

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 14th day of April, 2009, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 19th day of May, 2009 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE NO. 09-10

**AN ORDINANCE TO IMPLEMENT N.J.S.A. 2A:18-61.1(g)
PROVIDING FOR RELOCATION ASSISTANCE FOR
EVICTED TENANTS AND ENHANCED PENALTIES AND
FINES TO BE IMPOSED UPON THE OWNER AND/OR
LANDLORD OF AN ILLEGAL DWELLING UNIT**

WHEREAS, the New Jersey Legislature has adopted a statute which permits a municipality to enact an ordinance entitling certain tenants and illegal dwelling units to relocation assistance; and

WHEREAS, said statute also permits the municipality to include provisions providing for enhanced penalties to be paid by the owner and/or landlord of an unlawful dwelling unit; and

WHEREAS, the Governing Body believes that adoption of this Ordinance will serve the dual purpose of facilitating the orderly relocation of tenants and imposing a strong deterrent and consequence for an owner and/or landlord's renting unlawful units.

BE IT ORDAINED as follows:

1. The Borough of Westwood hereby implements the provisions of N.J.S.A. 2A:18-61.1(g) in full and as if set forth at length herein.
2. Whenever a tenant receives a Notice of Eviction that results from zoning or code enforcement activity for an illegal occupancy, said tenant shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six (6) times the monthly rental paid by the displaced person. The owner and/or landlord of the structure shall be liable for the payment of relocation assistance pursuant to this Section.
3. The Borough of Westwood may, but shall not be required to, pay relocation assistance to any displaced person as described above who has not received payment from the owner and/or landlord of the structure at the time of eviction from a revolving relocation assistance fund established pursuant to N.J.S.A. 20:4-4.1(a). All relocation assistance costs incurred by the Borough pursuant to

this Subsection shall be repaid by the owner and/or landlord of the structure to the Borough in the same manner as relocation costs are billed and collected under N.J.S.A. 20:4-4.1 and 4.2. The repayments shall be deposited into the Borough's revolving relocation assistance fund.

4. In addition to requiring the owner and/or landlord of the structure to pay the relocation assistance costs referred to above, owner and/or landlord, upon conviction of unlawfully renting a dwelling unit, shall pay an additional fine beyond any other fines provided up to an amount equal to six (6) times the monthly rental paid by the displaced person.

5. In addition to the penalties described above, the Borough of Westwood, after affording the owner and/or landlord an opportunity on the matter, may impose upon the owner and/or landlord, for a second or subsequent violation of an illegal occupancy, a fine equal to the annual tuition cost of any resident of the illegally occupied unit attending a public school. This fine shall be recovered in a civil action by a summary possession proceeding in the name of the Borough pursuant to "The Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.). The Municipal Court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this Section. The tuition cost shall be determined in the manner prescribed for non-resident peoples pursuant to N.J.S.A. 18A:38-19 and the payment of the fine shall be remitted to the appropriate school district after subtracting the fees and costs of collection.

For purposes of this Section, the owner and/or landlord of a structure shall exclude mortgages in possession of the structure through foreclosure.

For purposes of this Section, a "second and subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are a result of a distinct and separate zoning or code enforcement activity and shall not include continuing violations during the period required for summary dispossession proceedings if the owner has initiated eviction proceedings in a court of proper jurisdiction.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

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

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk