

# Ordinance

of the

City of Newark, N.J.

Date to Mayor AUG 08 2019  
Date Returned AUG 09 2019  
Date Resubmitted to Council  
Date Advertised MAY 06 2019  
1st Reading  
Final Reading  
Factual contents certified to by  
Title Finance Director/CFO

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING CHAPTER 20 ENTITLED HOTEL OCCUPANCY TAX OF TITLE X, ENTITLED FINANCE AND TAXATION.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

[Editor's Note: Additions are shown as underlined and bold. Deletions are shown as strikethroughs].

SECTION 1: Title X, Finance and Taxation, Chapter 20, Hotel Occupancy Tax, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is amended as follows:

## 10:20-1. SHORT TITLE.

This Chapter shall be known and cited as the "Hotel Occupancy and Transient Accommodation Tax Ordinance of the City of Newark." (R.O. 1966 C.S. § 10:14-1; Ord. 6 S+FH, 11-20-07 § 1).

## 10:20-2. TAX IMPOSED.

There shall be imposed, in the City of Newark, a tax of six (6%) percent on charges for the use or occupation of rooms in hotels or transient accommodations as authorized by the "Hotel Occupancy Tax Act," N.J.S.A. 40:48E-1 et seq. This tax shall be in addition to the tax imposed by the "Sales and Use Tax Act" N.J.S.A. 54:32B-1 et seq., and any other tax imposed by law. (R.O. 1966 C.S. § 10:14-2; Ord. 6 S+FH, 11-20-07 § 1).

## 10:20-3. DEFINITIONS.

As used in this chapter:

Hotel shall mean a building or portion of a building which is regularly used and kept open as such for the lodging of guests, and Hotel includes an apartment hotel, a motel, inn and rooming or boarding house or club, whether or not meals are served, but does not include a transient accommodation. (R.O. 1966 C.S. § 10:14-3; Ord. 6 S+FH, 11-20-07 § 1).

Transient accommodation means a room, group of rooms, or other living or sleeping space for the lodging of occupants, including but not limited to residences or buildings used as residences. Transient accommodation does not include: a hotel or hotel room; a room, group of rooms, or other living or sleeping space used as a place of assembly; a dormitory or other similar residential facility of an elementary or secondary school or a college or university; a hospital, nursing home, or other similar residential facility of a provider of services for the care, support and treatment of individuals that is licensed by the State; a campsite, cabin, lean-to, or other similar residential facility of a campground or an adult or youth camp; a furnished or unfurnished private residential property, including but not limited to condominiums, bungalows, single family homes and

similar living units where no maid service, room service, linen changing service or other common hotel services are made available by the lessor and where the keys to the furnished or unfurnished private residential property, whether a physical key, access to a keyless locking mechanism, or other means of physical ingress to the furnished or unfurnished private residential property, are provided to the lessee at the location of an offsite real estate broker licensed by the New Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq.; or leases of real property with a term of at least 90 consecutive days.

Transient space marketplace means an online marketplace through which a person may offer transient accommodation or hotel rooms to individuals. A transient space marketplace allows transient accommodations or hotel rooms to be advertised or listed through an online marketplace in exchange for consideration or provides a means for a customer to arrange for the occupancy of the transient accommodation or hotel room in exchange for consideration. A transient space marketplace shall not include an online marketplace operated by or on behalf of a hotel or hotel corporation that facilitates customer occupancy solely for the hotel or hotel corporation's owned or managed hotels and franchisees.

#### 10:20-4. COLLECTION.

The tax shall be collected on behalf of the City by the person, including a transient space marketplace, collecting the use or occupancy charge from the hotel or transient accommodation customer. (R.O. 1966 C.S. § 10:14-4; Ord. 6 S+FH, 11-20-07 § 1).

#### 10:20-5. LIABILITY.

Every person required to collect any tax imposed by this Chapter, including a transient space marketplace, shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from his/her customer as if the tax were a part of the use or occupancy charge and payable at the same time. (R.O. 1966 C.S. § 10:14-5; Ord. 6 S+FH, 11-20-07 § 1).

#### 10:20-6. TAX TO BE SEPARATELY CHARGED; NO REFUND.

No person required to collect any tax hereunder shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will not be separately charged and stated to the customer or that the tax will be refunded to the customer. (R.O. 1966 C.S. § 10:14-6; Ord. 6 S+FH, 11-20-07 § 1).

#### 10:20-7. REMITTANCE OF TAX.

All revenues collected from the tax shall be remitted to the Director of Finance of the City of Newark, in quarterly installments, on or before those dates when real property tax payments are due to the municipality under State law. (R.O. 1966 C.S. § 10:14-7; Ord. 6 S+FH, 11-20-07 § 1).

#### 10:20-8. DELINQUENT TAXES.

The City shall enforce the payment of delinquent hotel occupancy and transient accommodation taxes in the same manner as provided for municipal real property taxes. (R.O. 1966 C.S. § 10:14-8; Ord. 6 S+FH, 11-20-07 § 1).

#### 10:20-9. RESERVED. 2A

#### 10:20-10. EXAMINATION OF BOOKS.

The hotel operator shall permit, upon request, examination and audit of the books, contracts, records, documents and papers of the hotel by representatives duly authorized by the City of Newark for purposes of verifying the required remittance to the City. Such examinations or audits shall be made during reasonable hours of the business day, in the presence of the hotel owner or his/her agent. (R.O. 1966 C.S. § 10:14-10).

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10:20-11. RULES AND REGULATIONS.

The Director of Finance is authorized to promulgate rules and regulations consistent with this Chapter, pertaining to the collection, payment, accounting and auditing of the hotel occupancy and transient accommodation tax. (R.O. 1966 C.S. § 10:14-11).

10:20-12. ACTION FOR COLLECTION.

In an action or proceeding brought to collect the tax imposed by this chapter, the Director of Finance shall be joined as a party. (R.O. 1966 C.S. § 10:14-12).

**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.

STATEMENT

This Ordinance Amends Title X, Finance and Taxation, Chapter 20, Hotel Occupancy Tax, by imposing a six (6%) percent tax on transient accommodations (Short Term Rentals).

CERTIFIED TO BY ME THIS

AUG 12 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	Council Member	AYE	NAY	NV	AB
Amador				✓	Osborne	✓				Amador					Osborne				
Gonzalez			✓		Quintana Vice President	✓				Gonzalez					Quintana Vice President				
James	✓				Ramos, Jr.	✓				James					Ramos, Jr.				
McCallum, Jr.	✓				Crump President	✓				McCallum, Jr.					Crump President				
McIver	✓									McIver									
✓ - Indicates Vote					AB - Absent					NV - Not Voting									

MAY 01 2019

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on  
Adopted on second and final reading after hearing on

Approved  
Rejected

*Michael C. Crump*

Mayor

*Kenneth*

Council President

18-1590

City Clerk