

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

ORDINANCE 2022-18

**ORDINANCE AMENDING CHAPTER 334, RENT CONTROL TO PROVIDE FOR
SUCCESSION RIGHTS OF FAMILY MEMBERS TO REMAIN IN RENT
CONTROLLED APARTMENTS UNDER CERTAIN CONDITIONS**

WHEREAS, the governing body of the City of Union City have identified in the findings set forth in prior amendments to the Rent Control Ordinance , the housing emergency that exists with respect to the availability of affordable residential rental housing space; and

WHEREAS, that emergency has intensified as a result of economic conditions arising in the Post Covid period, making it more difficult for low and middle income tenants to find affordable rental units; and

WHEREAS, family members who currently reside in affordable rent controlled units in the City of Union City may, upon the death or vacation of the unit by the primary tenant, find themselves subject to eviction because they are not identified on the lease, or in a month to month lease as an authorized occupant; and

WHEREAS, this amendment seeks to provide for the protection of those family members who qualify under the terms of this ordinance, by providing them with succession rights to remain in the rent controlled unit.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Comissioners that Chapter 334 of the Code of the City of Union city is amended to add the following new section entitled “Succession Rights of Family Members To Remain in a Rent Controlled Unit”:

SECTION ONE:

1. Definitions

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

Family Member : “Family Member” is defined as either a spouse, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmonther, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in –law; son-in-law or daughter-in law of the tenant or primary tenant. It also includes any other person(s) residing with the tenant or primary tenant in the dwelling as a resident who can prove emotional and financial commitment and interdependence between such person(s) and the tenant.

Disabled Person: “Disabled Person” is defined as a person who has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling or any controlled substance, which are demonstrable by medically acceptable clinical

and laboratory diagnostic techniques, and which substantially limit one or more of such person's major life activities.

Senior Citizen: "Senior Citizen" is defined as a person who is sixty-two (62) years of age or older

2. Succession Rights of Family Members

(a) A family member has the right to a renewal lease or protection from eviction if he or she resided with the tenant as a resident in the apartment for two (2) years immediately prior to the death of or permanent departure from the apartment by the tenant. The family member may also have the right to a renewal lease or protection from eviction if he/she resided with the tenant from the inception of the tenancy or from the commencement of the relationship. If the family member trying to establish succession rights is a senior citizen or disabled person, then the minimum period of co-occupancy is reduced to one (1) year.

(b) The minimum periods of required residency set forth in paragraph 2(a) will not be considered interrupted by any period during which the "family member" temporarily relocates because he or she:

- (1) is engaged in active military duty;
- (2) is enrolled as a full time student;
- (3) is engaged in employment requiring temporary relocation from the rent controlled dwelling unit;
- (4) is hospitalized for medical treatment; or
- (5) has such other reasonable grounds that shall be determined by the Rent Regulation Officer or his designee upon application by such person

3. Determinations under this Section

Determinations of a Family Member's rights to succession shall be made by the Rent Regulation Officer or his designee upon the application of the Family member to the Rent Control Board Office. A copy of the application with supporting proof shall be served by ordinary mail or email, if available, by the Rent Control office upon the Landlord providing that any opposition to the application must be served upon the Rent Control Board office and family member within 14 days of the date of the Rent Control Board's notice. The Rent Control Board office shall have the right to make a determination under this ordinance without providing the 14 day notice in the event exigent circumstances exist.

SECTION TWO:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR:

In order to avoid accidental repeal of existing provisions, the Acting City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE:

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

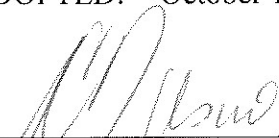
STATEMENT

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	x			
Wendy A. Grullon	x			
Celin J. Valdivia	x			
Maryury A. Martinetti	x			
Mayor Brian P. Stack	x			

I HEREBY CERTIFY this is to be a true and correct Ordinance of the City of Union City Board of Commissioners introduced on October 4, 2022 and was further considered and adopted after a Public Hearing held on October 18, 2022, at the Musto V. Cultural Center, 420 15th Street, Union City, New Jersey 07087.

INTRODUCED: October 4, 2022

ADOPTED: October 18, 2022



Hijda I. Rosario
Acting City Clerk

10/18/22

Date