

Ordinance #2020-42

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING HOUSING AND BUILDINGS, AND AMENDING CHAPTER 16 OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND CHAPTERS 5 AND 10 OF THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, Princeton Council has reviewed and recommends updates to portions of Chapter 16 of the "Code of the Borough of Princeton, New Jersey, 1974," and Chapters 5 and 10 of the "Code of the Township of Princeton, New Jersey, 1968," regarding housing and building regulation, for purposes of consolidating and harmonizing said chapters; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Article IV. of Chapter 16 of the "Code of the Borough of Princeton, New Jersey, 1974" ("Borough Code"), which is inclusive of sections 16-44 and 16-45, and is entitled "Housing Authority," is hereby repealed.

Section 2. Article V. of Chapter 16 of the Borough Code, which is inclusive of sections 16-56 through 16-60, and is entitled “Reprisal by Landlords,” is hereby amended as follows (additions are underlined; deletions are [bracketed]):

Article V. Reprisals by Landlords.

Sec. 16-56. Legislative findings; purpose of article.

The mayor and council find that, although revised statutes, section N.J.S.A. 2A:42-10.10, et seq., prohibits landlords from taking reprisal for certain activities of tenants, such prohibition can be enforced only in civil proceedings in tribunals outside the [borough] municipality; that the rights and remedies thus provided to tenants frequently go unvindicated because of ignorance, inconvenience, or expense; and that the objectives of the anti-reprisal law will be furthered in the [borough]municipality if violations thereof are deterred by threat of prosecution and penalty in the municipal court. It is, therefore, the purpose of this article, in the exercise of the police power and for the public health, safety and general welfare, to prohibit reprisals by landlords for certain activities of tenants and to provide penalties hereof.

Sec. 16-57. Applicability of article to rental premises used for dwelling.

This article shall apply to all rental premises or units used for dwelling purposes in the [borough]municipality except those which may be exempted by [section 16-39] N.J.S.A. 2A:42-10.10 et seq., or elsewhere in this chapter.

Sec. 16-58. Acts of reprisal prohibited.

No landlord of premises or units to which this article is applicable shall serve a notice to quit upon any tenant or institute any action against a tenant to recover possession

of premises, whether by summary dispossession proceedings, civil action for the possession of the land or otherwise:

(a) As a reprisal for the tenant's efforts to secure or enforce any rights under the lease or contract, or under the laws or ordinances of the state or of its governmental subdivisions, including the [borough]municipality, or of the United States;

(b) As a reprisal for the tenant's good faith complaint to a governmental authority of the landlord's alleged violation of any health or safety law, regulation, code or ordinance, or state law or regulation which has as its objectives the regulation of premises used for dwelling purposes;

(c) As a reprisal for a tenant's being an organizer of, or a member of or involved in any activities of any lawful tenant's organization;

(d) On account of the tenant's refusal or failure to comply with the terms of the tenancy as altered by the landlord, if the landlord shall have altered substantially the terms of the tenancy as a reprisal for any actions of the tenant set forth in subsections (a), (b), and (c) of this section. Substantial alteration shall include the refusal to renew a lease or to continue a tenancy of the tenant without cause.

Under subsection (b) of this section, the tenant shall first bring his good faith complaint to the attention of the landlord or his agent and give the landlord a reasonable time to correct the violation before complaining to a governmental authority.

Sec. 16-59. Rebuttable presumption of reprisal.

In the prosecution of any complaint under this article, the receipt by the tenant of a notice to quit or any substantial alteration of the terms of the tenancy without cause after:

(a) The tenant attempts to secure or enforce any rights under the lease or contract or under the laws of the state or of the United States; or

(b) The tenant, having brought a good faith complaint to the attention of the landlord and having given him a reasonable time to correct the alleged violation, complains to a governmental authority with a report of the landlord's alleged violation of any health or safety law, regulation, code or ordinance; or

(c) The tenant organizes, becomes a member of or becomes involved in any activities of any lawful tenant's organization;

Shall create a rebuttable presumption that such notice or alteration is a reprisal against the tenant for making such an attempt, report or complaint, or for being an organizer of, a member of, or involved in any activities of any lawful tenant's organization.

[Sec. 16-60. Compensation for reprisal rent increases.

The rent registration board shall have the power to determine whether or not any rent being charged for a dwelling unit has been charged in violation of this article. The board shall order a repaying of any such unlawful rent for the period it was in effect or for a period of six months, whichever is less. The board, in its discretion, may order either full repaying by the landlord to the tenant of any unlawful rent which was so charged, or it may order the landlord to credit the tenant the same amount which shall be applied to future rent payments of the tenant. No additional rent increase will be allowed for a period of one year after the landlord complies with the repayment or credit provisions of this section and otherwise complies with the provisions of this article.

Additionally, any tenant may pursue any action in the borough municipal court for a violation of this article or any civil remedy provided by state law.]

Section 3. Article VI. of Chapter 16 of the Borough Code, which consists of section 16-62, and is entitled “Notice of Violation,” is hereby amended as follows (additions are underlined; deletions are [bracketed]):

Article VI. Notice of Violation.

Sec. 16-62. Notice of violation posting for any public health or emergency condition.

In the event any agency of the [Borough]municipality of Princeton shall issue a notice of violation for any public health or emergency condition in respect to any real property rented in the [borough]municipality, for residential purpose, the agent of the [borough]municipality issuing said notice of violation may cause the notice of violation to be posted on all doorways accessible from the street of the real property in respect to which the notice of violation was issued where the agent of the [borough]municipality determines that the nature of the violation is such that notice is required to protect the health and safety of the occupants of the property. The owner of the property shall cause such notice of violation to remain so posted, until the agency of the [borough]municipality that issued the notice of violation has declared the condition abated that caused the notice of violation to be issued.

Section 4. The following chapters of the “Code of the Township of Princeton, New Jersey, 1968” (“Township Code”), are hereby repealed:

- Chapter 5, entitled “Buildings;” and
- Chapter 10, entitled “Housing Standards”.

Section 5. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of this ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Delores A. Williams, Clerk

Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and Township into a new code for the consolidated Municipality of Princeton. It updates relevant portions of chapter 16 of the Borough Code which address housing standards and repeals obsolete and duplicative provisions from chapters 5 and 10 of the Township Code.