

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1991**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 24,
ZONING, TO ESTABLISH AN AFFORDABLE HOUSING UTILITY**

WHEREAS, on December 30, 2021, the Mahwah Township Council adopted Resolution 421-21, authorizing the Township to enter into an agreement for the purchase of property designated as Block 70 Lot 15.01 and more commonly known as "Norfolk Village," located at 1201 Norfolk Road, which property includes 75 senior housing units; and

WHEREAS, July 22, 2022, the Township closed title on the property; and

WHEREAS, the Township now desires to establish an affordable housing utility that will facilitate the collection of lease, utility and other payments from residents at Norfolk Village and any other affordable housing units owned by the Township; and

WHEREAS, the Township Auditor, Attorney and Administration have determined that it is in the best interest of the Township to establish the Mahwah Affordable Housing Utility.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 24, Zoning, § 24-8, Affordable Housing, is hereby amended to establish § 24-8.7, Mahwah Affordable Housing Utility, to read as follows:

- a. Pursuant to the Local Budget Law, N.J.S.A. 40A:4-1 et seq., an affordable housing utility is established in the Township of Mahwah and shall be known as the "Mahwah Affordable Housing Utility" (hereinafter, the "Utility"). For budgetary and accounting purposes, the Utility shall be a separate entity.
- b. The Utility shall commence as of July 22, 2022 and shall be retroactive to that date.
- c. The Utility, which constitutes an agency of the Township exercising public and essential governmental functions, shall have all the powers necessary and convenient to carry out and effectuate the purpose and the provisions of the New Jersey Statutes.
- d. It shall be the function of the Utility to budget and account for affordable housing owned by the Township; to enforce the Township's laws and regulations concerning the Utility; to take actions necessary to provide for the care, custody and control thereof in the operation of the Utility; to pay or make provision for the payment of the reasonable expenses in each fiscal year of the Utility; and to pay to those persons entitled thereto the interest and principal on notes and bonds of the Utility; and to deposit and accumulate reserve funds or reserves.
- e. The affordable housing utility budget shall set forth the appropriations in the form and detail prescribed by the regulations of the local governing body and may include the following: operations; interest and debt retirement; and deferred charges and statutory expenditures.

- f. The Township shall have the full authority to appoint and employ all necessary employees for the Utility. Salaries of the employees will be in accordance with classification and salary ordinances duly adopted by the Township Council. The Township officers and employees are directed and empowered to adopt accounting procedures consistent with this section and the aforesaid statutes in the creation of the Utility.
- g. All matters with respect to the operation and conduct of the Utility not determined by this section shall be determined by resolutions to be hereafter adopted.
- h. The Utility may, from time to time, acquire such real property and/or equipment in the name of Township as may be authorized by the Township Council in accordance with the laws of the State of New Jersey.
- i. The Utility shall be authorized to charge and collect fees with respect to Norfolk Village and all other Township-owned affordable housing, including but not limited to, monthly rental/lease payments, security deposits, fees for utilities and/or ancillary services in connection with the housing project, for both market and affordable units.
- j. The Utility shall have authority to use the fees collected from Township-owned affordable housing to defray the cost of acquisition of lands, buildings, equipment and facilities, rights and interests therein, to equip the facilities, to pay the Utility's current expenses and to pay the interest and principal on notes and bonds, and to establish a surplus in an amount sufficient to provide for the reasonable anticipation of any contingency that may affect the operating of the Utility.
- k. The Utility shall be under the administration, operation and control of the Mayor, the Council and the Administration of the Township of Mahwah.

SECTION 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

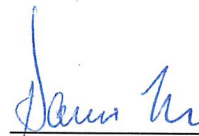
SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

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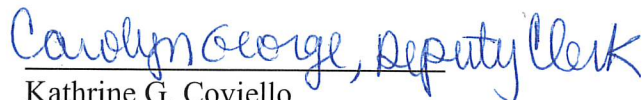
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Dated: December 1, 2022

Attest

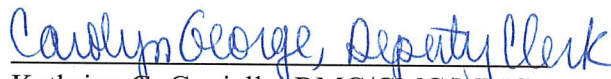


David May
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 10th day of November, 2022.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk