

**TOWNSHIP OF MONTCLAIR
RENT CONTROL BOARD BY-LAWS**

SECTION 1 – JURISDICTION

- (A) This Board is constituted under and regulated by N.J.S.A. 2A: 42-74 et. seq., 40:48-2, and 40:69A-30 and Township of Montclair Chapter 257 Rent Regulation (hereinafter referred to as Ordinance), and the Open Public Meetings Act N.J.S.A 10:4-6 to 10: 4- 21 and the Senior Citizens, and Disabled Tenants, Protected Tenancy regulations of N.J.A.C. 5:24-1 et. seq. and, where these by-laws do not make provision, Robert’s Rules of Order.

SECTION 2 – BOARD MEETINGS

- (A) The Board, at its discretion, shall have no less than 3 regularly scheduled meetings per year pursuant to the Open Public Meetings Act.
- (B) Any member, with the consent of one member of the Board who represents a landlord, tenant, or homeowner group, other than that of the person calling the meeting, may call a special meeting of the Board with 48-hour notice, when there is important business to transact.
- (C) The Board may meet at such additional times as it may deem necessary and in public hearing, public executive session and/or in closed session, as it may deem appropriate in accordance with the Open Public Meeting Act.
- (D) The first meeting of each calendar year shall be the re-organizational meeting. All other meetings of the Board shall be in order to hold hearings on any appeals from the Rent Control Officer, and to conduct hearings for Major Capital Improvement and Major Additional Service surcharge applications, Hardship Rent Increase applications, and Decline in Service application. Such meetings, if any, shall be held on the second Wednesday of each month at 7 PM, or on such date and times as mutually agreed by all parties, in accord with the notice provisions established under the ordinance.
- (E) The Board may schedule any other meetings on the 2nd Wednesday of the month, at 7 PM, upon proper notification as required by law, as it deems necessary to carry out its responsibilities.
- (F) The Board may, at its discretion, hold an informational meeting upon the request of a landlord, tenant, or other interested party.
- (G) All Board members and alternates are encouraged to attend each meeting. Full attendance is a primary aspect of the responsibility of serving as a member of the Rent Control Board. If any member knows that they are going to be absent, they are to contact the Rent Control Officer by 10:00 am on the day of the Meeting, and the Rent Control Officer will notify the chairperson if a quorum is doubtful, after having contacted and encouraged all alternates to attend.

- (H) The attorney to the Rent Control Board is to attend every meeting of the Board. The Chairperson and Vice-Chairman shall consult with them as needed.

SECTION 3 – QUORUM AND VOTING

- (A) Quorum – A quorum for hearing shall consist of four (4) members or alternate members, and a majority of those present shall be authorized to issue orders pursuant to and consistent with the powers and functions of the Board.
- (B) Who May Vote – All regular and alternate Board members present at a Board meeting, not having a conflict of interest in the issue to be resolved, may vote. *An Alternate Board Member is one who fills the seat of an absent Board Member.*
- (C) Making Decisions – Except as stated elsewhere in the By-Laws, a majority vote of the votes cast at a meeting in which there is at least a quorum shall be sufficient to constitute a valid decision of the Board.
- (D) Alternate Members – An alternate member shall be entitled to sit with, and participate as a member, in any meeting of or hearing before the Board. An alternate member who has attended the full hearing or hearings on a specific matter may vote upon any determination made during the absence or disqualification of any regular member.
- (E) Abstention – For the purpose of a quorum, a present but abstaining member, without conflict of interest, constitutes a Member of the Board for counting a quorum. Once a quorum is established at a meeting, the abstention of a member does not defeat a quorum.
- (F) Recusal - If a member declares themselves to have a conflict of interest his or her absence defeats a quorum as to that issue if after they withdraw, less than four (4) members are present. So long as a quorum exists, the majority of those present and voting are sufficient to pass a motion or resolution provided that the motion or resolution has at least three (3) affirmative votes.
- (G) The chairperson may vote on every issue except those in which they have a conflict of interest.
- (H) The chairperson shall not propose any motion or resolution unless they yield the chair to the vice chairperson or a temporary replacement.
- (I) Tie Votes – Motions and resolutions that receive a tie vote do not pass.

SECTION 4 – BOARD OFFICER’S DUTIES

- (A) The duties of the Rent Control Officer shall be as follows and where ministerial, may be delegated with instructions.
 - 1. To obtain, keep and maintain all relevant records and other data and information, all of which shall be available for inspection and copying upon request.

