1st reading 1-7-14

SPONSORED BY

SECONDED BY

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. Z-272

ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, CANCELLING $300,000 OF AN UNFUNDED EMERGENCY APPROPRIATION BALANCE HERETOFORE ADOPTED TO PROVIDE FOR THE COSTS ASSOCIATED WITH A REAL PROPERTY REVALUATION PROJECT AUTHORIZED BY ORDINANCE NO. Z-204

BACKGROUND

WHEREAS, the City Council of the City of Hoboken, County of Hudson, New Jersey ("City") has heretofore duly and finally adopted ordinance Z-204 ("Ordinance") authorizing an emergency appropriation to fund the costs of associated with a complete real property revaluation program in and for the City ("Revaluation Project") in accordance with the New Jersey Local Budget Law (N.J.S.A. 40A:4-1 et seq.) and, in particular, in accordance with N.J.S.A. 40A:4-53(b), all as more particularly set forth in the Ordinance; and

WHEREAS, the City has determined that the costs of the Revaluation Project will be less than was originally contemplated and authorized by said Ordinance; and

WHEREAS, it is the desire of the City to permanently cancel a portion of the unfunded emergency appropriation balance authorized by the Ordinance not necessary to fund the costs of the Revaluation Project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, PURSUANT TO THE PROVISIONS OF THE LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. The sum of $300,000 remaining as an unfunded emergency appropriation balance in the Ordinance heretofore adopted by the City is hereby permanently cancelled.

Section 2. The balance of the unfunded emergency appropriation balance heretofore authorized by the Ordinance in the amount of $1,000,000 shall remain unaffected by this ordinance and shall remain available to pay for the costs of the Revaluation Project.

Section 3. The Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and any resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

Section 4. All other ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately upon adoption.

Date of Introduction: January 7, 2014

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	✓			
Theresa Castellano				✓
Jen Giattino	✓			
James Doyle	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
Peter Cunningham	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
James Doyle				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
Peter Cunningham				

Approved as to Legal Form:

_____

Mellissa Longo, Corporation Counsel

☐ Vetoed by the Mayor for the following reasons: _____

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2014

_____

James Farina, City Clerk

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2014

_____

Dawn Zimmer, Mayor

Statement to be Published with Ordinance After Introduction

Notice of Pending Ordinance

The ordinance published herewith was introduced and passed upon first reading at a meeting of the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on January __, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey 07030 on _____ __, 2014 at __:__ P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same.

_____

JAMES J. FARINA, RMC, City Clerk

Statement to be Published with Ordinance After Final Adoption

Ordinance Statement

The ordinance published herewith has been finally adopted on _____ __, 2014 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided by applicable law, has begun to run from the date of the first publication of this statement.

_____

JAMES J. FARINA, RMC, City Clerk

PARKER McCAY

Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054-1539

P: 856.596.8900
F: 856.596.9631
www.parkermccay.com

Jeffrey D. Winitsky, Esquire
856.985.4086
jwinitsky@parkermccay.com

December 16, 2013

Via Email

Mr. Quentin Wiest
Business Administrator
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

RE: CITY OF HOBOKEN, NEW JERSEY – ORDINANCE CANCELLING $300,000 OF EMERGENCY APPROPRIATION FOR REAL PROPERTY REVALUATION PROJECT

Dear Mr. Wiest:

Pursuant to our conversations and your specific request, I have prepared and have attached hereto an ordinance which serves to cancel $300,000 of a prior emergency appropriation made to pay for the costs associated with the City of Hoboken's real property revaluation project as authorized by ordinance Z-204.

Please review the attached ordinance at your earliest convenience. To the extent that you have any questions or comments, please contact me. If the ordinance meets with your approval, please have the same placed on the agenda for the appropriate City Council meeting to be held in January of 2014.

By copy of this letter, I am forwarding the attached to the individuals listed below for their general review and comment.

Thank you for your time and consideration in this matter.

