

O-20-08

**TOWNSHIP OF MONTCLAIR**

**ORDINANCE IMPOSING TEMPORARY MORATORIUM ON RENT INCREASES  
DURING COVID-19 PANDEMIC STATE OF EMERGENCY**

May 5, 2020 (date of introduction)  
May 19, 2020 (date of public hearing)

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality may adopt ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, the Governor of the State of New Jersey declared a Public Health Emergency and State of Emergency in the State of New Jersey on March 9, 2020 due to the spread of COVID-19; and

**WHEREAS**, the Office of Emergency Management of the Township of Montclair declared a State of Emergency in the Township on March 15, 2020; and

**WHEREAS**, many citizens of New Jersey and the Township are or will be experiencing substantial loss of income as a result of business closures, reductions in hours, or layoffs related to COVID-19, impeding their ability to keep current on rent and mortgage payments; and

**WHEREAS**, housing security and stability are important to public health, particularly as homelessness can increase vulnerability to COVID-19; and

**WHEREAS**, in recognition of this danger, the U.S. Department of Housing and Urban Development, Fannie Mae, and Freddie Mac announced the suspension of all evictions and foreclosures for 60 days; and

**WHEREAS**, on March 19, 2020, Governor Murphy signed the residential eviction and foreclosure moratorium legislation into law to protect New Jersey residents in this critical time; and

**WHEREAS**, the adverse economic impacts of COVID-19 are significant, and pose a growing threat to the housing security of many New Jersey residents; and

**WHEREAS**, in light of the ongoing financial hardships, the severe disruption to the economy at all levels, and in the spirit of the moratorium on the execution of warrants of eviction, the Township has determined that the immediate stability of rents is necessary in the public interest and is best served by placing an immediate, temporary moratorium on all rent increases.

**NOW, THEREFORE**, the Township Council of the Township of Montclair hereby ordains as follows:

- A. A moratorium is hereby declared to prevent any increase in the amount paid in rent or any additional charges whatsoever by residential tenants in all residential rental units in the Township of Montclair with the exception of:
  - 1. Rental units in properties that are owner-occupied with no more than one additional rental unit;
  - 2. Rental units in properties exempt from local rent regulation by state or federal law;
  - 3. Rental units in which the rent is determined as function of household income; and
  - 4. Rental units in hotels.
  
- B. During the period the moratorium is in effect, no rent shall be increased as to any property covered by this ordinance, where "rent" is defined for purposes of this ordinance as any price for the use of a residential rental space, no matter how set forth, including amounts paid by the tenant for the use of any service in connection with a tenancy.
  
- C. Additionally, no other charge associated with the rental of a property covered by this ordinance, including but not limited to charges for parking, pets, or the use of furniture, shall be increased during this time.
  
- D. The moratorium shall be made retroactive to May 1, 2020 and shall remain in effect until August 1, 2020.