

No. 6F-F 1st Reading APR 17 2019

## Ordinance

of the

City of Newark, N.J.

No. ..... Public Hearing

No. 6PSF-A 2nd Rdg. and Final Passage

Date to Mayor NOV 19 2019

Date Returned NOV 21 2019

Date Resubmitted to Council

Date Advertised APR 22 2019  
1st Reading

Final Reading  
Actual contents certified to by

Title

No. ..... Reconsidered

Approved as to Form and Legality on Basis of Facts Set Forth

*H. Scott*  
Corporation Counsel

*Whole*

Council member ..... presents the following Ordinance:

1 AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE XVIII HOUSING CODE;  
2 CHAPTER 6, HOUSING AND ZONING REGULATIONS (CERTIFICATE OF CODE  
3 COMPLIANCE) OF THE REVISED GENERAL ORDINANCES OF THE CITY OF  
4 NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY  
5 ADDING SECTION 10, CERTIFICATE OF CODE COMPLIANCE REQUIRED UPON  
6 A NEW TENANCY AND ESTABLISHES A REQUIREMENT FOR INSPECTION OF  
7 A RENTAL UNIT UTILIZING ANY FORM OF RENTAL ASSISTANCE OR RENTAL  
8 SUBSIDY BY THE SPONSORING AGENCY BEFORE A CERTIFICATION OF  
9 CODE COMPLIANCE IS ISSUED.

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11  
12 WHEREAS, many tenants in the City of Newark rent substandard apartments  
13 due to the failure of landlords to maintain and upkeep their properties after the receipt  
14 of an initial Certificate of Occupancy; and

15  
16 WHEREAS, many of these apartments are rented with substandard conditions  
17 that are unknown to the municipality and accepted out of desperation by tenants due  
18 to a lack of housing stock in the City of Newark; and

19  
20 WHEREAS, many tenancies are subsidized by some form of rental assistance  
21 whether provided by the Federal Government, State of New Jersey, a County in the  
22 State of New Jersey or other States within the United States; and

23  
24 WHEREAS, many of the agencies that provide rental assistance through  
25 vouchers or other form of rent subsidy do not require inspection of the various  
26 apartments that a recipient selects and therefore allow a recipient to select  
27 substandard housing due to a housing shortage; and

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29 WHEREAS, municipalities throughout the United States have sent and  
30 continue to send their homeless population to the City of Newark without making  
31 provisions for them; and

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33 WHEREAS, the number of homeless in the City of Newark has increased,  
34 which has also increased the number of homeless persons in shelters located in the  
35 City; and

36  
37 WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality to make, amend, repeal  
38 and enforce such other ordinances, regulations, rules and by-laws not contrary to the  
39 laws of this state or of the United States, as it may deem necessary and proper for the  
40 good government, order and protection of persons and property, and for the  
41 preservation of the public health, safety and welfare of the municipality and its  
42 inhabitants; and

43  
44 WHEREAS, N.J.S.A. 40:48-2.12(a) authorizes the Governing Body of any  
45 municipality to make, amend, repeal and enforce ordinances to regulate buildings and  
46 structures and their use and occupation to prevent and abate conditions therein  
47 harmful to the health and safety of the occupants of said buildings and structures and  
48 the general public in the municipality; and

49  
50 WHEREAS, N.J.S.A. 40:48-2.12(m) authorizes the Governing Body of a  
51 municipality to adopt ordinances regulating the maintenance and condition of any unit  
52 of dwelling space, upon the termination of occupancy, in any residential rental  
53 property for the purpose of the safety, healthfulness, and upkeep of the structure and  
54 the adherence to such other standards of maintenance and condition as are required

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1 in the interest of public safety, health and welfare. Such ordinances shall require the  
2 owner of any residential rental property, prior to rental or lease involving a new  
3 occupancy of any unit of dwelling space in such property, to obtain a Certificate of  
4 Inspection or Occupancy for the unit of dwelling space. Such Certificate of Inspection  
5 or Occupancy shall be issued by the municipality upon the inspection of the unit of  
6 dwelling space by a municipal inspector and his findings that such unit meets the  
7 standards provided by law. The municipality may charge a fee to fund the costs of the  
8 inspections and the issuance of the certificates; and  
9

