

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

File No. Ord. 23-047  
Agenda No. 3.1 (1st Reading)  
Agenda No. 4.1 (2nd Reading and Final Passage)



## **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 218 (MULTIPLE DWELLINGS), OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY CITY, NEW JERSEY TO ESTABLISH A RIGHT TO COUNSEL PROGRAM FOR JERSEY CITY RENTERS.**

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

**WHEREAS**, the Municipal Council of the City of Jersey City hereby recognizes that an eviction crisis exists within Jersey City, where numerous residents are homeless, or are at the risk of homelessness, and/or reside in uninhabitable living conditions due to a shortage of affordable housing and a lack of awareness of tenants' rights; and

**WHEREAS**, there were approximately 14,800 residential eviction actions filed in Hudson County Superior Court, of which Jersey City residents make up a significant percentage; and

**WHEREAS**, Rents in the North Jersey Metropolitan Area increased by 10% between 2021 and 2022; and

**WHEREAS**, this emergency has been created, in part, by the filing of frivolous and/or retaliatory eviction actions by landlords renting residential property in Jersey City, and this emergency has been further exacerbated by the deterioration of a substantial portion of the existing housing stock, insufficient construction of affordable housing units, increasing costs of construction, and the fact that a substantial portion of current Jersey City residents rely on fixed or stagnating incomes. These issues have led to excessively high rents and have caused a substantial and increasing shortage of rental housing accommodations for families of low and moderate income; and

**WHEREAS**, according to the 2020 United States Census Bureau data, approximately 70.4% of Jersey City residents rent their homes; and

**WHEREAS**, providing Jersey City residents with access to free legal services in landlord-tenant court will mitigate the aforementioned emergency and reduce the serious threats to the public health, safety and general welfare of the residents of Jersey City that this emergency has created; and

**WHEREAS**, tenants in Jersey City face significant challenges when it comes to asserting their legal rights, including a lack of knowledge and awareness of their rights and a fear of eviction without just cause which can lead to substandard living conditions and even homelessness; which warrants legislative action by the Municipal Council; and

**WHEREAS**, this housing emergency destabilizes families and neighborhoods, especially the most vulnerable among us, resulting in homelessness, and harm to social tranquility and the general welfare of Jersey City; and

**WHEREAS**, due to a lack of resources and an inability to obtain legal representation, Jersey City's most vulnerable residents are frequently evicted by landlords represented by competent counsel; and

**WHEREAS**, the Municipal Council of the City of Jersey City does hereby declare that these conditions pose a serious threat to the public health, safety and welfare of the residents of the City, as well as to the City's economic stability, viability and growth; and

**WHEREAS**, N.J.S.A. 40:48-2, allows a municipality to make ordinances, rules, regulations, and by-laws, as the municipality deems necessary and proper for the order, good government, and protection of its residents and for the protection of the health, welfare and safety of the municipality and its residents; and

**WHEREAS**, pursuant to these aforementioned police powers, in order to protect the health, safety and welfare of the residents of Jersey City, it is necessary to provide access to legal services to tenants who are subject to eviction proceedings.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF JERSEY CITY, NEW JERSEY, THAT:**

A. Chapter 218 – MULTIPLE DWELLINGS is hereby supplemented and amended as follows:

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

**An Ordinance to amend and supplement Chapter 218 (Multiple Dwellings), of the Code of Ordinances of The City of Jersey City, New Jersey to Establish a Right to Counsel Program for Jersey City Renters.**

**§ 218-7. - Findings.**

[No changes to Sections A through C].

4. The City Council finds that an emergency exists, within Jersey City, where many of its residents are homeless or are at risk of homelessness and/or reside in uninhabitable living conditions due to a shortage of affordable housing and a lack of knowledge and awareness of tenants' rights; and
5. This emergency was created, in part, by the filing of frivolous and/or retaliatory eviction actions by landlords renting residential property in Jersey City; and
6. A landlord will be less likely to file a frivolous lawsuit if they are aware that their tenant will be assisted by legal counsel in preparing and asserting available legal defenses to the tenant's eviction action; this will mitigate the aforementioned emergency and reduce the serious threats to the public health, safety and general welfare of the citizens of the Jersey City created by said emergency; and
7. A lack of knowledge and awareness of their legal rights, the fear of being evicted without good cause, and being forced to seek housing in a limited housing market, discourages many Jersey City tenants from fighting eviction actions or complaining about substandard housing conditions; it is this fear that contributes to homelessness as well as to the harmful, uninhabitable conditions in which many Jersey City tenants live; this warrants legislative action by the Governing Body; and
8. The Municipal Council of the City of Jersey City does hereby declare that these conditions pose a serious threat to the public health, safety and general welfare of the residents of Jersey City, particularly the approximately 70.4% of Jersey City residents who, according to 2020 U.S. Census Bureau data, are renters. N.J.S.A. 40:48-2, allows any municipality to make ordinances, rules, regulations, and by-laws, as the municipality deems necessary and proper for the good government, order and protection of its residents and for the protection of the health, welfare and safety of the municipality and its residents; and
9. Pursuant to these aforementioned police powers, in order to protect the health, safety and welfare of the residents of Jersey City, it is necessary to provide access to legal services to tenants who are subject to eviction proceedings.