Very truly yours,

/s/ Jeffrey D. Winitsky

JEFFREY D. WINITSKY

Attachment

cc: Hon. Dawn Zimmer (w/attachment) (via email)
Solomon Steplight (w/attachment) (via email)
Steve Wielkotz (w/attachment) (via email)
Christopher Baldwin (w/attachment) (via email)

1st reading (2)
1-17-13

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____ Z-273

AN ORDINANCE TO AMEND CHAPTER 4 ENTITLED "DEPARTMENT OF ADMINISTRATION" AND CHAPTER 20 ENTITLED "COMMUNITY DEVELOPMENT" TO MOVE THE ZONING OFFICE FROM ADMINISTRATION TO COMMUNITY DEVELOPMENT

WHEREAS, the City has determined that it is more effective and efficient to have the City's Zoning Office, including without limitation, the Zoning Officer, moved from the Department of Administration to the Department of Community Development.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO CHAPTER 4

§ 4-2 Divisions enumerated.
The Department shall embrace and there is hereby allocated and assigned thereto the Office of the Business Administrator, Division of Personnel and Health Benefits, Division of Purchasing, Division of Constituent Services, the Corporation Counsel, ~~the Zoning Officer~~, the Construction Code Official, Board of Alcoholic Beverage Control, Office of Licensing and Inspections, and all of the administrative functions, powers and duties relating thereto.

SECTION TWO: AMENDMENTS TO CHAPTER 20

§ 20-1 Establishment.
There is hereby created and established in the government of the City of Hoboken a department that shall be known as the Department of Community Development. The Zoning Office, including without limitation, the Zoning Officer shall hereinafter be a division of the Department of Community Development.

§ 20-2 Personnel.
There is hereby assigned and transferred to said Department all the subordinate officers and employees in the Office of Waterfront Development in the City of Hoboken, as well as the Zoning Office of the City of Hoboken, holding their offices and positions under tenure of office under any law of this state or Title 11A, Civil Service, of the Revised Statutes of New Jersey and now exercising and performing any of the functions, powers and duties in the offices.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of

competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: January 7, 2014

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	✓			
Theresa Castellano				✓
Jen Giattino	✓			
James Doyle	✓			
Elizabeth Mason		✓		
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
Peter Cunningham	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
James Doyle				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
Peter Cunningham				

Approved as to Legal Form:

_____

Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2014

_____

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

Approved by the Mayor
On the ___ day of _____, 2014

_____

Dawn Zimmer, Mayor

1st reading 1-7-14

(3)

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. ____ Z-274

AN ORDINANCE TO MAKE A CORRECTIVE AMENDMENT TO ORDINANCE Z-258 ENTITLED "AN ORDINANCE TO APPROVE AND AUTHORIZE THE USE OF THE ATTACHED MAPS IN ACCORDANCE WITH N.J.S.A. 2C:35-7 AND N.J.S.A. 39:4-50"

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS (ADDITIONS UNDERLINED);

1. The Title Shall Be Changed To: "An Ordinance to Approve and Authorize the Use of the Attached Maps in Accordance with N.J.S.A. 2C:35-7, N.J.S.A. 2C:35-7.1, and N.J.S.A. 39:4-50"
2. Paragraph One Shall State: "The attached Drug Free School Zone Map and Public Park and Recreation Map, and all attachments thereto, shall become legally valid and enforceable, shall be properly executed by the Mayor or her designee and an Engineer authorized by the City of Hoboken, as provided by law according to N.J.S.A. 2C:35-7, N.J.S.A. 2C:35-7.1, and N.J.S.A. 39:4-50, and shall be complied with and enforced by and on behalf of the City of Hoboken."
3. The remainder of the original Ordinance Z-258 shall remain unchanged, including without limitation the maps as originally adopted.

All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
This ordinance shall take effect as provided by law.

Date of Introduction: January 7, 2014

Approved as to Legal Form:

_____
Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2014

_____
James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

_____
_____
_____
_____

-or-

Approved by the Mayor
On the ___ day of _____, 2014

_____
Dawn Zimmer, Mayor

First Reading

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	✓			✓
Theresa Castellano				✓
James Doyle	✓			
Jen Giattino	✓			
Elizabeth Mason			✓	
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
Peter Cunningham	✓			

Final Reading

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
James Doyle				
Jen Giattino				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
Peter Cunningham				

1-7-14

(4) 1-7-14

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____ Z-275

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE MENTIONED POSITIONS IN THE CITY OF HOBOKEN

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.

