



## Legislation Text

File #: 19-1184, Version: 1

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

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

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

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

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

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

Any party dissatisfied with the ruling of the Rent Control Board on a Tax Surcharge Application may appeal the matter 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 Board's ruling. Any 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)

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

Either the landlord or tenant may appeal the findings or order of the Rent Control Board regarding a major new improvement application 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 findings or order of 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)

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

Either the landlord or tenant may appeal the findings or order of the Rent Control Board regarding a hardship increase application 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 findings or order 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)~~

**19:2-15. APPEAL JUDICIAL REVIEW.**

~~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.