



Legislation Text

File #: 21-1019, Version: 1

„Title

AN ORDINANCE TO AMEND TITLE XIX, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 3, SECTION 1, ENTITLED DEFINITIONS AND SECTION 2, PROVISION OF LEGAL SERVICES TO EXPAND THE DEFINITION OF COVERED PROCEEDINGS AND PROVISION OF LEGAL SERVICES.

WHEREAS, a Committee of Petitioners (“Plaintiffs”), filed an action in lieu of prerogative writ against the City of Newark, Kenneth Louis in his capacity as the Municipal City Clerk, and the Municipal City Council (collectively “Defendants”) in the Superior Court of New Jersey, Law Division, Essex County, bearing Docket No.: ESX-L-7289-19 (the “Lawsuit”); and

WHEREAS, Plaintiffs, asserted in the lawsuit certain claims against the Defendants, arising out of the adoption of amendments to the City of Newark Rent Control Ordinance 6PSF-(g)(S)(the “Rent Ordinance”) entitled “An Ordinance to Amend 6PSF-a(s) Adopted on September 5, 2017, Title XIX, Rent Control of the Revised General Ordinance of the City of Newark, New Jersey, 2000, as amended and supplemented, to Eliminate Appeals to the Municipal Council” which was adopted by the Municipal Council on August 20, 2019; and

WHEREAS, the main cause for dispute with respect to these Rent Ordinance amendments was that impoverished tenants that could have suffered adverse rulings by the City of Newark’s Rent Control Board and could be placed in direct jeopardy of being displaced from their homes were not covered by the City’s Office of Tenant Legal Services (“OTLS”) Ordinance; and

WHEREAS, to remain committed to the overall purpose of the OTLS/Right to Counsel Ordinance, and in full global settlement of the aforementioned prerogative writ matter, the amendments contained herein to the OTLA/Right to Counsel Ordinance are being submitted; and

WHEREAS, a Resolution authorizing the settlement of the dispute is submitted simultaneously to the Municipal Council for their review and approval which includes the City’s commitment to revise Ordinance 19:13-0, et seq.; and

WHEREAS, the Corporation Counsel recommends that the changes be made to the Rent Control and/or Right to Counsel Ordinance, in compliance with terms of the Settlement Agreement.

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

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

Section 1. Title XIX, Chapter 3, Section 1, Definitions and Section 2, Provision of Legal Services of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is hereby amended and supplemented to read as follows:

19:3-1. DEFINITIONS.

For the purposes of Chapter 3, the following terms have the following meanings:

COVERED PROCEEDING.

Shall mean any of the following: 1) A summary proceeding in The Superior Court of New Jersey - Essex County, seeking to evict an Eligible Newark Tenant, including a summary proceeding seeking removal of a tenant for non-payment of rent, or an alleged holdover; and 2) Administrative/Grievance hearings with public housing and/or public agencies that provide rental assistance after said agency has taken some action (including termination/notice of termination of subsidy) that adversely affects a tenant's rights, duties, welfare or status and could result in eviction- ; **and 3) an appeal of the rent control board before the Law Division of the Superior Court of New Jersey-Essex Vicinage, that adversely affects a tenant's rights, ability to pay the rent, or otherwise retain occupancy.**

19:3-2. PROVISION OF LEGAL SERVICES.

c. An Eligible Newark Tenant, facing eviction or some action by a private landlord that adversely affects that tenant's rights, duties, welfare, or status and could result in eviction, in a "Covered Proceeding" as defined in 19:3-1(3), shall be referred to the Law Department of the City of Newark for appointment of an attorney from a Designated Organization, independent of the Office of Tenant Legal Services program, to provide free legal representation for the Covered Proceeding.

Section 2. If any provision of this ordinance or application thereof to any person(s) or circumstances is judged to be 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. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance amends and supplements Title XIX, entitled "Rent Control, Chapter 3, entitled, Provision of Legal Services in Eviction Proceedings", of the Newark Municipal Code, amended and supplemented by amending and supplementing Chapter 3, Section 1, Definitions and Section 2, Provision of Legal Services by expanding the definition of covered proceedings and provision of legal

services. This amendment is in compliance with the terms of a Settlement Agreement and General Release, which is simultaneously submitted to the Municipal Council for its review and approval, which seeks to resolve litigation pending in the Superior Court of New Jersey, Law Division, Essex County, bearing Docket No.: ESX-L-7289-19, and brought against the City Clerk and the Municipal Council.