2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.

3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.

4. The Alphabetical List of Titles referred to herein as well as the base salary ranges for all positions in the City shall be on file in the Office of the City Clerk.

5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.

6. This ordinance shall take effect as provided by law.

Date of Introduction: January 7, 2014

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				✓
Theresa Castellano	✓			
Jen Giattino	✓			
James Doyle	✓			
Elizabeth Mason		✓		
David Mello	✓			
Tim Occhipinti		✓		
Michael Russo		✓		
President Peter Cunningham	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
James Doyle				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

_____
Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2014

_____
James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons: _____

_____
_____
_____
_____

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2014

_____
Dawn Zimmer, Mayor

Title	Minimum	Maximum Eff 1-1-13	Maximum Eff 1-1-2014
Assistant Business Administrator	$75,000	$125,000	$137,500
Business Administrator	$80,000	$150,000	$162,500
Confidential Aide to the Mayor	$28,840	$71,500	$78,000
Corporation Counsel	$50,000	$109,318	$137,500
Community Development Director	$75,000	$125,000	$137,500
Human Services Director	$75,000	$125,000	$137,500
Public Safety Director	$75,000	$125,000	$137,500
Transportation & Parking Director	$75,000	$125,000	$137,500

1st reading
(5)
1-7-14

Sponsored by: Giattino
Seconded by: Bhalla

CITY OF HOBOKEN
ORDINANCE NO. _____ Z-276

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 155 ENTITLED "RENT CONTROL"

WHEREAS, certain factual situations have arisen which has resulted in the City Council reconsidering the decontrolling and base rent calculations of previously owner occupied condominiums and cooperatives within the City. Nothing in this ordinance shall be construed to extend coverage of rent control to any property otherwise not covered by Chapter 155.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO § 155-1

§ 155-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AVAILABLE FOR RENT TO TENANTS

Buildings or dwellings fit for habitation as defined by statutes, codes and ordinances in full force and effect in the State of New Jersey, County of Hudson and City of Hoboken and occupied or unoccupied and offered for rent.

BASE RENT

The legal rent charged or actually received by the landlord for the rental of housing space on January 11, 1973, or if not occupied at that date, the "base rent" shall be that actually charged to and received from the ~~provisions~~ previous tenant, plus any increases under Article **II** of this chapter. The "base rent" may be changed only with the approval of the Rent Leveling and Stabilization Board. The "base rent" for dwelling units under § **155-2B**, **G** and **H** shall be the first rental upon the exemptions set forth in said subsections. Upon vacancy and or change in tenant, the "base rent" for all dwelling units shall be the new rental agreed upon by the new tenant, provided that the same is in accordance with the provisions of this chapter. When dwellings make the transition from rent regulation by a governmental agency that acts pursuant to federal or state law to regulate rents to rent regulation by this chapter as defined in § **155-2.1**, the initial base rent following the transition shall be as set forth in § **155-2.1**.

CAPITAL IMPROVEMENT

A substantial change in the housing accommodations, such as would materially increase the rental value in a normal market. It is different from ordinary repair, replacement and maintenance. A "capital improvement" is of such a nature, extent and expense that it benefits the building and the tenants' enjoyment thereof with a degree of permanency. A "capital improvement," to qualify under this chapter as such, must have a useful life of at least five years.

CONDO/COOP OWNER/OCCUPANT(S)

Individuals who own and reside in a condo/coop shall be considered bona fide condo/coop owner/occupant(s), hereinafter referred to as bona fide CCOO, if they meet the requirements established in Section 155-35.

CONSUMER PRICE INDEX

The "consumer price index" (all items base year 1967-100) for the region of the United States of which Hoboken is a part published periodically by the United States Department of Labor, Bureau of Labor Statistics.

DWELLING

Any building or structure or trailer or land used as a trailer park rented or offered for rent to one or more tenants or family units.

EQUITY IN REAL PROPERTY INVESTMENT

The actual cash contribution of the purchaser at the time of closing of title and any principal payments to outstanding mortgages.

