

Can Your New Jersey Landlord Increase Your Rent? Frequently Asked Questions (FAQs)

Can My Landlord Raise My Rent?

The law requires a landlord to take certain steps before they can make you pay an increase in rent. First, the term of your lease at the current rent must end. The landlord cannot increase your rent during the current lease term. The landlord may offer you the option of entering into a new lease after the old lease expires. The new lease may reflect a higher rent.

Did you Receive Proper Written Notice?

The law requires that a landlord give you proper written notice that the current written/oral lease is ending and that the tenant(s) can stay in the rental unit by signing a new lease at a higher amount. If your lease is monthly, a proper notice must explain when the existing lease will be terminated and the new lease and rental amount will begin. Tenants on a monthly lease must be given at least a month notice before any lease or rent changes can be effective. For tenants with a longer lease period, it is common for landlords to give 90 days' written notice before the lease is to end. There also may be language in the lease about renewal and notification of new lease terms. Most importantly, notice of a rent increase that is not in writing and does not show the end of the old lease and the beginning of the new lease with a higher rent amount is not legal.

What if I don't pay the increase or agree to it?

If the landlord asks for a rent increase and you stay but do not pay the new amount, you can be evicted. In court, if the landlord did not give you proper notice, you can make that argument to the judge. If you prove that argument, the judge will dismiss the eviction complaint. However, if you did get notice but feel the increase amount is unfair or unconscionable, that will be reviewed. If the judge feels it is an allowable increase, tenants will be evicted unless they pay the increase.

What is an Unconscionable Rent Increase?

Most judges and legal services attorneys normally do not even consider a case of unfair rent increase as unconscionable unless it is a 20% increase or more. (NOTE: unless the rent increase is in a special approved program such as subsidized housing or State of NJ low or moderate income program). However, if a tenant feels they have a case and wants to proceed, then the landlord will need to prove to a judge their reasoning and that the rent increase is fair. In court, landlords often show what similar apartments in the area are renting for to justify the amount they are seeking. A tenant can dispute the accuracy of the landlord's statements once they are made in court and may want to request an adjournment so they have time to make their case; or the tenant can agree to the increase.

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What about rent Increases under Rent Control or Special State of NJ Programs?

Rent control ordinances limit the amount of increase allowed under a local rent control ordinance. Some cities and townships in NJ have passed rent control ordinances. To find out if your city or township has rent control and if it covers your apartment, you should call your city or township. They will put you in touch with the person handling this. You should ask for a copy and carefully read the rent control ordinance and understand about the increases. Keep in mind, sometimes a landlord can apply for a hardship increase even if you are in special housing. Your rent control board can provide the information to you on hardship increases and how to challenge these.

Increases for units in the State of NJ Low and moderate income program or other programs are governed by various entities. You can find out from the municipality/town who the responsible Administrative Agent is for your affordable unit and that person can advise on the allowable rent your landlord can charge and the amount of the upcoming increase.

If you feel your rent is illegal, what should you do?

You should file a complaint, in a timely manner, either with the rent control board (if that is the type of unit you have) or with the administrative agent or other entity responsible for overseeing your unit if it is in a special program

Can my rent increase during COVID?

The answer is most likely. New Jersey has not banned rent increases during the crisis. Tenants are protected with lease provisions or rent control ordinances as mentioned in prior responses in this document. Usually increases are only permitted once a year. Some areas have a temporary moratorium on all rent increases such as Newark; which is not allowing a rent increase if the tenant is living in a property covered under the Newark Rent Control ordinance until the State of Emergency is declared over.

If I cannot afford an attorney, who can help me?

Contact Legal Services of NJ at www.lsnjlaw.org or visit their website for more information. Their hotline number is 1-888-576-5529.

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