

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 334
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "RENT STABILIZATION"**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City of Union City ("City") may by ordinance, make, amend, repeal, clarify and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants;" and

WHEREAS, the Board of Commissioners ("Board") of the City has declared that an emergency exists concerning a lack of rental housing stock and grows more severe in the City, as a result of the elimination of a substantial portion of the existing rental housing stock, absence of a competitive housing market, and insufficient new construction of rental housing; and

WHEREAS, it has been recognized by the Board that parking spaces on the streets of the City, as well as Hudson County, are insufficient to meet the reasonable requirements of residents and their social guests; and

WHEREAS, the City has further recognized the clear applicability to Chapter 334 entitled "Rent Stabilization" ("Ordinance") of the inclusion of parking as part of a residential tenancy, in those cases where on-site parking spaces are occupied by the tenant in conjunction with rental and occupancy of housing space; and

WHEREAS, the Board desires to clarify the City's Ordinance and make clear the Ordinance's inclusion of parking associated with a residential tenancy is included within the parameters of this Rent Stabilization Ordinance, see Central Towers Company v Borough of Fort Lee, 160 N.J. Super. 546 (Law Div. 1978).

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey, that Chapter 334 entitled "Rent Stabilization" of the Code of the City of Union City shall be amended and revised as follows:

SECTION ONE

Section 334-3 of the Code of City of Union City titled "Definitions" shall be amended, herein, as follows:

HOUSING SPACE.

- A. That portion of a dwelling rented or offered for rent for living and dwelling purposes to one individual or family unit, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the property.

- B. Includes a garage, carport or parking space, which is a service associated with the residential housing space, whether or not it is explicitly included in the agreement for the rental of housing space. The fact that the garage, carport or parking space is owned by an entity separate from the owner of the residential dwelling, is not determinative of whether the garage, carport, or parking space, is associated with the residential housing space.

SECTION TWO

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, 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 THREE

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

SECTION FOUR

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

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on Tuesday, February 14, 2017 and will be further considered after a Public Hearing held on Thursday, March 2, 2017 at the William V. Musto Center, 420 15th Street, Union City, New Jersey at 8:00 AM.

INTRODUCED: February 14, 2017

ADOPTED:

ATTEST:

Erin Knoedler, Deputy City Clerk

DATE

Summary of Ordinance

This ordinance clarifies various provisions of the current rent control ordinance including definitions related to applicability of City's ordinance to parking received as part of a housing unit as a result of recent case law.