10  
11 **WHEREAS**, the Mayor and the Municipal Council of the City of Newark desire  
12 to protect the residents of the City of Newark (the "City") and to ensure they live in  
13 safe and clean living conditions by requiring all rental units upon new tenancies to  
14 secure a Certificate of Code Compliance from the Office of Inspections and  
15 Enforcement and require agencies providing rental vouchers, rental subsidies or rental  
16 grants to conduct inspections before recipients accept an apartment.  
17

18  
19 **NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF**  
20 **THE CITY OF NEWARK, NEW JERSEY, THAT:**  
21

22  
23 **Note: Additions are shown in bold and underlined.**  
24

25 **SECTION 1. Title XVIII entitled Housing Code, Chapter 6 Housing and Zoning**  
26 **Regulations (Certificate of Code Compliance) of the Newark Municipal Code is**  
27 **hereby supplemented and amended as follows:**  
28

29  
30 **18:6-10. CERTIFICATE OF CODE COMPLIANCE REQUIRED FOR NEW**  
31 **TENANCY.**  
32

33 **18:6-10.1. Certificate of Code Compliance**  
34

35 **A. Prior to any change in occupancy of any hotel, dwelling unit, rooming**  
36 **house, rooming unit, boardinghouse, motel, apartment unit or premises which**  
37 **is used, partially used or intended to be used for human occupancy, a**  
38 **certificate of code compliance shall first have been obtained from the**  
39 **Department of Engineering, Office of Inspections and Enforcement, stating that**  
40 **the rental unit has complied with the requirements of the Housing Code. In the**  
41 **case of a hotel or motel, this section shall only apply in those cases involving**  
42 **permanent, rather than transient, residence. After an initial inspection, a**  
43 **landlord shall cause the rental unit to be inspected annually.**  
44

45  
46 **B. An inspection shall be obtained either by the owner/landlord or the**  
47 **owner's agent prior to a change in occupancy and shall be performed by the**  
48 **Office of Inspections and Enforcement for the purpose of determining if a**  
49 **Certificate of Code Compliance may be issued.**  
50

51  
52 **C. Inspections pursuant to Subsection B of this Section shall be conducted**  
53 **using the following criteria:**  
54

55  
56 **(1) All violations of City ordinances shall be reflected in the inspection**  
57 **report in order to provide notice to the owner of such violations.**  
58

59  
60 **(2) A violation of the plumbing code which poses a positive or obvious**  
61 **major threat to the health, safety or welfare of any potential occupancy, a**  
62 **violation of the electrical code which poses a positive or obvious major**  
63 **threat to the health, safety or welfare of any potential occupancy, or any**  
64 **other condition which poses a positive or obvious threat to the health,**  
65 **safety or welfare of any potential occupancy shall be deemed a major**  
66 **violation of the housing code and shall be designated to the**  
67 **owner/landlord separately on the inspection report.**  
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69  
70 **(3) The inspection of the rental unit must be conducted within ten (10)**  
71 **days of the receipt of the application from the landlord/owner.**  
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1  
2 (4) If the rental unit is not inspected by the Office of Inspections and  
3 Enforcement within ten (10) days of receipt of the application, the  
4 landlord/owner shall be issued a temporary Certificate of Code  
5 Compliance automatically. A temporary Certificate of Code of  
6 Compliance issued under this subsection shall last for only thirty (30)  
7 days, within which the rental unit must be inspected by the Office of  
8 Inspections and Enforcement.

9  
10 (5) A landlord/owner is authorized to apply for a Certificate of Code  
11 Compliance thirty (30) days before the current tenant is scheduled to  
12 vacate the property, subject to all requirements of this Ordinance.

13  
14 D. Violations of the kind described in Subsection (C2) of this Section must  
15 be corrected by the owner of the unit before the issuance of a Certificate of  
16 Code Compliance for a new tenancy. The responsibility for correction of a  
17 violation of the housing code is the responsibility of the owner/landlord and  
18 shall not transfer to the tenant.

19  
20 E. An unconditional Certificate of Code Compliance shall be issued by the  
21 Office of Inspections and Enforcement at such time as the office is satisfied that  
22 all violations have been corrected.

23  
24 F. The completed Certificate of Code Compliance shall contain the names of  
25 both the landlord and the tenant. One copy of the completed Certificate of Code  
26 Compliance as provided by the Office of Inspections and Enforcement shall  
27 remain each with the landlord and the tenant.

