

**AN ORDINANCE TO GRANT AN EASEMENT INTO THE CITY OF NEW BRUNSWICK'S
RIGHT-OF-WAY ALONG REDMOND STREET AND REMSEN AVENUE,
BLOCK 140, LOT 4.01**

BE IT ORDAINED by the New Brunswick City Council as follows:

SECTION I

City Council finds and determines as follows:

- a) Community Asset Preservation Corporation is the owner of certain real property designated as Block 140, Lot 4.01, as shown on the City of New Brunswick Municipal Tax Map, and otherwise known as 45 Remsen Avenue, New Brunswick, New Jersey;
- b) The City of New Brunswick is the owner of certain right-of-way lands which are immediately adjacent to the Community Asset Preservation Corporation property along Redmond Street and Remsen Avenue in the City of New Brunswick, New Jersey;
- c) As depicted by the plans prepared by Omland & Osterkorn, Inc. dated June 26, 2020, Community Asset Preservation Corporation proposes the installation of four (4) landscaping/planter beds that partially encroach the City's right-of-way;
- d) Community Asset Preservation Corporation has requested that the City of New Brunswick convey a permanent easement into a portion of the City's right-of-way adjacent to Redmond Street and Remsen Avenue as a result of the encroachment onto the City of New Brunswick property as depicted on the Omland & Osterkorn, Inc. plan dated June 26, 2020; and
- e) The City Council has determined it is in the best interests of the residents of the City to provide the easement to Omland & Osterkorn, Inc.

SECTION II

The Mayor and City Clerk are authorized to execute and attest a Deed of Easement to Community Asset Preservation Corporation for an easement into the City's right-of-way at 45 Remsen Avenue along Redmond Street and Remsen Avenue in the City of New Brunswick as set forth in the Omland & Osterkorn, Inc. Plan. The form of Deed to be approved by the City Attorney.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: November 4, 2020



 COUNCIL PRESIDENT

COUNCILMEMBER	Y	N	NV	AB	COUNCILMEMBER	Y	N	NV	AB
EGAN					BY THE CITY CLERK	X			
ESCOBAR					ANDERSON, Pres	X			
FLEMING	S								

FIRST READING VOTE ON NOVEMBER 4, 2020: N=MOVED S= SECOND NV= NO VOTE AB= ABSENT

ADOPTED ON SECOND READING
DATED:

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF , 2020.

MAYOR

APPROVALS:



CITY ADMINISTRATOR



CITY ATTORNEY

TKS/kc

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.80 "RENT CONTROL"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 5, Chapter 5.80, Section 5.80.030, "**Definitions**" is hereby amended to include the following definition:

"Quiet Enjoyment" means the right to the undisturbed and enjoyment of real property by a tenant.

SECTION II

Title 5, Chapter 5.80, Section 5.80.080, "**Amendments**" is hereby amended to read as follows:

- A. In the event that the rental unit is vacant at the time of registration, and should the rental unit be thereafter occupied prior to the registration of the unit by the landlord for the following year, the landlord is required to amend the registration form for that rental unit within thirty (30) days of the occupancy of such unit providing the information required as set forth above in subsection 5.80.070(B).
- B. If ownership of a registered rent-controlled unit or units changes prior to the annual re-registration requirement, the new owner shall file a notice of new ownership with the rent control office within thirty (30) days of the closing of title on the unit or units, except:
 - a. If the closing of title occurs on or after December 1st in a given calendar year an amended registration shall not be necessary.
 - b. Failure to register within thirty (30) days of closing of title shall require payment of a late fee as set in Section 5.80.100 B.

SECTION III

Title 5, Chapter 5.80, Section 5.80.095, "**Receipt Required for Certain Rent/Other Payments**" is hereby amended to read as follows:

- A. A landlord receiving rent or other payments from a tenant in cash or by money order shall provide a written receipt for payment immediately upon receipt if the payment is made in person, or within three business days if payment by cash or money order is not made in person.
- B. Receipts shall be required to include the following details:
 - 1. Date of payment
 - 2. Month of rent paid
 - 3. Rent amount
 - 4. Method of payment (cash, money order, other)
 - 5. Signature of the landlord or property managing agent
 - 6. Any additional non-rent fees or payments and an explanation of the purpose of said fees or payments.

