

## **Guidance for Exemption Applications for No Tenant In Occupancy**

Rental units that are kept primarily for secondary residential occupancy, such as a pied-a-terre or vacation home, or primarily for non-residential use, such as storage, commercial, or office use, or are undergoing rehabilitation to the extent that the unit is not habitable, are not subject to the rental unit registration requirement and base rent increase limitations of Section 5.80.060 and Section 5.80.130. An exemption application must be submitted and approved before the exemption is valid.

If there is a tenant using the rental unit as a primary residence, the unit must be registered with the Rent Control Office annually. A "Tenant" means any renter, tenant, subtenant, lessee, or sublessee of a rental unit, or successor to a renter's interest, or any group of tenants, subtenants, lessees, or sublessees of any rental unit, or any other person entitled to the use or occupancy of such rental unit.

Evidence that a unit is the individual's "primary residence" includes, but is not limited to, the following elements:

1. the individual carries on basic living activities at the subject premises for extended periods;
2. the individual does not maintain another dwelling or, if the individual does maintain another dwelling, the amount of time that the individual spends at each dwelling place;
3. the subject premises are listed as the individual's place of residence on any motor vehicle registration, driver's license, voter registration, or with any other public agency, including Federal, State and local taxing authorities;
4. utilities are billed to and paid by the individual at the subject premises;
5. all of the individual's personal possessions have been moved into the subject premises;
6. a homeowner's tax exemption for the individual has not been filed for a different property;
7. the individual is enrolled as a student or is a member of the faculty at an institution of higher education in Middlesex County;
8. the subject premises are the place the individual normally returns to as his/her home, exclusive of military service, hospitalization, vacation, family emergency, Peace Corps service, academic sabbatical, travel necessitated by employment or education, or other reasonable temporary periods of absence.

A tenant who is enrolled as a student or is a member of the faculty or staff at an accredited institution of higher education in Middlesex County may qualify as a Tenant In Occupancy notwithstanding his or her having another residence to which he or she will ultimately return.

If an individual rents two units in the same building and resides in one of the units as a primary residence, the second unit shall qualify as a tenant in occupancy unit if it is used primarily for residential storage of the personal property of the individual.

The exemption expires after three years or if a tenant occupies the unit prior to that. An exemption can be renewed after the three year period if there is still no Tenant In Occupancy.

Penalties for False Swearing:

If the application is falsely submitted, you may be subject to receiving a summons for violating the ordinance. The penalty for violation is a fine of not less than one hundred dollars (\$100.00) nor exceeding two thousand dollars (\$2,000.00), or imprisonment for a period not exceeding ninety (90) days, or both, or to a period of community service not exceeding ninety (90) days at the discretion of the municipal court judge.

Application Fee: \$25

For Further Information:

Contact the New Brunswick Rent Control Office

Phone: 732.745.5050

Web:

[www.cityofnewbrunswick.org/09site/Government/Departments/Economic\\_Development/rent\\_control.html](http://www.cityofnewbrunswick.org/09site/Government/Departments/Economic_Development/rent_control.html)

Address:

PO Box 269, 25 Kirkpatrick Street, Civic Square Building, 2<sup>nd</sup> Floor, New Brunswick, NJ 08901