**218-8. - Definitions**

For the purposes of this Article, the following terms have the following meanings:

COVERED INDIVIDUAL - A resident of a rental dwelling unit located in Jersey City which is the subject premises of a Covered Proceeding.

COVERED PROCEEDING – shall mean any of the following: (1) Any proceeding in Landlord-Tenant Court seeking to evict or eject a Covered Individual, including counterclaims and, in the discretion of the Division of Tenants Right to Counsel, appeals, and including a summary proceeding to seek possession for the non-payment of rent, or a holdover; (2) an administrative proceeding of the Jersey City Housing Authority for termination of tenancy or termination of subsidy; (3) any proceeding deemed by a Designated Organization as the functional equivalent of such a proceeding, including any judicial or administrative proceeding to remedy a violation of the New Jersey Law Against Discrimination with regards to housing, N.J.S.A. 10:5-2.1 et seq., a violation of Jersey City housing code, Code of Ordinances § 254-1 et seq., and to enforce a term of a temporary restraining order that pertains to housing; (4) an ejectment proceeding filed in the Special Civil Part of the Superior Court of the State of New Jersey or (5) any proceeding before the Jersey City Rent Leveling Board or any other administrative or judicial proceeding that relates to a violation of Jersey City rent control laws, Code of Ordinances § 260-1 et seq.

DESIGNATED ORGANIZATION - A nonprofit organization, legal services clinic, or other organization, including but not limited to those that work in collaboration with the private bar or law students or paralegal professionals to offer pro bono services, or a for-profit legal services provider/association/partnership that provides legal representation, which has the capacity to provide Legal Services to Covered Individuals in Covered Proceedings.

DWELLING UNIT - A dwelling unit within a multiple dwelling as such terms are defined in Chapter 254, Property Maintenance.

LANDLORD-TENANT COURT - The Superior Court of New Jersey Law Division Special Civil Part Landlord/Tenant Section.

**An Ordinance to amend and supplement Chapter 218 (Multiple Dwellings), of the Code of Ordinances of The City of Jersey City, New Jersey to Establish a Right to Counsel Program for Jersey City Renters.**

LEGAL REPRESENTATION – Ongoing legal representation provided by an employee of the Division of Tenants’ Right to Counsel or a Designated Organization to an individual and all legal advice, advocacy, and assistance associated with such representation.

LEGAL SERVICES - Brief legal assistance or full legal representation to a Covered Individual.

MAYOR - The Mayor of Jersey City, New Jersey.

MUNICIPAL COUNCIL or CITY COUNCIL -The Governing Body of Jersey City, New Jersey that comprises the legislative branch of Jersey City, New Jersey’s government.

OWNER – an owner as defined in Chapter 254, Property Maintenance.

PERSON - Any natural person or legal entity such as a corporation or partnership. For the purposes of this article, a "person" shall not include a government employee acting within the scope of employment.

[No changes to Sections 218-9 through 218-11.]

**218-12. Division of Tenants’ Right to Counsel Established; Provision of Legal Services.**

A. There is established in the Department of Housing, Economic Development & Commerce the Division of Tenants’ Right to Counsel to establish a program to access free Legal Services for Jersey City residents in Landlord-Tenant Court and other Covered Proceedings. Jersey City shall provide funding to be used exclusively by the Division of Tenants’ Right to Counsel as provided herein and shall ensure that:

