



Legislation Details (With Text)

**File #:** 22-0193      **Version:** 1      **Name:** Ordinance: Lease Agreement - Unified Vailsburg Services Organization

**Type:** Ordinance      **Status:** Adopted

**File created:** 2/14/2022      **In control:** Economic and Housing Development

**On agenda:** 9/7/2023      **Final action:** 10/4/2023

**Title:** AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEWARK AND/OR HIS DESIGNEE, THE DEPUTY MAYOR/DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT TO ENTER INTO AND EXECUTE A LEASE AGREEMENT WITH UNIFIED VAILSBURG SERVICES ORGANIZATION, A NON-PROFIT COMPANY OF THE STATE OF NEW JERSEY, 1044 SOUTH ORANGE AVENUE, 2ND FLOOR, NEWARK, NEW JERSEY 07106, FOR SATELLITE OFFICE SPACE, FOR THE CITY OF NEWARK’S OFFICE OF TENANT LEGAL SERVICES, TO BE LOCATED AT 42-44 RICHELIEU TERRACE, NEWARK, NEW JERSEY 07106 (WEST WARD,) PURSUANT TO N.J.S.A. 40A:12-5, FOR THE PERIOD OF ONE (1) YEAR FROM THE ISSUANCE OF A NOTICE TO PROCEED BY THE DEPUTY MAYOR/DIRECTOR OF DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT, FOR A TOTAL AMOUNT OF \$78,281.50, WHICH IS COMPRISED OF BASE RENT IN THE AMOUNT OF \$29,810.00, SECURITY DEPOSIT OF \$4,471.50, AND IMPROVEMENTS IN THE AMOUNT OF \$44,000.00.

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
10/4/2023	1	Municipal Council	Close on Public Hearing and Adopt	Pass
9/20/2023	1	Municipal Council	Adopt on First Reading	Pass
9/7/2023	1	Municipal Council	Advance to First Reading	Pass

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEWARK AND/OR HIS DESIGNEE, THE DEPUTY MAYOR/DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT TO ENTER INTO AND EXECUTE A LEASE AGREEMENT WITH UNIFIED VAILSBURG SERVICES ORGANIZATION, A NON-PROFIT COMPANY OF THE STATE OF NEW JERSEY, 1044 SOUTH ORANGE AVENUE, 2<sup>ND</sup> FLOOR, NEWARK, NEW JERSEY 07106, FOR SATELLITE OFFICE SPACE, FOR THE CITY OF NEWARK’S OFFICE OF TENANT LEGAL SERVICES, TO BE LOCATED AT 42-44 RICHELIEU TERRACE, NEWARK, NEW JERSEY 07106 (WEST WARD,) PURSUANT TO N.J.S.A. 40A:12-5, FOR THE PERIOD OF ONE (1) YEAR FROM THE ISSUANCE OF A NOTICE TO PROCEED BY THE DEPUTY MAYOR/DIRECTOR OF DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT, FOR A TOTAL AMOUNT OF \$78,281.50, WHICH IS COMPRISED OF BASE RENT IN THE AMOUNT OF \$29,810.00, SECURITY DEPOSIT OF \$4,471.50, AND IMPROVEMENTS IN THE AMOUNT OF \$44,000.00.**

**WHEREAS,** the City of Newark (the “City”), New Jersey’s largest municipality, has a population of mostly renters, for whom defense against eviction proceedings have historically presented an imbalance of power in favor of landlords; and

**WHEREAS,** the Municipal Council adopted Ordinance 6PSF-I on December 19, 2018,

creating the Office of Tenant Legal Services (“OTLS”) to provide and coordinate free legal assistance to Newark’s tenants of low-income facing eviction or the threat thereof; and

**WHEREAS**, the State of New Jersey’s 2020 moratorium on eviction actions and the August 4, 2021, phasing out of the same created the need for OTLS services in excess of the office’s space at 920 Broad Street, Newark, New Jersey 07102; and

**WHEREAS**, pursuant to Newark Municipal Code 2:4-16, the Coordinator of OTLS has sought suitable City-owned property for the expansion of services and the Manager of the Division of Property Management, Department of Economic and Housing Development, on behalf of the City of Newark, has confirmed the dearth of such spaces; and