SECTION IV

Title 5, Chapter 5.80, Section 5.80.110, "**Standards of Service**" **A.** is hereby amended to read as follows:

- A. During the term of the rental, the landlord shall maintain the same standard of service, maintenance, furnishings or equipment in the rental unit as he or she was required to do at the commencement of the lease. An individual tenant or class of tenants who do not receive substantially the same standard of service, maintenance, furnishings, equipment or quiet enjoyment of the rental unit may appeal to the rent control board for a determination of the reasonable rental value of the rental unit in view of the deficiency. Upon such determination such tenant or class of tenants shall only be required to pay that reasonable value in lieu of full rental payment, until the deficiency is corrected.

SECTION V

Title 5, Chapter 5.80, Section 5.80.100, "**Fee**" is hereby amended to read as follows:

- A. As of January 1, 2021, the fee for registration shall be forty-five dollars (\$45.00) per rental unit to be paid at the time of registration. There shall be no fee for amendment of registration unless otherwise specified in Section 5.80.080.
- B. As of January 1, 2021, a late fee of fifteen dollars (\$15.00) per unit shall be paid for rental units which are registered after April 30 if such rental unit was required to be registered as of April 1.
- C. As of January 1, 2021, the fee for application for a Vacancy Adjustment under Section 5.80.140 shall be equal to the fee for annual rent registration per rental unit.
- D. As of January 1, 2021, the fee for an application for a Market Vacancy Decontrol under Section 5.80.140 shall be equal to double the fee for annual rent registration per rent unit.

SECTION VI

Title 5, Chapter 5.80, Section 5.80.140, **Vacancy Decontrol, A. Vacancy Decontrol, 2. Market Vacancy Decontrol** is hereby amended to **ADD** the following:

- b. Additionally, certain forms of capital improvements will qualify a landlord for a market vacancy decontrol. They may qualify if the landlord documents the investment of at least fifteen (15) percent of the annual rent for the year previous to the current decontrol application in improvements to the rental unit and they meet one or more of the following criteria:
 - i. All of the improvements included herein must have been installed with all necessary and appropriate zoning and construction permits as needed.
 - ii. The property is assessed by a certified lead evaluation contractor and is deemed lead free by a certified lead abatement contractor. This applies to both lead paint and lead water pipes. (Lead water pipe replacement must include all new piping up to the City's water main in the street)
 - iii. The property has 100% of its windows replaced with new Energy Star rated double pane windows.
 - iv. Conversion from oil heat to gas or electric heat.
 - v. Installation of solar panels for the benefit of the tenant(s). E.g. all of the electricity generated reduces only the bill(s) of the tenant(s). If the any of the electricity is used for the benefit of anyone that is not a residential tenant of the property, then only a prorated portion of the solar cost shall apply towards the market vacancy decontrol.
 - iv. Installation of new HVAC or geothermal heating/cooling for the use of the tenants in units that previously did not have said amenities.
 - vii. Installation of flooding mitigation improvements such as a french drain or dry well. (This may only apply up to 50% of this cost towards the market vacancy decontrol)

SECTION VII

Title 5, Chapter 5.80, Section 5.80.280, "**Harassment**" is hereby created to read as follows:

- A. It shall be unlawful for a landlord to intentionally cause termination of any of his or her tenant's utility services, including water, heat, electricity, or gas, except for an interruption of utility services for a reasonable time in order to make necessary repairs. Any landlord who violates this section may be liable to such tenant for actual damages sustained by a tenant, and up to one hundred dollars for each day or part thereof the tenant is thereby deprived of any utility service, and the prevailing party may recover his or her damages through action before by the Rent Control Board. It shall be unlawful for a tenant to intentionally cause the loss of utility services provided by the landlord, including water, heat, electricity, or gas, except for an interruption of utility services for a reasonable time in order to make necessary repairs.

SECTION VIII

Title 5, Chapter 5.80, Section 5.80.290, "**Late Fees**" is hereby created to read as follows:

- A. Monthly late fee charges shall not be permitted to exceed 10% of the legal monthly rent rounded to the nearest dollar.
- B. If a lease allows multiple late fee charges (e.g. \$50 after 5 days and \$10 per day after) then the maximum total of late fees for a given month, is no greater than 10% of the legal monthly rent.

