

Town of West New York
Commission Meeting
Special Meeting
Wednesday, October 6, 2010 at 12:00 noon
(No Work Session)
Agenda

Pledge of Allegiance
Open Public Meetings Act Announcement
Roll Call

1. Approval of Minutes **None**
2. Payment of Claims **None**
3. Receipt of Financial Reports **None**
4. Communications
 4A. Bid results rec'd. 10/05/10 Re: Decorative Banners for the Town of West New York
5. Proclamations **None**
6. Adoption of Consent Agenda
7. Resolutions (see attached itemized sheet)
8. Introduction/Hearings & Final Adoption of Ordinances (see attached itemized sheet)
9. Privilege of the Floor (An opportunity to citizens to address the Board, each person limited in his question of address to 5 minutes, and no person shall be permitted to speak more than one regular turn.)
10. Adjournment

TAKE NOTICE THAT ACTION MAY BE TAKEN ON THE MATTERS LISTED ON THIS AGENDA OR SUCH OTHER MATTERS AS MAY PROPERLY COME BEFORE THE GOVERNING BODY OF THE TOWN OF WEST NEW YORK

Resolutions

R-1 RESOLUTION Re: Authorizing Settlement of Personnel Matter in Regards
to
Daniel Principe

R-2 RESOLUTION Re: Decorative Banners for the Town of West New York To:
Downtown Graphics Network

Ordinances

- O-1 Introduction of Amended Ordinance #23/10** An Ordinance Amending Chapter 312 of the Code of the Town of West New York (Rent Control)

**Ordinance # 23/10
(amended/reintroduced)**

**AN ORDINANCE AMENDING CHAPTER 312 OF THE
CODE OF THE TOWN OF WEST NEW YORK**

(RENT CONTROL)

WHEREAS, the Town of West New York for many years has exercised its police power in the regulation of the residential rental units in response to a critical shortage of rental housing opportunities for its residents, and has amended its regulations from time to time in response to conditions that affected the availability of safe and habitable housing while maintaining a supply of affordable housing for its residents; and

WHEREAS, under such regulations affordable, safe and habitable housing has been provided for its residents, and landlords have invested in the construction and rehabilitation of additional housing; and

WHEREAS, despite the success of those efforts, a critical shortage of such housing continues, and present economic conditions in the local, regional and national housing markets are making the construction of new and substantial rehabilitation of existing structures for housing purposes unusually difficult ; and

WHEREAS, the formulation of long range plans for housing in West New York, based upon careful study and including the preparation of a Housing Element of a new Master Plan, are necessary to more fully identify and implement comprehensive housing strategies to meet the present crisis in safe, habitable and affordable housing; and

WHEREAS, the Board of Commissioners has determined it necessary and appropriate to take immediate, interim steps to address present conditions, as aforesaid;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of West New York, County of Hudson, as follows:

Section 1.

The following amendments to the existing Rent Control code and ordinances are hereby enacted:

- (a) All references herein are to the existing Rent Control provisions, codified as Section 312 of the Code of the Town of West New York, and any ordinance or other provision of the Code is hereby repealed to the extent required to make such ordinance or provision consistent with this Ordinance.
- (b) Section 312-1 is amended to add the following definition of “substantially rehabilitated” which had been repealed in 1984:

- I. SUBSTANTIALLY REHABILITATED --- any building or structure, in which at least 80% of its residential units are vacant as of September 1, 2010 and thereafter renovated for residential use and occupancy by reconstruction or rehabilitation of residential units by the replacement of a combination of plumbing and electrical systems, interior walls, ceilings and interior finishes where the actual costs of such work (including reasonable soft costs) exceeds the equalized value of the structure (exclusive of its land) as of October 1, 2009.
- (c) Section 312-3B(3) is amended to read in its entirety as follows to ensure that commercial buildings are exempted only where the person who is the business owner resides in a residential unit on the premises:
- I. Commercial buildings containing not more than three residential units in addition to a single commercial use where the individual who owns, rents or leases the commercial use also resides in one of the three residential units, and provided that the owner for purposes of this exemption is a natural person whose individual interest in the premises constitutes one hundred percent of the legal ownership of the property, or is an owner of such one hundred percent interest jointly with their spouse.
- (d) Section 312-3B(7) is added to provide as follows:
- I. All residential units in a building or structure which has been Substantially Rehabilitated as such term is defined herein, but excluding from this exception any residential unit that is not so renovated. Any such unrenovated residential unit shall be exempted upon its later substantial rehabilitation and nothing in this Chapter shall be construed to prohibit a landlord from rehabilitating such unit(s) upon the subsequent vacancy of such unit(s) or upon the relocation of its tenant(s) for purposes of such rehabilitation.
- (e) All references in the existing provisions of the Code to “Rent Leveling Board” shall be construed to refer to the present Rent Control Board.
- (f) Notwithstanding any provision in any prior Ordinance or the Town Code, appeals from determinations of the Rent Control Board shall be to the Superior Court exclusively.
- (g) Section 312-14 is amended so that its final sentence shall read as follows:
- I. [last sentence] Each member is to serve without compensation for their services.
- (h) Section 312-15 is amended to add a final sub-section which shall read as follows:

- I. Secretary of Rent Control Board. The Secretary to the Rent Control Board shall be appointed by the Commissioner of the Department in which the Rent Control Board is assigned. The Secretary shall perform all of the administrative functions required for the implementation of the Rent Control provisions of the Town Code, and the Secretary's duties shall include attendance at all meetings of the Rent Control Board and at such other proceedings as may be required. The administrative supervision of the person designated as Secretary shall be vested in the Commissioner heading the Department of the Town in which the Rent Control Board is assigned, or such subordinate as that Commissioner shall direct in order to ensure the day to day compliance with the requirements of the Rent Control provisions and the personnel requirements of the Town.
- (i) Section 312-24(B) is amended to add the follow sentence at the end of the present paragraph:
- I. Notwithstanding the foregoing provisions, or any provision of the ordinances of the Town of West New York governing rent control, or any interpretation or construction thereof, the costs of fuel and taxes borne by a landlord may be considered by the Rent Control Board in its determination of a hardship application hereunder.

Section 2.

Notwithstanding the provisions of any prior Ordinance of the Town of West New York for the codification of ordinances:

- (a) The Town Attorney is hereby directed to review the present codification of Chapter 312 of the Town Code entitled "Rent Control" and the provisions of all prior ordinances pertaining to Rent Control, and to prepare such revised codification thereof as may be warranted to properly present the provisions for Rent Control as they have been heretofore enacted and subsequently amended from time to time.
- (b) Upon such revised codification by the Town Attorney he shall certify it to the Town Clerk who shall post it upon the Town's web site, provide certified copies to the Town's code service, its Rent Control Board, and any other person or official requesting same, and said copy of the codified Rent Control Chapter 312 shall constitute the official codification of the Town's Rent Control ordinances.

Section 3. Repealer

All ordinances inconsistent herewith are repealed to the extent of such inconsistency only.

Section 4. **Effect of Partial Invalidity**

If any provisions of this Ordinance are found to be invalid, for any reason, by the final judgment of a Court of competent jurisdiction, the validity of such portions shall not affect the validity of the remaining provisions of this Ordinance, which shall be severable therefrom.

Section 5. **Effective Date**

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: 10/6/10

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **October 6, 2010** and ordered published, and will be further considered before final passage at a public hearing on **October 20, 2010 at 7:00 P.M.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk