terms of this article shall constitute a violation of this article.

**§ 217-33. Prohibited acts applicable to landlords.**

The following prohibitions shall apply to landlords:

- A. No landlord shall be entitled or permitted to charge rent for any mobile home space for which a valid mobile home park license and certificate of occupancy is not in effect.
- B. No landlord shall refuse to rent any mobile home park space to any person who has not purchased his mobile home from the landlord or from any other person designated by the landlord.
- C. No landlord shall demand or receive, directly or indirectly, any premium or other thing of value, other than the rent fixed by this article, as a condition to the rental of any mobile home and/or mobile home space.

**§ 217-34. Leases provisions; violations; remedy procedures.**

- A. The provisions of any ordinance of the township licensing and regulating mobile home parks shall be deemed and taken to be a provision of any lease of any mobile home space as fully as if therein set forth, and violation of any such provision shall constitute violation of the lease. Any tenant aggrieved by any violation may file a petition with the Board in the manner hereinbefore prescribed for filing an application, specifying the violation and the manner in which the tenant or tenants are injured thereby. The Board shall thereupon hear the matter and, if it shall determine that such violation exists and is injurious to the tenant or tenants, may order that the tenant shall thereafter pay into a special fund of the township the money reserved for rent then due, or becoming due, and shall order the landlord to correct the violation within a reasonable time. If the violation is not corrected, the Board may apply the money and any interest thereon to cause the violation to be remedied, returning any surplus to the landlord.
- B. The procedure in all such matters, including a right of appeal, shall follow the procedure hereinabove set forth for processing applications.

**§ 217-35. Construal of provisions.**

This article, being necessary for the welfare of the township and its inhabitants, shall be liberally constructed to effectuate the purposes thereof.

**§ 217-36. Violations and penalties.**

Any person found guilty of violating any provision of this article or of willfully filing with the Rent Control Board any material misstatement of fact shall be punished, upon conviction, by the penalty as provided in Chapter 1, General Provisions, Article II, in the discretion of the court. A violation affecting two or more mobile home spaces shall be considered a separate violation as to each mobile home space.

**§ 217-37. Filing of complaints.**

Complaints may be filed by the Chair of the Rent Control Board or the Construction Code Official.

**§ 217-38. Vacancy decontrol.**

Whenever a vacancy, as defined in § 217-20, occurs with respect to a mobile home space, the rent for such mobile home space may be increased by no more than 15% of the previous base rent, provided that any such mobile home space shall not be entitled to more than one increase pursuant to this section within any two years, except that the landlord must comply with the following procedure prior to imposing said increase:

- A. A landlord shall notify the Rent Control Board, in writing, upon the decontrol of any rental unit within 30 days of said rental unit becoming decontrolled. Said notice shall include the rent paid by the vacating tenant as well as the rent to be charged to the new tenant; however, if the rent actually charged is less than that provided in the notice to the Board, the landlord must file an amended notice stating the rent actually charged.

- B. The landlord shall also advise the Board as to the reason why the prior tenant vacated, including but not limited to, for example, eviction by court action, voluntary vacation at the end of the term of the lease or any other reason for vacation.
- C. If the Rent Control Board determines that the landlord has harassed the former tenant into leaving, the Board shall have the power to return the unit to rent control and to order the rent decreased to the maximum allowable amount under rent control.
- D. Failure of the landlord to file the aforementioned notice with the Board shall nullify any rent increases which the landlord obtained as a result of a decontrolled rent, and the landlord shall be required to maintain the unit under rent control rates.

**§ 217-39. Effective period; extensions. [Amended 2-20-1996 by Ord. No. 1008-96]**

This article shall take effect upon its final passage and publication according to law and shall remain in full force and effect for a period of two years therefrom and shall thereupon automatically terminate, cease and be of no further force and effect; provided, however, that the term of this article may be extended for successive terms of not more than two years each by ordinances readopting this article and findings that the conditions set forth in § 217-19 of Chapter 217 hereof still exist.