1. The Division of Tenants’ Right to Counsel shall be coordinated by a Director who shall, no later than January 1, 2026, have fully implemented a program to provide free access to Legal Services for Jersey City residents in Landlord-Tenant Court in the Superior Court of New Jersey - Hudson County.
2. The Director shall be an attorney licensed to practice law in the State of New Jersey and sufficiently experienced in the relevant areas of law.
3. The Director may establish a program that utilizes the Request for Proposal process to select one or more Designated Organizations that have the capacity to provide Legal Representation to Jersey City residents in Covered Proceedings.
4. All Covered Individuals may apply for and receive access to Legal Representation as early as immediately after service of an eviction or ejection notice or service of unlawful detainer complaint, and shall receive access to Legal Representation beginning no later than one week prior to the first appearance in Landlord-Tenant Court by the Superior Court of New Jersey - Hudson County.
5. All Covered Individuals may apply for and receive access to Legal Representation in connection with any Covered Proceeding upon approval by the Director or his or her designee.
6. The Director shall conduct annual reviews pursuant to § 218-13 and establish performance indicators for Designated Organizations and any other providers of Legal Services.
7. Any Legal Services performed by a Designated Organization pursuant to this chapter shall not replace or satisfy any obligations or responsibilities of such Designated Organization pursuant to any other program, agreement, or contract.
8. Translators of any Legal Services performed pursuant to this chapter are made available to tenants in the language primarily spoken in the tenants’ home.
9. Subject to available appropriations, the Director is authorized at any time to provide Legal Representation for all other Covered Proceedings.
10. The Director may engage designated community groups to inform and educate members of the public about their rights and responsibilities including through activities such as:
  - a. hosting “know-your-rights” trainings and other workshops;
  - b. distributing written information;
  - c. assisting tenants with the formation and maintenance of tenant associations;
  - d. referring tenants to advocacy groups; and
  - e. engaging in any other activity designed to engage, educate or inform tenants and members of the public about their rights.
11. Subject to available appropriations, the Director is authorized to expand Legal Services to any tenant residing in Jersey City, including those who earn an income, after taxes, that is greater than 80 percent or less of the current area median income established annually by the United States Department of Housing and Urban Development, provided that no funding derived from Residential and Non-residential Development Fees pursuant to § 160-2 may be used for such purposes.
12. Subject to available appropriations, the Director is further authorized at any time to expand the Legal Services provided to include conducting and/or funding mediation and dispute resolution, including by contracting third-party mediators.

**B. Written Notice of Tenants’ Rights**

1. No later than January 1, 2025, the Director shall produce a written notice of tenants’ rights and resources, including the Right to Counsel and how to access it, and present it to the Advisory Board for a thirty-day period in which the Advisory Board may provide recommendations.

**An Ordinance to amend and supplement Chapter 218 (Multiple Dwellings), of the Code of Ordinances of The City of Jersey City, New Jersey to Establish a Right to Counsel Program for Jersey City Renters.**

2. Beginning July 1, 2025, or upon earlier adoption of the City-approved notice in accordance with 218-12(B)(1), Owners or their agents shall provide the City's approved written notice of tenants' rights and resources. The Owner or its agent must provide such notice to tenants at each of the following times:
  - a. at the time of executing a lease;
  - b. at any time the owner or operator makes any rent demand; and
  - c. at the time of service of any notice of ejectment or notice of eviction.
3. Beginning July 1, 2025, or upon earlier adoption of the City-approved notice in accordance with 218-12(B)(1), the city's approved written notice of tenants' rights and resources must also be provided at the time that the Jersey City Housing Authority or any other affordable housing provider sends a notice to terminate a tenant's tenancy or subsidy.

**218-13. Annual Report and Budget; Adoption by Council Resolution**

A. The Director shall submit a proposed annual budget based on a five-year projection of revenue to be considered by the Mayor, Business Administrator, and Governing Body. The budget shall be submitted with the following:

1. The sources of all funding, including Residential Fees, Non-Residential Fees, and allocation of funding for the prior year;
2. The proposed allocation of funding for the current year;
3. The number of attorneys and staff proposed to be employed or contracted directly by the Division;
4. A report which explains how the budget contributes to ameliorating the housing emergency described in § 218-7, including but not limited to the Division's proposed parameters for determining:
  - a. how Legal Services are rendered;
  - b. whether Legal Representation will be provided to each tenant; and
  - c. how the Division will allocate available funding to maximize the efficacy and equity of Legal Services offered; and
5. A summary report of the Legal Services provided in the prior year which shall include all reports pursuant to § 218-14 provided in the previous calendar year by Designated Organizations.
6. All reports pursuant to § 218-14 provided in the previous calendar year by Designated Organizations.

B. The Director shall submit the detailed annual budget for approval by resolution of the municipal governing body no later than March 1 of the current budget year.

