

**AN ORDINANCE ESTABLISHING A RELOCATION ASSISTANCE
FUND PROVIDING FOR RELOCATION ASSISTANCE AND TUITION
REIMBURSEMENT**

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, as follows:

SECTION 1. ESTABLISHMENT OF REVOLVING RELOCATION ASSISTANCE FUND

Pursuant to N.J.S.A. 20:4-4.1a, a revolving Relocation Assistance Fund is hereby established which shall be administered in accordance with applicable law.

SECTION 2. LIABILITY OF OWNER-LANDLORD FOR PAYMENT OF RELOCATION ASSISTANCE

Pursuant to N.J.S.A. 2a:18-61.1G(A), any tenant who receives a notice of eviction pursuant to N.J.S.A. 2A:18-61.2 that results from zoning or code enforcement activity for illegal occupancy as set forth in N.J.S.A. 2A:18-61.1g(3) shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this section.

SECTION 3. PAYMENT FOR RELOCATION ASSISTANCE FUND; REPAYMENT BY OWNER-LANDLORD

Pursuant to N.J.S.A. 2A:18-61.1g(b), the Borough of Manville may pay relocation assistance from the revolving Relocation Assistance Fund established in Section 1 of this ordinance to any displaced person who has not received the required payment from the owner-landlord of the structure at the time of eviction pursuant to Section 2 of this ordinance. All relocation assistance costs incurred by the Borough of Manville pursuant to this section shall be repaid by the owner-landlord of the structure to the Borough of Manville in the same manner as relocation costs are billed and collected under N.J.S.A. 20:4-4.1 and N.J.S.A. 20:4-4.2. These repayments shall be deposited into the revolving Relocation Assistance Fund. The provisions of this section shall not be construed as imposing any liability, obligation or responsibility upon the Borough of Manville for the payment of relocation costs.

SECTION 4. ADDITIONAL FINE

Pursuant to N.J.S.A. 2A:18-61.1g(c), in addition to the requirement of reimbursement from the owner-landlord of the structure for relocation assistance paid to a displaced person, an additional fine for zoning or housing code violation for an illegal occupancy in

an amount equal to six times the monthly rental paid by the displaced person shall be paid to the Borough of Manville by the owner-landlord of the structure.

SECTION 5. SECOND OR SUBSEQUENT VIOLATION

Pursuant to N.J.S.A. 2A:18-6.1g(c), in addition to the penalty provided in Section 4 of this ordinance, and after affording the owner-landlord an opportunity for a hearing on the matter in the Manville Municipal Court, there shall be imposed upon the owner-landlord for a second or subsequent violation for an illegal occupancy a fine equal to the amount of tuition costs of any resident of the illegally occupied unit attending a public school, which fine shall be recovered in a civil action by a summary proceeding in the name of the Borough of Manville, pursuant to "The Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.). The Manville Municipal Court and the Superior Court shall have jurisdiction over proceedings for the enforcement of the penalty provided by this section. The tuition costs shall be determined in the manner prescribed for non-resident pupils pursuant to N.J.S.A. 18A:38-19m, and the payment of the fine shall be remitted to the Manville school district. For the purposes of this section, a "second or subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are a result of distinct and separate zoning or code enforcement activities, and shall not include any continuing violation for which citations are issued by a zoning or code enforcement agent during the time period required for summary possession proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction.

SECTION 6. EXCLUSION OF APPLICABILITY TO MORTGAGES

For the purpose of this ordinance, the owner-landlord of a structure shall exclude mortgagees in possession of a structure through a foreclosure.

SECTION 7. CONSTRUCTION

Where consistent with the context in which used in this Ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

SECTION 8. INCONSISTENCY

Should any provision of this Ordinance be inconsistent with the provisions of any prior Ordinances, the inconsistent provisions of such prior Ordinances are hereby repealed, but only to the extent of the inconsistencies.

SECTION 9. SEVERABILITY

In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this

Ordinance which may be given effect, and to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

SECTION 10. PURPOSE OF CAPTIONS

Captions contained in this Ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 11. EFFECTIVE DATE

This Ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to provide a mechanism through which owner-landlords will be required to pay for and/or to reimburse the Borough for relocation assistance provided to tenants as a result of zoning or code enforcement and to provided enhanced penalties for displacement as the result of illegal occupancy.

ORDINANCE #2003-984

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
√		ASHER	√			
	√	PETROCK	√			
		POLAK	√			
		WEISS				√
		WIERZBA	√			
		MAYOR CORRADINO				

PASSED this 12th day of May, 2003.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
√		ASHER	√			
		PETROCK				√
		POLAK	√			
		WEISS	√			
	√	WIERZBA	√			
		MAYOR CORRADINO				

PASSED this 30th day of May, 2003.

Attest:

Philip E. Petrone, Borough Clerk