28  
29 G. The landlord shall ensure that the tenant shall sign a tenant's receipt as  
30 provided by the Office of Inspections and Enforcement evidencing their receipt  
31 of the tenant's copy of the Certificate of Code Compliance. The landlord shall  
32 then, within 10 days, upon securing the tenant's signature, forward the signed  
33 tenant's receipt to the Office of Inspections and Enforcement.

34  
35 H. A Certificate of Code Compliance for occupancy is valid for the  
36 authorization of occupancy for a period of ninety (90) days after issuance upon  
37 which time a tenant must move into the rental unit. The Manager of the Office of  
38 Inspections and Enforcement may authorize extensions of thirty (30) days only  
39 upon presentment of sufficient proof that the extension is necessary due to  
40 unforeseeable circumstances beyond the control of the parties involved.

41  
42 I. The purpose of this Section is to continue to ensure compliance with the  
43 various City Ordinances and the Housing Code in order to maintain high  
44 standards of housing for rental units within the City of Newark. However, the  
45 City, by this Section, is not acting as a guarantor of any property insofar as any  
46 potential owner/landlord or occupant is concerned, nor shall the City be  
47 considered to be involved in any manner in the contractual relationships  
48 between the parties.

49  
50 J. If any landlord/owner rents an apartment in violation of this Section and  
51 that unit is later found to be in substandard condition that results in violations  
52 issued by the Office of Inspections and Enforcement, that rental unit shall be  
53 deemed an illegal apartment. If the condition of the rental unit is such that it is  
54 a threat to the health and welfare of the tenant and requires the relocation of a  
55 tenant because of the violation, then that owner/landlord shall be liable for  
56 relocation costs of six (6) months' rent to the tenant pursuant to N.J.S.A. 2A:18-  
57 61.1q.

58  
59 K. If after a determination is made by the Office of Inspections and  
60 Enforcement, evidenced by violations, that the condition of the rental unit is  
61 such that it is a threat to the health and welfare of the tenant and requires the  
62 tenant to be displaced, the landlord shall be required to either:

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1. Relocate the tenant in a vacant rental unit in the same building, or in  
the case of a landlord who owns multiple buildings, in another  
building; or
2. Immediately issue all security deposits with accumulated interest to  
the tenant so that the tenant can secure a new rental unit; or
3. Provide the tenant with the equivalent of three (3) months of the rent  
paid in the current rental unit so that the tenant immediately secures  
another rental unit.

14 K. The fee for the issuance of a Certificate of Code Compliance shall be as  
15 follows:

18 Rental Unit Inspection .....(\$100 - includes 1 re-inspection)  
19 Second or more re-inspection .....(\$75)

21 L. The fee for issuance of a Certificate of Code Compliance for rental units  
22 that are classified as affordable units as part of any existing dwelling or new  
23 development shall be waived.

25 M. New Construction shall be exempt from this Ordinance for five (5) years  
26 following the date on which a final Certificate of Occupancy is received. This  
27 provision shall be retroactive.

30 **18:6-10.2. INSPECTION REQUIRED BY PROVIDER OF RENTAL**  
31 **VOUCHER/SUBSIDY**

33 A. Any agency or person that provides a rental voucher, rental subsidy or  
34 rental grant, whether from the Federal Government, State of New Jersey, a  
35 County in the State of New Jersey or other States within the United States, shall  
36 inspect the rental unit, prospective hotel, dwelling unit, rooming house,  
37 rooming unit, boardinghouse, motel, apartment unit or premises which is used,  
38 partially used or intended to be used for human occupancy, to ensure that it is  
39 free from threats to the health, safety and welfare of the tenant and is habitable.  
40 In the case of a hotel or motel, this Section shall only apply in those cases  
41 involving permanent, rather than transient residence.

