



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 21-1013, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Settlement of Civil Litigation

Docket No.: ESX-L-7289-19

Claimant: Homes for All Newark, et al.

Claimant's Attorney: Renee Steinhagen, Esq., 50 Park Place, Room 1025, Newark, New Jersey 07102

Settlement Amount: \$5,000.00

Funding Source: Insurance Fund

Additional Comments:

WHEREAS, Plaintiffs Homes for All Newark, Hellane Freeman, Victor Monterrosa, Jr., Avi-Ann Richardson and John Goldstein instituted an action in lieu of prerogative writ pending against the City of Newark, Kenneth Louis in his capacity as the Municipal City Clerk, and the Municipal City Council, captioned Homes for All Newark et al v. City of Newark et al., Docket No.: ESX-L-7289-19, in which the Plaintiffs sought, among other things, to challenge the validity of amendments to the City of Newark Rent Control Ordinance, and for damages; and

WHEREAS, a settlement proposal has been made to resolve this litigation in its entirety by execution of the attached Settlement Agreement and General Release which provides for payment of Five Thousand Dollars and Zero Cents (\$5,000.00), and certain changes to the City of Newark's Rent Control and/or Right to Counsel Ordinance; and

WHEREAS, to avoid the costly expense of litigation, the Parties and the City's Corporation Counsel, desire to amicably resolve this matter with payment by the City of Newark in the total amount of Five Thousand Dollars and Zero Cents (\$5,000.00), and certain changes to the City of Newark's Rent Control and/or Right to Counsel Ordinance, in exchange for Plaintiffs' execution of the Settlement Agreement and General Release as a full and complete release of the matter; and

WHEREAS, the Corporation Counsel based upon all facts and circumstances presented, deems it in the best interest of the City of Newark to resolve said matter by execution of the Settlement Agreement and General Release and payment of the proposed settlement sum of Five Thousand Dollars and Zero Cents (\$5,000.00).

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

1. The Corporation Counsel is authorized on behalf of the City of Newark, to execute and accept the terms of the Settlement Agreement and General Release, attached hereto.

2. As part of the terms of the Settlement Agreement and General Release, the City of Newark will amend the Rent Control Ordinance and/or the Right to Counsel Ordinance to allow for Eligible Newark Tenants in Covered Proceedings to receive free legal representation appointed by the City or its designee when appealing, under certain conditions, a Rent Control Board decision before the New Jersey Superior Court Law Division.
3. Upon receipt by the Corporation Counsel of all documents deemed necessary, the Director of the Department of Finance is hereby authorized and directed to issue payment of the sum of Five Thousand Dollars and Zero Cents (\$5,000.00), which payment will be made payable to: "New Jersey Appleseed Public Interest Law Center" and which payment will be mailed to Renee Steinhagen, Esq., 50 Park Place, Room 1025, Newark, New Jersey 07102.
4. Annexed hereto is the Certification of Funds issued by the City's Director of the Department of Finance, which states that there are available sufficient legally appropriated funds in the amount of Five Thousand Dollars and Zero Cents (\$5,000.00), for the purpose set forth herein.
5. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement, this resolution and the Certificate of Funds in the Office of the City Clerk.
6. The Settlement Agreement and General Release and resolution does not admit, nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any contract or duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of the Corporation Counsel and to eliminate all risks and future litigation costs.

STATEMENT

This Resolution authorizes the Corporation Counsel, on behalf of the City of Newark, to enter into a Settlement Agreement and General Release to settle civil litigation captioned Homes for All Newark et al v. City of Newark et al., Docket No.: ESX-L-7289-19, in exchange for Plaintiffs' dismissal of any and all claims against the City of Newark and its employees and a complete release.