



Legislation Text

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AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 6PSF-K ADOPTED ON JANUARY 21, 2009 AND TITLE X, FINANCE AND TAXATION, CHAPTER 26, TAX ABATEMENT AND QUALIFIED RESIDENTIAL PROPERTIES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED

WHEREAS, by Ordinance No. 6PSF-K adopted on January 21, 2009 (the "Prior Ordinance"), the Municipal Council of the City of Newark has heretofore amended and supplemented the provisions of Title X, Finance and Taxation, Chapter 26, Tax Abatement for Qualified Residential Properties, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented ("Chapter 26"); and

WHEREAS, Section 3 of the Prior Ordinance provided that no abatement shall be granted to a nonowner occupant pursuant to Section 4b of Chapter 26 more than three (3) years following the date of final adoption of said Ordinance; and

WHEREAS, the Municipal Council now wishes to amend Chapter 26 so as to remove said three (3) year limitation.

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

Section 1. Section 3 of Ordinance No. 6PSF-K adopted on January 21, 2009 is hereby repealed, so as to remove the said three (3) year limitation and thereby allow for the granting of a tax abatement to a nonowner occupant applicant provided all requirements of Chapter 26, as amended and supplemented hereby, are met retroactive to January 21, 2012.

Section 2. TITLE X, FINANCE AND TAXATION, CHAPTER 26, TAX ABATEMENT FOR QUALIFIED RESIDENTIAL PROPERTIES, SECTION 10:26-4, ELIGIBLE RESIDENTIAL PROPERTY, of the Revised General Ordinances of the City of Newark, New Jersey, as amended and supplemented, is hereby amended and supplemented to read as follows (new language is shown underlined; deleted language is shown in [brackets]):

10:26-4. ELIGIBLE RESIDENTIAL PROPERTY.

Owners of newly constructed residential properties consisting of one (1), two (2), three (3) and four (4) dwelling units located in Newark are entitled to avail themselves of the opportunity to gain a five (5) year tax abatement as provided in this chapter when they meet the following qualifications:

- a. The newly constructed residential dwelling unit, condominium unit, unit in a horizontal property regime or cooperative shall be occupied by the owner thereof or the residential shareholders in the case of a cooperative. If the owner occupancy requirement is not satisfied, the annual payment in lieu of taxes on the unit or dwelling shall be increased by 1% above the amount otherwise chargeable;
- b. In the case of residential dwellings consisting of more than one (1) unit, the owner must occupy at least one (1) unit. If the owner occupancy requirement is not satisfied, the annual payment in lieu of taxes on the unit or dwelling shall be increased by 1% above the amount otherwise chargeable. **The Municipal Tax Assessor is hereby directed to consider any application by a nonowner occupant**

which was timely filed pursuant to Section 10:26-5b and able to provide proof such of filing, notwithstanding that such filing may have occurred subsequent to January 21, 2012 (the date three years following the date of final adoption of Ordinance 6-PSF-K 01-21-09) and prior to the effective date of the ordinance authorizing this amendment to Section 10:26-4;

- c. All real estate taxes must be current;
- d. Written application to the Tax Assessor filed within thirty (30) days including Saturdays and Sundays following completion of the improvements;
- e. Submission of an architect's certification which sets forth the cost of construction, certified to the Governing Body or a certified construction cost audit by an independent Certified Public Accountant;
- f. Approval by Ordinance of the Municipal Council;
- g. The entry into a formal written agreement with the City;
- h. Submission by applicant of a certificate of occupancy;
- i. If the residential dwelling is owner-occupied, the applicant must submit two (2) proofs of owner-occupancy. Such proofs can be a driver's license, utility bills, and/or car registration. Proofs submitted must be current and valid at the time of submission. Applicant must also submit a notarized Affidavit stating that he/she presently resides in the property to be abated. Proofs must be resubmitted annually no later than July 31 of each year to the Division of Revenue Collections.
 - j. Submission by applicant of a deed with legal description of property.

Section 3. Any prior ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 4. If any part of this ordinance is declared unconstitutional or illegal, the remaining provisions shall continue in full force and effect.

Section 5. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance removes the three (3) year limitation and hereby allows for the granting of a tax abatement to a nonowner occupant applicant provided all requirements of Chapter 26, as amended and supplemented hereby, are met retroactive to January 21, 2012.

(Ord. 6 S+FA(S-1), 2-27-90 § 10:15-3; Ord. 6 S+FD, 7-11-90; 6 S+FI, 5-15-91; Ord. 6PSF-K, 1-21-09 § 1)