44 B. Upon inspection of the rental unit by the agency, a report in the form of a  
45 letter shall be provided to the Office of Inspections and Enforcement detailing:

- 48 (1) the nature and length of the rental assistance, voucher or subsidy.
- 49 (2) whether the rental unit has been approved by the agency.
- 50 (3) the name of the landlord and the tenants with their contact  
information and the address of the property.
- 55 (4) a copy of the application for the Certificate of Code Compliance.
- 58 (5) a plan of action for the provision of rental assistance beyond the  
current tenancy so as to avoid homelessness of the tenant. The plan of  
action may include but not be limited to items such as planned job  
training, referrals to various agencies for rental assistance and any other  
services to prepare the tenant for the end of the current rental assistance.
- 65 (6) Provide an agreement with the City of Newark that the agency will  
not pre-pay subsidized rent for one (1) year because it takes away the  
right of a tenant to withhold rent in the case of uninhabitable living  
conditions that have developed and a landlord refuses to remediate.
- 70 (7) The agency shall provide the City with the report from the  
inspection on the rental unit. The Office of Inspections and Enforcement  
shall determine, based on a careful analysis of the standards used in the

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agency's inspection and the results of the inspection, whether to issue a Certificate of Code Compliance based on the agency's inspection report. If the report is unacceptable to the Office of Inspections and Enforcement, then a full inspection shall be conducted by the City.

C. A Certificate of Code Compliance shall not be issued until such time that the information required to be produced in paragraph (B) above is complied with.

D. The inspection required by paragraph (A) above shall not be the same as the inspection required to secure a Certificate of Code Compliance. The Inspection to be conducted by the provider of rental assistance, grant, voucher or subsidy is to ascertain that the agency is aware of the condition of the apartment that the recipient is about to rent and approve same.

E. An agency or person providing a rental voucher, rental subsidy or rental grant shall not provide pre-paid rent to a landlord but shall provide payment on a monthly basis after receiving written confirmation from the tenant that the tenant continues to enjoy quiet enjoyment and the rental unit continues to be habitable.

F. No Landlord shall accept pre-paid rent for more than (1) month from an agency or person providing rental subsidy, assistance, grant or voucher. Except, a Landlord may accept pre-paid rent if it solely the decision of the tenant and the tenant is paying rent without a rental subsidy, assistance, grant or voucher.

G. For rental units that are occupied by tenants receiving any form of subsidy described above on the effective date of this Ordinance, the agency providing the rental subsidy shall have sixty (60) days to comply with paragraph (B) above, except that the letter shall be accompanied by a copy of the final Certificate of Code Compliance.

#### 18:6-10.3 Bringing a Needy Person to the City of Newark

No person shall knowingly bring, or cause to be brought, a needy person to the City of Newark for the purpose of making him or her a public charge. A person who violates this sub-section shall be obligated to convey such needy person out of the City of Newark.

For the purposes of this sub-section, a needy person shall mean a person who is in a state of poverty and needs help in getting the necessities of food and shelter.

#### 18:6-10.4 Penalty.

Violations of this Section by any person or corporation shall be punishable by a fine of at least Two Hundred Fifty Dollars and Zero Cents (\$250.00) but not exceeding One Thousand Dollars and Zero Cents (\$1,000.00) or by imprisonment for a term not exceeding ninety (90) days or by a period of community service not to exceed ninety (90) days. Each day's violation of this Section shall constitute a separate offense.

All fines that are unpaid by a homeowner, whether individually or a corporation, shall become a lien on the property.

**SECTION 2:** If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION 3:** The Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

1 6PSF-A  
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STATEMENT

6 This Ordinance Amends Title XVIII, Housing Code, Chapter 6, Housing and  
 7 Zoning Regulations (Certificate of Code Compliance) of the Revised General  
 8 Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented,  
 9 by adding a Section 10, Certificate of Code Compliance required upon new tenancy  
 10 and establishes a requirement for inspection of a rental unit utilizing any form of rental  
 11 assistance or rent subsidy by the sponsoring agency.  
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CERTIFIED TO BY ME THIS

NOV 21 2019

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE					RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador	✓				Osborne	✓				Osborne				
Gonzalez	✓				Quintana <small>Vice President</small>					Quintana <small>Vice President</small>				
James	✓				Ramos, Jr.					Ramos, Jr.				
McCallum, Jr.	✓				Crump <small>President</small>	✓				Crump <small>President</small>				
McIver	✓									McIver				

✓ - Indicates Vote

AB - Absent

NV - Not Voting

APR 17 2019

Adopted on first reading at a meeting of the Council of the City of Newark, N.J.

NOV 18 2019

Adopted on second and final reading after hearing on .....

Approved  
Rejected By

*Michael C. Crump*

Mayor

Council President

*Ken S. L. Lee*

016

City Clerk

This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.

19-0539 - Version 5