

No. G.F.H. (AS) 1st Reading **AUG 07 2019**

Ordinance

Date to Mayor... **AUG. 2.1. 2019**

No. Public-Hearing
No. 6PSF-G(S) 2nd Rdg. and Final Passage **AUG 20 2019**

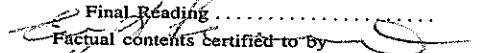
of the

Date Returned... **AUG. 2.2. 2019**

City of Newark, N.J.

Date Resubmitted to Council
Date Advertised 1st Reading... **AUG. 1.3. 2019**

No. Reconsidered
Approved as to Form and Legality on Basis of Facts Set Forth

Final Reading
Factual contents certified to by 

.....
Corporation Counsel

.....
Title

Council member council of the whole presents the following Ordinance:

1
2 **AN ORDINANCE TO AMEND 6PSF-a(s) ADOPTED ON SEPTEMBER 5, 2017, TITLE**
3 **XIX, RENT CONTROL OF THE REVISED GENERAL ORDINANCES OF THE CITY**
4 **NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, TO**
5 **ELIMINATE APPEALS TO THE MUNICIPAL COUNCIL.**
6
7

8 **WHEREAS**, the City of Newark Municipal Council is desirous of amending 6PSF-
9 a(S) adopted on September 5, 2017, Rent Control Ordinance to only eliminate an
10 appeal of decisions to the Municipal Council, which the Governing Body is ill-equipped
11 to consider the technical aspects of a *de novo* appeal, which is only on the record
12 developed below; and
13

14 **WHEREAS**, no other portion of the ordinance is amended.

15 **NOW, THEREFORE, BE IT ORDAINED, BY THE MUNICIPAL COUNCIL OF**
16 **THE CITY OF NEWARK, NEW JERSEY, THAT:**
17

18 **Note:** Additions are shown as underlined and bold. Deletions are shown as
19 ~~strikethroughs~~.
20
21

22 **SECTION 1:** Title 19, Rent Control, Chapter 2, Rent Control Regulations; Rent
23 Control Board of the Revised General Ordinances of the City of Newark, New Jersey,
24 2000, as amended and supplemented, is amended as follows:
25

26 **19:2. CHAPTER 2 RENT CONTROL REGULATIONS; RENT CONTROL BOARD**

27 **19:2-5.4. Appeals.**

28
29 Any party dissatisfied with the ruling of the Rent Control Board on a Tax Surcharge
30 Application may appeal the matter to either the Law Division of the Superior Court in
31 accordance with New Jersey Court Rules ~~or the Municipal Council by filing a notice of~~
32 ~~appeal with the City Clerk~~ within forty-five (45) days of the Board's ruling. Any party
33 dissatisfied with the decision by the Municipal Council may appeal the matter to the Law
34 Division of the Superior Court in accordance with New Jersey Court Rules. (Ord. 6 PSF-
35 A(S), 9-5-17)
36

37 **19:2-7.4. Appeals.**

38
39 Either the landlord or tenant may appeal the findings or order of the Rent Control
40 Board regarding a major new improvement application to either the Law Division of the
41 Superior Court in accordance with New Jersey Court Rules ~~or the Municipal Council by~~
42 ~~filing a notice of appeal with the City Clerk~~ within forty-five (45) days of the findings or
43 order of the Board. Either party dissatisfied with the decision by the Municipal Council
44 may appeal the matter to the Law Division of the Superior Court in accordance with
45 New Jersey Court Rules. (Ord. 6 PSF A(S), 9-5-17)
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47

48 **19:2-8.9. Appeals.**

49
50 Either the landlord or tenant may appeal the findings or order of the Rent Control
51 Board regarding a hardship increase application to either the Law Division of the
52 Superior Court in accordance with New Jersey Court Rules ~~or the Municipal Council by~~
53 ~~filing a notice of appeal with the City Clerk~~ within forty-five (45) days of the findings or
54 order by the Board. Either party dissatisfied with the decision by the Municipal Council
55 may appeal the matter to the Law Division of the Superior Court in accordance with
56 New Jersey Court Rules. (Ord. 6 PSF A(S), 9-5-17)
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58 **19:2-15. APPEAL JUDICIAL REVIEW.**
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No. 6PSF-G(3)

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Date AUG 20 2019

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A landlord or tenant aggrieved by any action, regulation or determination of the Board may appeal that action, regulation or determination of the Rent Control Board to either the Law Division of the Superior Court in accordance with New Jersey Court Rules or ~~the Municipal Council by filing a notice of appeal with the City Clerk within forty-five (45) days of the action taken by the Board. Either party dissatisfied with the decision by the Municipal Council may appeal the matter to the Law Division of the Superior Court in accordance with New Jersey Court Rules. (Ord. 6 PSF A(S), 9-5-17)~~

SECTION 2: The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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 19, Rent Control, Chapter 2, Rent Control Regulations; Rent Control Board to eliminate appeals to the Municipal Council.

CERTIFIED TO BY ME THIS
AUG 22 2019

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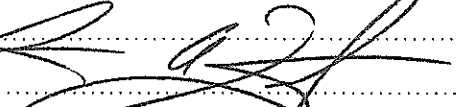
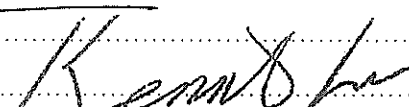
RECORD OF COUNCIL VOTE ON FINAL PASSAGE					RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador				✓	Osborne	✓				Osborne				
Gonzalez	✓				Quintana <small>Vice President</small>	✓				Quintana <small>Vice President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

✓ - Indicates Vote

AB - Absent

NV - Not Voting

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on AUG 07 2019
Adopted on second and final reading after hearing on AUG 20 2019

Approved  Mayor
Rejected By  City Clerk
Council President
City Clerk