FAIR RETURN

The percentage of return of equity in real property investment. The amount of return shall be measured by the net income before depreciation. A "fair return" on the equity investment in real property shall be considered to be 6% above the maximum passbook demand deposit savings account interest rate available in the City of Hoboken. The six-percent figure is provided to reflect the higher risk and lesser liquidity of real property investment in comparison to savings account investments.

HOUSING SPACE

Includes that portion of a dwelling rented or offered for rent for living and dwelling purposes with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the real property.

JUST CAUSE FOR EVICTION

The landlord recovered possession of a housing space or dwelling for one of the reasons outlined in New Jersey State law (N.J.S.A. 2A: 18-53 as amended).

LIVING AREA

The amount of total rentable space applicable to any given housing space, measured either in terms of rooms or square footage.

NEWLY CONSTRUCTED DWELLING

A dwelling located in a building, which building is new in all respects; that is, from the ground up, and the exterior structure, the exterior and interior walls and all systems are new.

NOT VACANT THROUGH UNLAWFUL MEANS

The tenant has not vacated or been forced to vacate the dwelling involuntarily; that is, due to harassment, duress, wrongful acts or unreasonable pressure from the landlord or his agents. A legal eviction is not an involuntary vacation under this definition. A bona fide written release of the landlord by the tenant with respect to this issue shall be evidence of a voluntary vacancy which may be considered in determinations under this chapter.

REGISTRATION STATEMENT

The statement filed by the landlord pursuant to § **155-30**.

RENT

Any price for the use of a housing space. It includes any charge, no matter how set forth, paid by the tenant for the use of any service in connection with the housing space. Security deposits and charges for accessories, such as boats, mobile homes and automobiles not used in connection with the housing space, shall not be construed as "rent."

RENT INCREASE, RENT DECREASE AND RENT ADJUSTMENT

The intent and policy of the governing body to interfere in landlord tenant relations and legitimate operation ownerships, occupancy

and development of real estate, only when necessary to protect the public interest. "Rent increase," "rent decrease" and "rent adjustments" shall consist in the first instances of the notice sent by the landlord to the tenant, or by the tenant to the landlord, in letter or other form, setting forth the proposed notice of "rent increase",rent decrease" or other "rent adjustment." Each notice shall set forth in detail the reasons justifying or requiring such increase, decrease or adjustment.

SERVICE

The provision of light, heat, hot water, maintenance, painting, elevator service, air conditioning, storm windows, screens, superintendent service and any other benefit, privilege or facility connected with the use or occupancy of any dwelling or housing space.

SERVICE SURCHARGE

Refers to an additional charge over and above the rental due to new or additional services. Existing services may be subject to a surcharge also, under extenuating circumstances as may be determined by the Rent Leveling & Stabilization Board.

SUBSTANTIAL COMPLIANCE

The housing space and dwelling are free from all heat, hot water, elevator and all health, safety and fire hazards, as well as 90% qualitatively free of all other violations of the ordinances of the City of Hoboken and the Property Maintenance Code of the State of New Jersey, where applicable.

TENANT/SUBTENANT

The regulations that apply to the landlord and tenant under this chapter shall also apply, wherever appropriate, to the "tenant/ subtenant" relationship and any other rental tenancy unless otherwise expressly excluded.

SECTION TWO: Amendments to § 155-6

§ 155-6. Tax surcharge from tenants.

A. A landlord may seek a tax surcharge from a tenant because of an increase in municipal property taxes if said taxes are in excess of those assessed for the 1988 tax year. The rental increase permitted for taxes is determined by the Rent Regulation Officer pursuant to a formula approved by the Rent Control Board. The rent increase for taxes that each tenant is liable to pay shall be paid in 12 equal monthly payments, 1/12 each month. The surcharge shall not be considered rent for purposes of computing cost-of-living rental increases. Determinations under this section shall be made by the Rent Regulation Officer. If an Initial Rental Decontrol as set forth on **Section 155-37** occurs, the base year shall be the date of the first paid four quarters in the taxes after the Initial Rental Decontrol.

B. Notice on standardized form.

(1) The landlord shall, upon approval by the Rent Regulation Officer of its tax surcharge application, notify its tenants, by personal service, on standardized forms setting forth:

(a) An explanation of the tax surcharge.

