

TOWNSHIP OF MAHWAH

ORDINANCE NO. 1999

ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING TOWNSHIP MUNICIPAL CODE, CHAPTER 2 "ADMINISTRATION", CHAPTER 22 "SITE PLAN REVIEW", AND CHAPTER 24 "ZONING", TO CLARIFY THE TOWNSHIP'S AFFORDABLE HOUSING ORDINANCE.

WHEREAS, in 2015, Mahwah filed a lawsuit seeking a declaration that its Housing Element and Fair Share Plan, as may be amended, would satisfy its obligations under the Mount Laurel doctrine; and

WHEREAS, in 2018, in conjunction with this litigation, the Township entered into a settlement agreement with Fair Share Housing Center, Inc.; and

WHEREAS, on June 10, 2019, the Mahwah Planning Board adopted a Housing Element and Fair Share Plan (hereinafter "affordable housing plan") and on June 13, 2019 the Township endorsed such plan to implement the settlement; and

WHEREAS, the affordable housing plan the Court approved included Ordinances 1871 and 1872; and

WHEREAS, on June 27, 2019, Mahwah adopted Ordinance 1871 to implement its affordable housing plan; and

WHEREAS, on July 30, 2018, Judge Farrington entered an Amended Preliminary Judgment of Compliance and Repose (hereinafter "Conditional JOR") declaring that the Township's affordable housing plan satisfied the Township's Mount Laurel obligations, subject to various conditions; and

WHEREAS, after the Court entered a conditional JOR, the Township adopted Ordinance 1916 to codify Ordinances 1871 and 1872, renumber provisions in the ordinance and clean up various other sections of the ordinance; and

WHEREAS, the ordinances the court approved when entering a conditional JOR (Ordinances 1871 and 1872) did not include any reference to a Housing Commission while the ordinances the Township adopted to codify its ordinances (Ordinance 1916) did include such a reference; and

WHEREAS, the Housing Commission has not existed for many years and the Township's Administrative Agent has fulfilled the functions of the Housing Commission in lieu thereof; and

WHEREAS, the Township inadvertently included references to the Housing Commission in Ordinance 1916 that never should have been included; and

WHEREAS, to eliminate any vestige of old ordinances and any confusion as to who is administering the Township's affordable housing plan, it is entirely appropriate to remove any references to the Commission so that the Township's existing ordinances better reflect what the Court approved when it entered a Conditional JOR:

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

Purpose: The purpose of this ordinance is (a) to eliminate any reference to the Mahwah Housing Commission as a public body within the Township's Code as this entity has not existed for many years and is not referenced in the ordinances the Court approved when it entered a conditional Judgement of Compliance and Repose on July 30, 2018 and (b) to clarify that the Administrative Agent is responsible for administering the Township's approved Housing Element and Fair Share Plan.

SECTION 1. The Municipal Code, Chapter 2 "Administration," Subsection 2-5, "Organization and Administration," subchapter 2-5-1 "Administrative Organization; Departments, Boards and Commissions, subsection b (9) which establishes the Housing Commission as one of the Township's "Boards, Commissions and Committees" is hereby deleted.

SECTION 2. The Municipal Code, Chapter 2 "Administration," Subsection 2-13 "Agencies; Boards; Committees," subchapter 2-13.8 "Housing Commission" is hereby deleted in its entirety.

SECTION 3. The Land Development Code, Chapter 22 "Site Plan Review," Subsection 22-11 "Construction of Provisions; Repealer; Pending Applications," subchapter 22-11.6 "ML-1 and ML-2 Applications for Development," subsection c(4)(f) is hereby amended and supplemented so that subsection c(4)(f) shall provide as set forth below.

(f) Other reasonable information as required by the Planning Board.

SECTION 4. The Land Development Code, Chapter 24 "Zoning," Subsection 24-3 "Supplemental Use Regulations," subchapter 24-3.8(h) "Accessory Apartment Uses" is hereby amended and supplemented so that section 10 of this subchapter shall provide as set forth below.

Section 24-3.8(h)(10). Every three (3) years after issuance of the certificate of occupancy, the owner shall file a further statement with the Township's appointed Administrative Agent.

SECTION 5. The Land Development Code, Chapter 24 "Zoning," Subsection 24-8 "Affordable Housing" is hereby amended and supplemented to remove and delete Section 24-8.1 entitled "Housing Commission" from the Code of the Township of Mahwah.

SECTION 6. Any reference to the Housing Commission is hereby deleted entirely from the Township's ordinances and the Administrative Agent shall continue to be responsible for administering the affordable units in lieu of the Housing Commission; and

SECTION 7. 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 effect the validity of this ordinance as a whole or any part thereof.

SECTION 8. This ordinance may be renumbered for the purposes of codification.

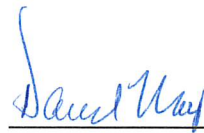
SECTION 9. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

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Dated: January 12, 2023

Attest

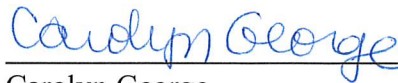


David May
Council President



Carolyn George
Municipal Deputy Clerk

I, Carolyn George, Municipal Deputy 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 21st day of December, 2022.



Carolyn George
Municipal Deputy Clerk