



## Legislation Text

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**AN ORDINANCE AMENDING TITLE II, ADMINISTRATION, CHAPTER 2:5, DEPARTMENT OF ADMINISTRATION, ARTICLE 1, SUBSECTION 2.5, LEASE OF CITY-OWNED PROPERTY TO NON-PROFIT CORPORATIONS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING SUBSECTION 2.5(A) AND 2:5-2.5(E).**

**WHEREAS**, the Municipal Council adopted Ordinance 6PSF-f on October 16, 2019, amending and authorizing the City of Newark (the “City”) to lease City-owned property to non-profit corporations for the sole purpose of using said property as a location for social gatherings and community activities related to artistic and cultural endeavors; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15, the City may, by Ordinance, authorize the conveyance of a leasehold interest in City-owned property to a non-profit corporation for nominal or other consideration, provided that in no event shall any such lease be entered into for, with, or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing or other profit-making enterprise, nor shall any such lease be entered into with any political, partisan, sectarian, denominational or religious corporation or association or for any political, partisan, sectarian, denomination or religious purpose; and

**WHEREAS**, the Department of Administration (the “Department”) wishes to amend to the Ordinance 6PSF-f, adopted on October 16, 2019.

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

**Note:** Additions are shown as **underlined and bold**. Deletions are shown as ~~strikethroughs~~.

### **SECTION 1.**

#### **2:5-2.5 Lease of City-owned Property to Non-profit Corporations.**

- a. The City’s Business Administrator is hereby authorized to establish and administer a program that permits non-profit corporations to submit a proposal to lease City-owned property, pursuant to N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15, where such leases are for the sole public purpose of using city-owned property as a location for social gatherings and community activities related to artistic and cultural endeavors, provided that in no event shall any such lease be entered into for, with, or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing or other profit-making enterprise, nor shall any such lease be entered into with any political, partisan, sectarian, denominational or religious corporation or association or for any political, partisan, sectarian, denomination or religious purpose. The City

shall utilize a Request for Qualifications **Solicitation for Letters of Intent (LOI)** procedure to select non-profit corporation(s). All non-profit corporations that submit a proposal to the City of Newark shall have been in incorporated in the State of New Jersey for at least one (1) year prior to submission.

## SECTION 2.

### 2:5-2.5 Lease of City-owned Property to Non-profit Corporations.

- e. Pursuant to N.J.S.A. 40A:12-14(c), any non-profit corporation entering into a lease with the City for a public purpose pursuant to this Ordinance, shall annually submit a report to the Business Administrator **or his/her designee, on forms provided by the Deputy Mayor/Director of the Department of Economic and Housing Development, or his/her designee, for such purposes. The nonprofit corporation shall be required to submit said report annually** setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation, pursuant to both State and Federal Law.

## SECTION 3.

If any part of this Ordinance or application thereof to any person(s) or circumstance is declared unconstitutional, illegal, or invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable. Any prior Ordinance(s) or parts thereof which are inconsistent with the terms herein are hereby repealed.

## SECTION 4.

This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

## **STATEMENT**

Ordinance amending Title II, Administration, Chapter 2:5, Department of Administration, Article 1, Subsection 2.5, Lease of City-owned Property to Non-profit Corporations, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by amending Subsection 2.5(a) and 2.5(e).