

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

ORDINANCE 2023-69

**ORDINANCE AMENDING CHAPTER 334, SECTION 2(B)(1), “APPLICABILITY;
EXCEPTIONS.”**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may amend ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for 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 City of Union City (the “City”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, on July 18, 2017, the City revised the rent control ordinance reducing the number of units that permit owner-occupied exemption from rent control, from 6 units to 4 units, which amendment also provided that owner-occupants of 5 and 6 unit properties, at the time of the adoption of the ordinance, were grandfathered so that the property continued to be exempt while the owner-occupant at the time of the amendment, continued to own and occupy the property, as defined in this ordinance; and

WHEREAS, the Board of Commissioners of the City recognizes that an emergency exists within the City with respect to rental housing space and, effective April 3, 2018, the City amended the rent control ordinance to reduce the exemption for owner-occupied properties, from rent control, from 4-unit, owner occupied properties, to 3-unit owner occupied properties; and

WHEREAS, when the ordinance was amended to reduce exempt properties that are owner-occupied 4-unit properties to owner-occupied 3-unit properties, the amending ordinance did not specifically address the previously referenced grandfathering provision for 5–6-unit owner-occupied properties; and

WHEREAS, the City also recognizes that owner-occupied properties are better maintained, with rents that are more stable than non-owner-occupied properties, resulting in more tenants remaining in owner-occupied properties, thereby providing an overall benefit to the residents of the City; and

WHEREAS, the City desires to confirm that the Grandfathering provision from the July 18, 2017, ordinance amendment continues so that owners of owner-occupied properties of 4-6 units continue to be exempt from the rent control ordinance,

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that the Code of the City of Union City is hereby amended and revised as follows:

SECTION ONE:

Chapter 334, Section 2(B)(1), "Applicability, exceptions," is hereby supplemented by adding the following subsection:

(C) Five and six unit buildings, that were owner-occupied at the time of the adoption of Ordinance # 17-____ are hereby recognized as still exempt from the rent control ordinance, as long as the owner that owned and occupied the building at the time of the ordinance amendment, on July 18, 2017 and continues to owner-occupy the property; and 4-unit buildings that were owner-occupied at the time of the adoption of Ordinance #18-____ on April 3, 2018, are hereby recognized as still exempt from the rent control ordinance, as long as the owner that owned and occupied the building at the time of the ordinance amendment, continues to owner-occupy the property. When the owner occupying a property, as referenced herein, vacates an exempt building, the property shall become subject to this ordinance.

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.

BE IT FURTHER ORDAINED that the Mayor, the Acting City Clerk, and such other municipal officials as are appropriate are hereby authorized to execute such documents and undertake such action as is necessary to carry out the purpose of this ordinance.

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 to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on May 16, 2023 and was further considered and adopted after a Public Hearing held on June 7, 2023 at the Housing Authority Hillside Pavilion, 3911 Kennedy Boulevard, Union City, New Jersey 07087

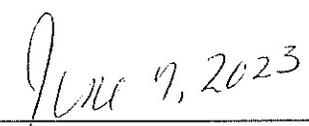
INTRODUCED: May 16, 2023

ADOPTED: June 7, 2023

ATTEST:



 Hilda I. Rosario
 Acting City Clerk



 DATE