**WHEREAS**, the City has been offered a lease, at a suitable location consisting of approximately 1,200 gross rentable square feet of space (the “Premises”) at 42-44 Richelieu Terrace, Newark, New Jersey 07106, also shown on the Official Tax Map of the City of Newark, as Block 4119, Lot 28 (the “Building”); and

**WHEREAS**, Unified Vailsburg Services Organization, 1044 South Orange Avenue, 2<sup>nd</sup> Floor, Newark, New Jersey 07102 (the “Landlord”), a Progressive, Newark-based nonprofit organization dedicated to creating a stable and compassionate community in the City’s West Ward, is the owner of the Premises and Building; and

**WHEREAS**, the City is authorized to acquire property by lease, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-5, upon passage of an ordinance; and

**WHEREAS**, the City wishes to enter into a lease agreement (the “Lease”) with the Landlord to lease the above described premises in the form attached hereto and made a part of this Ordinance; and

**WHEREAS**, a Certification of Funds is available to lease the Premises, for a one (1) year term commencing upon the issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development, and a copy of the Certification of Funds shall be filed in the Office of the City Clerk.

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

1. The Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized and directed to enter into, execute, and deliver a Lease in a form on terms and conditions substantially similar to those set forth in the Lease attached hereto, on behalf of the City of Newark, as Tenant, with Unified Vailsburg Services Organization, 1044 South Orange Avenue, 2<sup>nd</sup> Floor, Newark, New Jersey 07102 as Landlord, for use of the Premises commonly known as 42-44 Richelieu Terrace, Newark, New Jersey 07106 (Block 4119, Lot 28), in the West Ward, as a satellite office space for the Office of Tenant Legal Services, for a one (1) year period with a one (1) year option to renew, to commence upon the issuance of a Notice to Proceed by the Deputy Mayor/Director of the Department of Economic and Housing Development, for in the amount of Seventy-Eight Thousand Two Hundred Eighty-One Dollars and Fifty Cents (\$78,281.50), (which is comprised of base rent in the amount of \$29,810.00 to include utilities, security deposit in the amount of \$4,471.50, and improvements in the amount of

\$44,000.00).

2. There shall be no advance payment on this Lease Agreement.
3. The City is authorized to enter into the Lease, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-5 et seq.
4. Both the Landlord and City, as Tenant, shall be responsible for the enforcement and compliance with the covenants and conditions of the Lease.
6. Attached hereto is a Certification of Funds from the Acting Director of the Department of Finance, which states that the required funds are available in the City of Newark, 2023 Official Budget, under the following Line Item: Business Unit: NW026; Account # 32100; Budget Reference: B2023. A copy of the Certification of Funds shall be filed in the Office of the City Clerk, along with this authorizing Ordinance.
7. Pursuant to N.J.A.C. 5:30-5.5(d)(2), the Lease Agreement is subject to the availability and appropriation of sufficient funds as may be required to meet the extended obligation.
8. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of both the fully executed Lease and this Ordinance in the Office of the City Clerk.
9. The Lease is in compliance with the prerequisite for leasing private space, set forth in the City Municipal Code 2:4-16, as a suitable space under the control of the City is not available.
10. Any ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
11. If any provision of this Ordinance is deemed unlawful by a Court and is found to be contrary to law by a Court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Ordinance shall continue in full force and effect.
12. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

This Ordinance authorizes the Mayor of the City of Newark and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute a Lease with Unified Vailsburg Services Organization, 1044 South Orange Avenue, 2nd Floor, Newark, New Jersey 07106, to lease the premises commonly known as 42-44 Richelieu Terrace, Newark, New Jersey 07106 (Block 4119, Lot 28) for use as satellite office space for the Office of Tenant Legal Services, pursuant to N.J.S.A. 40A:12-5, for a one (1) year period with a one (1) year option to renew, to commence upon the issuance of a Notice to Proceed by the Deputy Mayor/Director of Economic and Housing Development, in the amount of \$78,281.50 (which is comprised of base rent in the amount of \$29,810.00, to include utilities, security deposit in the amount of \$4,471.50, and improvements in the amount of \$44,000.00).