C. Example Table

Monthly Rent	Maximum Monthly Late Fee
\$750	\$75
\$1133	\$113
\$2268	\$227

SECTION IX

Title 5, Chapter 5.80, Section 5.80.300, “**Utility Conversions**” is hereby created to read as follows:

Should a landlord convert the rental agreement from landlord-paid utilities to tenant-paid utilities while a current lease is in effect or upon the renewal of same, the landlord shall provide the prior three (3) years of utility bills to the tenant. The bills will be averaged to determine the per month average utility cost and the base rent shall be reduced by that amount.

SECTION X

Title 5, Chapter 5.80, Section 5.80.315, “**Probationary Program**” is hereby created to read as follows:

To better address poor property maintenance and housing conditions, below is outlined a probation program to require a higher level of attention to rental properties from the Bureau of Housing Inspections that meet the below standards:

1. Probationary conditions:
 - a. Annual inspections.
 - i. Properties subject to the probationary standard must register for and have a property inspection annually for two (2) consecutive years until the property passes inspection for two (2) consecutive years without a failed inspection.
 - ii. Rental registration fee increased to double of standard fee to offset cost of additional inspections.
 - b. Two (2) year reduction on rental increases.
 - i. Affected properties may only increase rents by half of the allowable annual increase as permitted by the rent control office. Example: If the maximum allowable rent in a given year is 3% then the affected properties can only have a maximum increase of 1.5%.
2. Probationary demerits:
 - a. Relocation due to property condition or illegal occupancy.
 - b. Greater than two (2) convicted violations per property within 24 months.
 - c. Revocation of inspection certificate as per Section 15.40.070.
 - d. Resolution by Rent Control Board requiring payment to tenant for illegal rent or standard of service violation.
3. The Office of Rent Control may begin this program on or after January 1st, 2021.

SECTION XI

Title 5, Chapter 5.80, Section 5.80.380, “**Standard of Service Complaints**” is hereby created to read as follows:

In the event a standard of service complaint that is adjudicated by the Rent Control Board of the City of New Brunswick against a Landlord, the following percentages shall apply to monthly rent credits or payment the Board requires the landlord to provide to the tenant:

- i. No Heat 45%
- ii. Quiet Enjoyment/Security Up to 60%
- iii. No utilities (except heat) Up to 30% (per utility)
- iv. Non-working refrigerator 40%
- v. Non-working other appliances 20%

SECTION XII

Title 5, Chapter 5.80, Section 5.80.400, “**Relaxation**” is hereby created and reads as follows:

From time-to-time there may be a need to temporarily grant relief or reprieve from this Chapter in order to protect and advance the public good. The City Council of the City of New Brunswick is hereby authorized to grant temporary relaxation of the any of the items within this Chapter through Council Resolution for a period of no more than twelve (12) months.

SECTION XIII

SEVERABILITY:

If any section, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION XIV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION XV

EFFECTIVE DATE:

This Ordinance shall become effective 20 days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: November 4, 2020


COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED:

COUNCIL PRESIDENT

ATTEST:

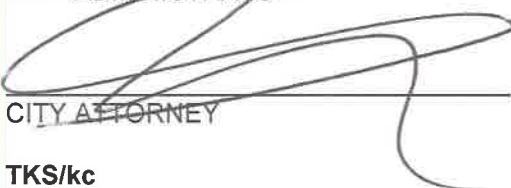
CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF , 2020.

MAYOR

APPROVALS:


CITY ADMINISTRATOR


CITY ATTORNEY

TKS/kc

COUNCILMEMBER	V	N	AB	CONCURRENCE	Y	N	AB
EGAN				SECURITY			
ESCHBAR				ADDITIONAL			
FLEMING				PCS			

FIRST READING/VOTE ON NOVEMBER 4 2020 N=MOVED S= SECOND NV= NO VOTE AB= ABSENT

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.40 "PERIODIC INSPECTION"

BE IT ORDAINED by the New Brunswick City Council, as follows:

SECTION I

Title 15, Chapter 15.40, Section 15.40.080, "**Fees**" is hereby amended to read as follows:

Effective January 1st, 2021 the fees for inspections per rental unit under this chapter are as follows, to be paid not less than seventy-two (72) hours prior to the inspection.