C. If the projected demand for Legal Services exceeds the projected available funds, the Director shall set forth reasonable standards to prioritize the provision of Legal Representation, including but not limited to the merits of each case.

D. The City Council may amend the budget and proposed strategies for allocating funding prior to approval.

**218-14. Reporting.**

A. No later than May 1, 2026, and bi-annually by each December 1st and May 1st thereafter, each Designated Organization that provides Legal Services pursuant to this Chapter shall submit to the Director, who shall post online in a place available for public review, a summary of the Legal Services program and information regarding its implementation, including, but not limited to:

1. The number of individuals:
  - a. who contacted the office for assistance;
  - b. who were screened for intake;
  - c. who were Covered Individuals;
  - d. who were provided with Legal Services.
2. The number of individuals currently receiving legal services and the actual number of individuals who received legal services for that year, disaggregated by the following characteristics of such individuals:
  - a. ward and postal code of residence;
  - b. age, race, and ethnicity of head of household;
  - c. household size;
  - d. primary language spoken in home;
  - e. approximate household income;
  - f. current rent, reported by amount and payment schedule (e.g., "weekly" or "monthly");
  - g. estimated length of tenancy;
  - h. any receipt of ongoing public assistance at the time such Legal Services were initiated;
  - i. current tenancy in rent-controlled housing; and
  - j. tenancy in housing operated by the Jersey City Housing Authority;
3. Outcomes immediately following the provision of Legal Representation, as applicable, including, but not limited to, the number of:
  - a. the type of case, including identifying docket information and the relief or remedy sought;
  - b. case dispositions, including whether individuals were able to remain in their residence or were displaced from their residence, or whether rent was adjusted; and
  - c. instances where the attorney was discharged or withdrew.

**An Ordinance to amend and supplement Chapter 218 (Multiple Dwellings), of the Code of Ordinances of The City of Jersey City, New Jersey to Establish a Right to Counsel Program for Jersey City Renters.**

4. Non-payment and holdover actions filed in landlord-tenant court against tenants who received services from the Designated Organization, and warrants of removal served on tenants who received services from the Designated Organization.
5. For all eviction matters in Landlord-Tenant Court or ejectment matters in the Special Civil Part of the Superior Court of New Jersey, the Owner(s) of each building or Unit and the total number of eviction or ejectment matter involving each Owner.

**218-15. Advisory Board.**

A. There is hereby established a Tenants' Advisory Board composed of seven residents of Jersey City, at least half of whom must at all times be Jersey City tenants.

B. The Board shall be appointed by the Mayor with the advice and consent of the Municipal Council. The Mayor and Council President shall serve as ex officio members of the Board. Members shall not be compensated for their service on the Board.

C. Members shall be appointed for a term of two years, except all vacancies may be filled for the unexpired term. One of said members shall be elected by the members of the Board as Chairperson. The remaining officers may have such other offices as the Board deems necessary as selected by the members of the Board.

D. Purpose; Power of the Advisory Board

1. The purposes of the Tenants' Advisory Board are to:
  - a. improve the protection of tenants' rights in Jersey City;
  - b. to assist the Division of Tenants' Right to Counsel in designing educational and enforcement programs for the implementation of the policies embodied in this Chapter; and
  - c. to act as a liaison between the city government and community organizations.
2. The Tenants' Advisory Board shall:
  - a. advise the Municipal Council and/or Mayor on issues of common concern to tenants within Jersey City;
  - b. review the performance of the Designated Organization(s) as reported in § 218-13; and
  - c. present and ask questions to the Director at public hearings as established in this Chapter.

**218-16. Public Hearing.**

1. The Director of the Division of Tenants' Right to Counsel shall conduct a hearing twice each year, within sixty (60) days of each bi-annual report period as required by this Article.
2. The Director shall present the findings of the corresponding report based on the most recent review of the legal services program at the public hearing.
3. The Director shall provide notice of the public hearing within thirty (30) days of the hearing which shall be open to the public and shall be:
  - a. Posted in a public area of the Hudson County Landlord-Tenant Court;
  - b. Posted in all Jersey City social service offices, schools, and libraries, the Jersey City Office of Landlord/Tenant Relations, at organizations providing legal services through the existing RFP, posted on social media, and sent to community organizations.
  - c. Translated into Spanish, Urdu, Hindi, Arabic, Tagalog, American Sign Language, and other languages deemed necessary to reach all residents of Jersey City.
4. Written and oral testimony may be submitted at the hearing.
5. The Director shall cause a transcript of the hearing to be produced and translated. The Director shall make the transcript available to the public in the Division of Tenants' Right to Counsel, and posted online in a place available for public review, and in any other place or format deemed appropriate by the Director.

