BOROUGH OF WATCHUNG

ORDINANCE NO. OR:19/13

AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY AMENDING ARTICLE 28-1100, TITLED "AFFORDABLE HOUSING DEVELOPMENT FEES", SPECIFICALLY SECTION 28-1102, TITLED "DEFINITIONS", AND SECTION 28-1108, TITLED "MONITORING", OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Watchung, Somerset County New Jersey, that Article 28-1100, titled "Affordable Housing Development Fees", be amended as follows:

Section 1. Section 28-1102, titled "DEFINITIONS," is amended as follows:

Affordable Housing: Any housing unit with an acquisition price or rent level not exceeding the maximum resale or rent level for low and moderate income housing as set forth in N.J.A.C. 5:92-1.2.

COAH: The New Jersey Council on Affordable Housing; and shall also refer to Superior Court, Law Division.[1]

Development Fees: Money paid by an individual, person, partnership, association, company, or corporation to the improvement of property as permitted in N.J.A.C. 5:92-18 et seq.

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Equalized Assessed Value: The value of a property determined by the Borough Tax Assessor through a process designed to ensure that all property in the Borough is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Tax Assessor.

Section 2. Section 28-1108, titled "MONITORING," is repealed and replaced as follows:

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The Borough shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Servics, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center, Inc., and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended. ~~and return to COAH all monitoring forms related to the collection of development fees, expenditures of revenues, and implementation of the spending plan certified by COAH. Quarterly financial reports and annual program implementation and auditing reports shall be completed by the Borough on forms designed by COAH.~~

[1] Editor's Note: The portions to be deleted are shown with strike-throughs and will be deleted from the codified version of this Ordinance and the underlined portions will remain in the codified version of this Ordinance.

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Land Development Ordinance of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Watchung for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted Ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16, and transmitted to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED BY: Black
PASSED: May 16, 2019
PUBLISHED: May 23, 2019
ADOPTED: June 20, 2019

ATTEST:

Michelle DeRocco, Borough Clerk

Keith S. Balla, Mayor