2. To supply information and assistance to landlords and tenants and to bring together tenants and landlords in formal conferences and suggest resolutions of conflicts between them in order to assist them in complying with the provisions of the Ordinance.
3. To ensure compliance by the landlord and tenants with the provisions of the Ordinance.
4. To remedy violations of the Ordinance and bring appropriate legal charges as provided by the Ordinance, when appropriate.
5. To accept, process, investigate and determine complaints from tenants and landlords regarding calculations of annual rentals and increases and /or vacancy decontrol allowances.
6. To collect and maintain accurate Rent Registration Statements in accord with the Ordinance.
7. To prepare forms as appropriate for the filing of complaints to be heard before the Rent Control Board.
8. To attend all meetings of the Rent Control Board.
9. To perform such other duties as the Rent Control Board may specifically direct and as allowed by the Ordinance

SECTION 5 - ORDER OF BUSINESS

- (A) The order of business at each meeting is as follows:
1. Roll Call
 2. Approval of the minutes from the previous meeting
 3. Hearing of public comments
 4. Hearing and adjudication of cases continued from prior hearings
 5. Hearing and adjudication of current cases
 6. Public comments
 7. Old business
 8. New business
 9. Adjournment

SECTION 6 – HEARING AND ADJUDICATION

- (A) The Board is hereby granted and shall have and exercise all the powers necessary and appropriate to carry out and execute the purposes of the Ordinance including, but not limited to, the following:
1. To issue and promulgate such rules and regulations as it deems necessary to

implement the purpose of the Ordinance, including, but not limited to, the use of subpoenas, which rules and regulations shall have the force of law until revised, repealed or amended, providing that such rules are filed with the Township Clerk.

2. To supply information and assistance to landlords and tenants to help them comply with the provisions of the Ordinance.
3. To hold hearings and adjudicate applications from landlords for major capital improvement or major additional service surcharges and for hardship rent increases, as herein provided.
4. To hold hearings and adjudicate applications from tenants for rent reductions based on a decline in services, as herein provided.
5. To hear and adjudicate appeals from determinations of the Rent Control Officer.
6. To approve and accept a settlement or other agreement on the subject matter of a dispute between a landlord and tenant.
7. To require a landlord to produce for examination his/her books, records, tax returns, balance sheets, profit and loss statements and such other records, as appropriate, as the Board may require in connection with any application and related hearing, proceeding or purpose, as set forth herein.
8. Upon an application by a landlord or tenant or upon its own motion, to set a date for a hearing, consider proofs and grant, deny, modify, or otherwise adjust all rentals, by increasing or decreasing same, and the Board may make such determinations as to conditions, services, equipment, terms and related matters pertaining to rentals and controlled premises as may be warranted within the intent and purview of the Ordinance and applicable state laws.

(B) The general order of proceedings at hearings shall be as follows:

1. As each case is called, the Chairperson will introduce the complaint or Application, and shall ascertain whether the Rent Board has jurisdiction to hear the case. Unless there is an objection by any Board member, the Chairperson's ruling will be decisive. If there is an objection, a vote will be taken. If a majority vote decides that no jurisdiction exists, the parties have the right to file an appeal of the Board's decision. If a majority vote decides that jurisdiction exists, the hearing shall proceed. The complainant/applicant and all witnesses shall be sworn. The complainant/Applicant will present his or her own case; thereafter, members of the Board may ask any question of the complainant/applicant or his or her witnesses which they consider to be pertinent.

2. At the conclusion of the questioning by the Board, complainant or respondent or their attorneys may ask material questions concerning the complaint/application. Each person must state his or her name and address. Orderly procedure requires that speeches or statements not be permitted at this time. After the complainant/applicant or respondent has presented all of their testimony, they may present witnesses to support the application or complaint. These persons may be questioned by the Board, by complainant or respondent or their representatives.
 3. Irrelevant or immaterial or unduly lengthy or repetitive statements may be ruled out of order by the Chairperson.
 4. The Board will not hear or consider testimony concerning statements made by persons who are not witnesses at the hearing. A person may testify only to facts that are within his or her own personal knowledge.
 5. Every party shall have the right to present his or her case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts without being irrelevant or repetitious. The complainant or applicant shall proceed first.
 6. The Chairperson or presiding officer may, at their discretion, exclude any evidence that they find its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion or is irrelevant or repetitious.
 7. Notice may be taken of judicially noticeable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge. Parties shall be notified either before or during the hearing of the material notices, including any expert's report and they shall be afforded an opportunity to contest the material so noticed. The Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence.
 8. Upon the completion of the taking of testimony and other evidence, each party or his or her attorney shall be allowed to make a final statement. The Board shall proceed to deliberate either immediately or at the end of the meeting, or on another date, and shall announce which procedure it will follow.
- (B) Proceedings before the Board shall be informal in that the rules of evidence generally applicable in trials before the courts of this State need not be strictly adhered to but the statutory and common law and rules of court shall apply.
- (C) Whenever a procedural question arises at a meeting, Robert's Rules of Order shall govern unless otherwise specified in these By-laws. The Rent Control Officer shall bring a copy of Robert's Rules to each meeting.