**218-17. Severability.** If any provision of this ordinance or application thereof to any person(s) or circumstances is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance that can be given effect without the invalidated provision or application and to this end the provisions of this ordinance are declared severable.

2. Chapter 3 – ADMINISTRATION OF GOVERNMENT is hereby supplemented and amended as follows:  
ARTICLE X - Department of Housing, Economic Development and Commerce

[No changes to 3-72 to 3-73]

**§ 3-74. - Organization of Department.**

Within the Department of Housing, Economic Development and Commerce, there shall be the following divisions, offices, bureaus, and boards:

- A. Division of Economic Development.
- B. Division of Construction Code Official.

- (1) Bureau of Plumbing Subcode Official.
- (2) Bureau of Electrical Subcode Official.
- (3) Bureau of Building Subcode Official.

C. Division of Housing Preservation.

- (1) Office of Housing Code Enforcement.

**An Ordinance to amend and supplement Chapter 218 (Multiple Dwellings), of the Code of Ordinances of The City of Jersey City, New Jersey to Establish a Right to Counsel Program for Jersey City Renters.**

(2) Office of Landlord/Tenant Relations.

(a) Bureau of Rent Leveling.

(b) Rent Leveling Board.

D. Division of Community Development.

E. Division of City Planning.

(1) Urban Research and Design.

(2) Planning Board.

(3) Zoning Board.

(4) Historic Preservation Commission.

F. Division of the Zoning Officer.

G. Division of Commerce.

H. Division of Affordable Housing

I. Division of Tenants' Right to Counsel

3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.

5. This ordinance shall take effect at the time and in the manner provided by law.

6. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscored and material ~~struck through~~ is omitted.

An Ordinance to amend and supplement Chapter 218 (Multiple Dwellings), of the Code of Ordinances of The City of Jersey City, New Jersey to Establish a Right to Counsel Program for Jersey City Renters.

RECORD OF COUNCIL VOTE ON INTRODUCTION – May 24 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0-1
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	ABSTAIN	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Jun 14 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

SPEAKERS:


Jeanne daly, Sarah Levine, jake Ephros, Ritney castine, Jordy Hernandez, Katie Brennan, Carol Sinclair, Kim Goycoha, :ozzette Diaz, Rachel Hoffman, Cory Garriga, Kevin Bing, Matt Monaghan, Carmen Orr, Gordon Gemma, Wendy Paul, Seamus Sullivan, Monica Ramsoek, Katrina Castrillo, William Jordan, Noreen Collins, Ron Simoncini, Jack Conway, Luis Aguasuivas, John Balboni, Angglique Diaz, Barbara McCann Stamato, Suzanna DeFelice, Peter Ottaviano, Steven Gevendon, Ryan Span, Evan Merkhoff, Suzanne Byrne, Laverbe webb Washington, Jessica Brann, Susanna Booth, Mia Scanga, Mario Moody, Beverly Brown Ruggia, Monta Singh, Adrian Ghainda, Elena Little, Isaac Jimenez, Henry Zheng, Julia Lomba

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


RECORD OF FINAL COUNCIL VOTE – Jun 14 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on May 24 2023  
Adopted on second and final reading after hearing on Jun 14 2023


This is to certify that the foregoing Ordinance was adopted  
by the Municipal Council at its meeting on Jun 14 2023



City Clerk



Joyce E. Watterman, President of Council  
Approved: Jun 14 2023



Steven M. Fulop, Mayor  
Date to Mayor: Jun 15 2023  
Approved: Jun 15 2023

**An Ordinance to amend and supplement Chapter 218 (Multiple Dwellings), of the Code of Ordinances of The City of Jersey City, New Jersey to Establish a Right to Counsel Program for Jersey City Renters.**

**FACT SHEET -**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

**Project Manager**

James Solomon, Councilperson		201-547-5315	jsolomon@jcnj.org
Department	Municipal Council		
Division	Municipal Council		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - May 24 2023
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**Purpose**

Ordinance to establish a Right-to-Counsel Program for Jersey City tenants which will provide legal services to tenants who are facing eviction or other housing issues.
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<b>Cost (Identify all sources and amounts)</b>	<b>Contract term (include all)</b>
N/A	

Approved by John Metro, Business Administrator	Status: Approved - May 16 2023
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