

# Ordinance of the City of Jersey City, N.J.

File No. Ord. 20-051  
Agenda No. 3.4 (1st Reading)  
Agenda No. 4.3 (2nd Reading and Final Passage)



**AN ORDINANCE RATIFYING THE APPROVAL OF: 1) THE SALE OF A 114-UNIT PROJECT BASED SECTION 8 FAMILY HOUSING DEVELOPMENT TO VAN WAGENEN II URBAN RENEWAL, LLC PURSUANT TO THE LIMITED-DIVIDEND NONPROFIT HOUSING CORPORATIONS OR ASSOCIATIONS LAW, N.J.S.A. 55:16-1 ET SEQ. AND (2) THE TRANSFER AND ASSIGNMENT OF THE PROJECT'S TAX EXEMPTION**

**COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, Pavonia-Broadway Associations, is a housing corporation, formed and qualified to do business under the provisions of the Limited-Dividend Nonprofit Housing Corporations or Associations Law [the "Limited Dividend Housing Law"], as amended and supplemented, N.J.S.A. 55:16-1 [Entity]; and

**WHEREAS**, the Entity is the Owner of certain property known as Block 9305, Lots 4, 6, 7, 8, 9 and 10, f/k/a/ Block 1854, Lots 9A, 11A, 13A, 14, 15, 16C, 18C, and 21B, on the City's Official Tax map; more commonly known by the street addresses of 115, 117, 123-125, 127, 129 and 133 Van Wagenen Avenue and 882 Pavonia Avenue, Jersey City, New Jersey [Property]; and

**WHEREAS**, by Resolution adopted on January 27, 1981, the Municipal Council of the City of Jersey City approved the tax exemption and authorized the execution of a Financial Agreement for an affordable housing project consisting of a 114-unit project based section 8 family housing development, with a service charge calculated as 6.28% of annual gross revenue; and

**WHEREAS**, the Original Entity and the City executed a Financial Agreement on February 9, 1981 [Financial Agreement]; and

**WHEREAS**, on or around May 29, 2020, Hudson Valley Property Group [HVPG] applied to the City for its consent to purchase the project from the Entity by HVPG's urban renewal company, Van Wagenen II Urban Renewal, LLC, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [the New Entity] and assign the Financial Agreement to the New Entity; and

**WHEREAS**, the New Entity has agreed to assume all obligations of the previous Entity under the Financial Agreement, including but not limited to the continuation of the affordability controls; and

**WHEREAS**, the New Entity will continue to pay to the City 6.28% of the annual gross revenue; and

**WHEREAS**, Council approval is required for the City to enter into a Consent to Purchase and Assignment Agreement with the New Entity, relating to the transfer and assignment of the Financial Agreement; and

**WHEREAS**, it is in the City's best interest that the New Entity be permitted to purchase this project from the current owner and that the tax exemption originally granted to the current owner be transferred to the New Entity; and

**NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:**

- A. Consent for Van Wagenen II Urban Renewal, LLC to purchase the project at Block 9305, Lots 4, 6, 7, 8, 9 and 10, more commonly known by the street addresses of 115, 117, 123-125, 127, 129 and 133 Van Wagenen Avenue and 882 Pavonia Avenue, Jersey City, New Jersey, is hereby approved.
- B. Consent to transfer the tax exemption originally granted to Pavonia-Broadway Associates to Van Wagenen II Urban Renewal, LLC, is hereby approved.
- C. The New Entity agrees to assume all obligations of the previous Entity under the Financial Agreement as amended, including but not limited to, the continuance of the affordability controls on the project.
- D. The New Entity will continue to pay to the City 6.28% of the annual gross revenue.

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

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**An Ordinance ratifying the approval of: 1) The sale of a 114-unit project based section 8 family housing development to Van Wagenen II Urban Renewal, LLC Pursuant to the Limited-Dividend Nonprofit Housing Corporations or Associations Law, N.J.S.A. 55:16-1 Et Seq. and (2) The transfer and Assignment of the Project's Tax Exemption**

- E. The Mayor or Business Administrator is hereby authorized to execute a Consent to Purchase and Assignment Agreement with Van Wagenen II Urban Renewal, LLC, in substantially similar form to the Agreement attached hereto and in accordance with the terms and conditions referenced above as well as any other terms and conditions deemed necessary or appropriate by the Corporation Counsel and the Business Administrator to effectuate the purpose of this Ordinance.
- F. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- G. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth herein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- H. This Ordinance shall take effect at the time and in the manner provided by law.
- I. The City Clerk are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.
- J. The Business Administrator is empowered to request periodic audits of the Project in order to ensure that the New Entity is fulfilling its obligations under the amended Financial Agreement.

Note: All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated in **bold face** and repealed matter by *italic*.

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RECORD OF COUNCIL VOTE ON INTRODUCTION – Jun 24 2020						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING –						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

**SPEAKERS:**

Joel Brooks  
Yvonne Balcer  
Jeanne Daly  
Amy Torres  
Jayson Burg

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		LAVARRO		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		ROBINSON		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Jul 15 2020						
RIDLEY	AYE	SALEH	AYE	LAVARRO	NAY	8-1
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	


Adopted on first reading of the Council of Jersey City, N.J. on **Jun 24 2020**

Adopted on second and final reading after hearing on **Jul 15 2020**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Jul 15 2020



City Clerk



Joyce E. Watterman, President of Council  
Approved: Jul 15 2020



Steven M. Fulop, Mayor  
Date to Mayor: Jul 16 2020  
Approved: Jul 17 2020