- (D) Members of the Rent Board may not discuss a pending case with a complainant, applicant or respondent or witness except at the Public Meeting.

SECTION 7 – DISQUALIFICATION OF MEMBERS

- (A) Disqualification of member. No member or alternate member of the Board shall be permitted to act on any matter in which that individual has, either directly or indirectly, any personal or financial interest.
- (B) Any member of the Board may also disqualify themselves if they feel that they cannot fairly and impartially determine the matter presented to the Board without the necessity of explaining their withdrawal.

SECTION 8 – DETERMINATIONS BY THE BOARD

- (A) Opportunity to be heard. Upon receipt of a complaint, upon such forms as provided, if any, and fee, if any, to hear and render determinations under Hardship under Section 257-9, Capital Improvement under Section 257-10, Decline in Services thereunder, and under Section 257-6, appeals from determinations of the Rent Control Officer, all interested persons shall be given the opportunity to be heard, with or without counsel, except that the Board, in its discretion, may limit repetitious testimony or ask that a spokesperson for the tenants be appointed. A tenant and/ or tenant association may elect to name a spokesperson to act in its behalf. The Board shall base its decision upon the record of information provided to and considered by the Rent Control Officer in determining whether the decision of the Rent Control Officer was inconsistent with this Ordinance. The Board shall have the discretion to request the submission of additional information from either the Landlord or the Tenant if that information is required to resolve the appeal.
- (B) Decisions by the Board/Service. The Board shall be required to render its determinations, in writing, within 45 days of the final hearing date, which written decision shall be provided to the landlord immediately by regular and certified mail. Upon receipt, the landlord shall post a notice in a conspicuous place in the building stating that the Board has rendered a written decision, which decision is available at the Rent Control Office. The landlord shall further transmit the decision to all affected tenants by regular and certified mail within 5 days of receipt of the decision. Simultaneously therewith, the landlord shall provide the Board with proof of service upon the tenants by regular and certified mail.

SECTION 9 – ADDITIONAL HEARINGS

Additional hearings. If any additional hearing, after the initial hearing, is necessary, the Board shall so notify the landlord within 20 days of the initial hearing. A copy of the notice of hearing shall be posted conspicuously in the lobby of the building. The landlord shall serve notice of the hearing date to the tenant, by regular and certified mail, return receipt requested, at least 20 days in advance of the hearing.

SECTION 10 – APPEALS

Appeals. Either the landlord or a tenant may appeal the decision of the Rent Control Board. All decisions of the Board are final. Any landlord or tenant wishing to appeal the decisions of the Board may do so in the Superior Court of New Jersey pursuant to its rules and procedures. An appeal to the Superior Court of New Jersey from a determination of the Rent Control Board are required to be filed with the Court within 45 days of the final determination of the Board.

SECTION 11 – BY-LAWS AS A MATTER OF PUBLIC RECORD

These By-Laws shall be kept as a matter of public record at the Rent Control Office.

SECTION 12 – ADOPTION AND AMENDMENTS

The Board shall adopt or amend these By-Laws by a majority vote of the entire Board. Four out of seven votes are required. Proposed amendments may be introduced at any meeting of the Board and shall be voted upon at the next scheduled meeting. No vote shall be taken without first allowing the public an opportunity to discuss the adoption or amendment.

SECTION 13 – SEVERABILITY

If any section, subsection, clause, paragraph, sentence or part of these By-Laws or the applications or forms used by the Board, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of these By-Laws.

SECTION 14 – LIBERAL CONSTRUCTION

These By-Laws shall be liberally construed in order to accomplish the purposes and the public policy of the Township of Montclair as set forth in the Rent Control Ordinance and its Amendments.

The foregoing Minutes are a true and correct copy of the By-Laws approved at the Township of Montclair Rent Control Board Meeting convened on March 8, 2023.



Brian P. Scantlebury
Interim Rent Control Officer