Fees to be paid to the Division of Inspections.	
Inspection Fee	Free
First Reinspection fee, if necessary	Free
Subsequent Reinspection fees, if necessary	\$25.00 per occurrence

SECTION II

SEVERABILITY:

If any section, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective on January 1, 2021 following final adoption and publication as required by law.

COUNCIL MEMBER	Y	N	AB	COUNCIL MEMBER	Y	N	AB
EGAN	X			BUONICCONTI	X		
ESCORBAR	X			ANDERSON, Pica	X		
FLEMMING, S.	X						

FIRST READING VOTE ON NOVEMBER 4, 2020 N=MOVED S= SECOND NV= NO VOTE AB= ABSENT

ADOPTED ON FIRST READING
DATED: November 4, 2020


COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED:

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF _____, 2020.

MAYOR

APPROVALS:


CITY ADMINISTRATOR
CITY ATTORNEY

TKS/kc

ORDINANCE OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-53(m) IN THE AMOUNT OF \$6,750,000.00 TO FUND A DEFICIT IN OPERATIONS

WHEREAS, pursuant to P.L. 2020, c. 74, local units, including the City of New Brunswick, County of Middlesex New Jersey (the "City"), are authorized to alleviate the financial impacts of the health emergency known as COVID 19, including operating deficits, through the authorization of a special emergency appropriation; and

WHEREAS, as a result of the State of New Jersey Governor's Executive Order 190, issued on October 15, 2020, the City now anticipates that there may be delayed utility fees; and

WHEREAS, as a result of decreased City revenues, including parking revenues, the City anticipates that there may be delayed revenues; and

WHEREAS, the Chief Financial Officer of the City has prepared and executed a certification (the "Certification") in the form prescribed by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director"), certifying that the deficit balance anticipated to be reported on the City's "Results of Operations" schedule of the annual financial statement for the current fiscal year is \$6,750,000.00; and

WHEREAS, the City has on the date hereof, by resolution, approved the Certification and the submission of the application to the Director in accordance with N.J.S.A. 40A: 4-53(m); and

WHEREAS, the City seeks to make a special emergency appropriation in accordance with N.J.S.A. 40A:4-53(m).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AS FOLLOWS:

SECTION 1. N.J.S.A. 40A:4-53(m) provides that a local unit such as the City may adopt an ordinance authorizing a special emergency appropriation for the purpose of funding an operating deficit as set forth in N.J.S.A. 40A:4-53(m), subject to the

approval of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director").

SECTION 2. The City has determined and does hereby authorize a special emergency appropriation in the aggregate amount of \$6,750,000.00 to fund a deficit in operations in the current fund in the amount of \$6,000,000.00 and in the sewer utility fund in the amount of \$750,000.00, subject to the approval of the Director (the "Special Emergency Appropriation").

SECTION 3. The Mayor and Chief Financial Officer are each hereby authorized and directed to determine all matters in connection with the Special Emergency Appropriation not determined by this or a subsequent ordinance, all in consultation with the City Attorney or Bond Counsel, and the manual or facsimile signature of the City's Mayor or Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Mayor, Chief Financial Officer, Clerk and any other City Representatives, including but not limited to, Bond Counsel, the City Attorney, City Municipal Advisor and the City Auditor, are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to undertake the Special Emergency Appropriation, including but not limited to, the negotiation of any and all contracts, agreements and documents for the Special Emergency Appropriation, and any all such actions or inactions taken by the aforesaid City Representatives heretofore are hereby ratified and confirmed, *nunc pro tunc*.

SECTION 4. Two certified copies of this Ordinance shall be filed with the Director.

SECTION 5. This Ordinance shall become effective in accordance with law and upon approval of the Director.

ADOPTED ON FIRST READING
DATED: November 4, 2020


COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED:

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

COUNCIL MEMBER	Y	N	AI	SV	MI	Y	N	AI	SV	MI
LEGAN										
SICORA-LIDWIG VP										
ANDERSON Pres										
ESCHHAR										
FLEMING S										

FIRST READING VOTE ON NOVEMBER 4, 2020 AI=MOVED S= SECOND NV=NO VOTE AF=ABSENT

APPROVAL OF THE MAYOR ON THIS DAY OF _____, 2020.

MAYOR

APPROVALS:



CITY ADMINISTRATOR



CITY ATTORNEY

TKS/kc