

No. **6F-B (S/AS)** 1st Reading DEC 10 2019
No. Public Hearing JAN 09 2020
No. **6PSF-C** 2nd Rdg. and Final Passage
No. Reconsidered
Approved as to Form and Legality on Basis of Facts Set Forth
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Corporation Counsel
Council member *Council of the whole* presents the following Ordinance:

Ordinance

of the

City of Newark, N.J.

Date to Mayor JAN 09 2020

Date Returned JAN 13 2020

Date Resubmitted to Council

Date Advertised 1st Reading 12-13-2019

Final Reading

Factual contents certified to by

Title

Angela P. Jeter, FCC

AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE XVIII, HOUSING CODE, CHAPTER 6, HOUSING AND ZONING REGULATIONS (CERTIFICATE OF CODE COMPLIANCE), SECTION 10, CERTIFICATE OF CODE COMPLIANCE REQUIRED UPON A NEW TENANCY, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY MAKING VARIOUS CORRECTIONS.

WHEREAS, the Municipal Council adopted Ordinance 6PSF-a November 18, 2019, amending Title 18, Housing Code, Chapter 6, Housing and Zoning Regulations (Certificate of Code Compliance) by adding a Section 10, Certificate of Code Compliance required Upon a New Tenancy and also required the providers of any rental assistance, subsidy or voucher to inspect the property before a Certificate of Code Compliance can be issued; and

WHEREAS, the City of Newark has experienced an influx of needy persons being dropped off within the City limits; and

WHEREAS, it is necessary to amend Ordinance 6PSF-a November 18, 2019, to make various corrections.

Note: Additions are shown in bold and underlined and deletions are shown as strikethrough.

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

1. Title 18, Housing Code, Chapter 6, Housing and Zoning Regulations (Certificate of Code Compliance), Section 10, Certificate of Code Compliance Required Upon a New Tenancy, is hereby amended in the following manner:

18:6-10. CERTIFICATE OF CODE COMPLIANCE REQUIRED FOR NEW TENANCY.

18:6-10.1. Certificate of Code Compliance

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

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

C. Inspections pursuant to Subsection B of this Section shall be conducted using the following criteria:

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

(2) A violation of the plumbing code which poses a positive or obvious major threat to the health, safety or welfare of any potential occupancy, a violation of the electrical code which poses a positive or obvious major threat to the health, safety or welfare of any potential occupancy, or any other condition which poses a positive or obvious threat to the health, safety or welfare of any potential occupancy shall be deemed a major violation of the housing code and shall be designated to the owner/landlord separately on the inspection report.

(3) The inspection of the rental unit must be conducted within ten (10) days of the receipt of the application from the landlord/owner.

(4) If the rental unit is not inspected by the Office of Inspections and Enforcement within ten (10) days of receipt of the application, the landlord/owner shall be issued a temporary Certificate of Code Compliance automatically. A temporary Certificate of Code Compliance issued under this Subsection shall last for only thirty (30) days, within which the rental unit must be inspected by the Office of Inspections and Enforcement.

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

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

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

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

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

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

I. The purpose of this Section is to continue to ensure compliance with the various City Ordinances and the Housing Code in order to maintain high standards of housing for rental units within the City of Newark. However, the City, by this Section, is not acting as a guarantor of any property insofar as any potential owner/landlord or

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occupant is concerned, nor shall the City be considered to be involved in any manner in the contractual relationships between the parties.

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

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

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.

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

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

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

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

18:6-10.2. INSPECTION REQUIRED BY PROVIDER OF RENTAL ASSISTANCE VOUCHER/SUBSIDY

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

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

- (1) the nature and length of the rental assistance, voucher or subsidy.
- (2) whether the rental unit has been approved by the agency.

(32) the name of the landlord and the tenants with their contact information and the address of the property.

(43) a copy of the application for the Certificate of Code Compliance.

(54) 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.~~

~~(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.~~

(75) The An 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 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 person providing the rental assistance agency is aware of the condition of the apartment that the recipient tenant 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.~~

~~FE. 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.~~

~~GE. For rental units that are occupied by tenants receiving rental assistance any form of subsidy described above on the effective date of this Ordinance, the agency person providing the rental assistance 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~~ lacks the necessities of food and shelter.

No. 613FCPage 5Date JAN 03 2020**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.

STATEMENT

This Ordinance Amends Title XVIII, Housing Code, Chapter 6, Housing and Zoning Regulations (Certificate of Code Compliance), Section 10, Certificate of Code Compliance Required Upon A New Tenancy, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented by making various corrections.

CERTIFIED TO BY ME THIS
JAN 13 2020

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	✓				McCallum, Jr.					Crump				
McIver	✓				President					McIver					President				
✓ - Indicates Vote					AB - Absent					NV - Not Voting									

✓ - 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

DEC 10 2019

Adopted on second and final reading after hearing on

JAN 03 2020

Approved

Rejected By

Mayor

Council President

City Clerk

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