(b) The base rent.

(c) The tax surcharge, total and apportioned.

(d) The effective date.

(2) This notice shall be filed with the Officer.

SECTION THREE: CREATION OF ARTICLE VIII OF CHAPTER 155

Article VIII. Condo/Coop Initial Rental Decontrol.

Section 155-35: Bona Fide Condo/Coop Owner/Occupant(s)

A. In the event that an owner of a condo/coop unit, has continuously occupied said unit as their principle residence for the previous two years, the owner may file an affidavit with, and on the form provided by, the Rent Regulation Officer documenting their use.

B. In the event that the affidavit is filed with, and is either approved or not not successfully challenged by, the Rent Regulation officer, the owner shall be deemed a bona fide CCOO.

Section 155-36: Bona Fide Condo/Coop Owner/Occupant Affidavit

A. Approval

An affidavit form shall be provided by the Rent-Regulation Officer in a form approved by the Rent Leveling & Stabilization Board.

B. Statement and Certification

The affidavit form shall include a statement that the owner has owned and occupied the unit for at least the preceding two years. This statement must be certified to by the owner.

C. Documentation

The Rent Regulation Officer will have the authority to request reasonable documentation he/she sees fit in order to make a determination on the validity of the affidavit under this section. No affidavit is deemed completed until all requested documentation is received by the Rent Regulation Officer.

D. Filing Fee

The filing fee to apply to be deemed a bona fide CCOO will be the same fee assessed as for a hardship application.

E. Acceptance and Rejection

A completed Bona Fide CCOO affidavit submitted to the rent leveling officer is deemed accepted unless rejected within 21 days of filing. Any CCOO affidavit may be rejected for inadequate documentation or statements the rent leveling officer has a reasonable basis to believe may be inaccurate.

F. Appeals

As with any decision of the Rent-Regulation Officer, the owner will have the right to appeal any rejection to the Rent Leveling & Stabilization Board pursuant to 155-23.

G. False Statements

If subsequent to the granting of an Initial Rental Decontrol (**Section 155-37**) it is found that information was submitted to either the Rent-Regulation Officer or the Rent Leveling & Stabilization Board which is determined by the rent leveling office or the Rent Leveling & Stabilization Board to be incorrect and it is further determined that had such information been presented correctly in the affidavit, an Initial Rental Decontrol which had been granted would not have been granted then the Initial Rental Decontrol shall be declared null and void and the rent shall be reset at the original legal base rent plus any applicable surcharges and applicable increases based on the Consumer Price Index. In the event the board determines that the misrepresentation was willful, the owner of the unit shall also be assessed a fine up to the maximum allowed under this ordinance.

Section 155-37: Initial Rental Decontrol Upon Vacancy By bona fide CCOO

In the event of that an individual, who qualifies as a bona fide CCOO, vacates their Condo/Coop unit and offers it for rental, said unit is decontrolled solely for the purpose of establishing the initial rent subsequent to the bona fide CCOO vacating. The new base rent shall be established at the amount charged in the initial lease subsequent to the bona fide CCOO vacating. This new base rent shall be documented by submission and filing of a completed rent registration form and fee to the rent leveling office. Said unit is decontrolled for the purpose of establishing the initial rental only, and otherwise is fully subject to Chapter 155. Nothing herein shall be construed to cause an existing rent to change as a result of any Initial Rental Decontrol granted under this section.

SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FIVE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION SIX: EFFECTIVE DATE

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

SECTION SEVEN: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: January 7,2014

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	✓			
Theresa Castellano				✓
Jen Giattino	✓			
James Doyle				

Elizabeth Mason		✓		
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo		✓		
J Peter Cunningham	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
James Doyle				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
: Peter Cunningham				

Approved as to Legal Form: _____

Mellissa Longo, Corporation Counsel

€ Vetoed by the Mayor for the following reasons: _____

_____

Adopted by the Hoboken City Council
By a Vote of ___ Yeas to ___ Nays
On the ___ day of ____, 2014

-or-
Approved by the Mayor
On the ___ day of ____, 2014

James Farina, City Clerk

Dawn Zimmer, Mayor