

**TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX**

ORDINANCE NO. 09-16-21

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY AMENDING CHAPTER 44 “AFFORDABLE HOUSING” OF THE CODE OF THE TOWNSHIP OF CRANBURY PURSUANT TO THE REQUIREMENTS OF THE TOWNSHIP’S JUDGMENT OF COMPLIANCE AND REPOSE

WHEREAS, pursuant to the New Jersey Supreme Court’s decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”), the Township of Cranbury (“Township”) instituted an action in the Superior Court of New Jersey (the “court”), entitled *In the Matter of the Application of the Township of Cranbury in Middlesex County*, bearing Docket No. MID-L-3960-15 (the “Action”), seeking a judgment of compliance and repose pursuant to N.J.S.A. 52:27D-313; and

WHEREAS, under the supervision of the court, the Township was able to reach a settlement with all participating parties to the Action and adopted a Housing Element and Fair Share Plan (the “Plan”) that fully addresses the Township’s third round affordable housing obligations; and

WHEREAS, on April 18, 2016, the court conducted a Fairness and Preliminary Compliance Hearing and found that the settlements reached were fair and reasonable to low and moderate income persons and the Township's Plan was constitutionally compliant subject to certain requested changes being made and supplementary materials being provided as recommended by the Special Master; and

WHEREAS, the Township undertook efforts to make the required changes and provided the supplementary materials to the court; and

WHEREAS, the court held a Compliance Hearing on August 22, 2016 for the purposes of reviewing the changes and supplementary materials provided by the Township and found and determined that the Township was entitled to a final Judgment of Compliance and Repose for the third round; and

WHEREAS, as a condition of the final Judgment of Compliance and Repose, the court requires that the Township’s affordable housing ordinances be amended; and

WHEREAS, the Township hereby undertakes the required amendments to its ordinance in satisfaction of the conditions of its Judgment of Compliance and Repose.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, County of Middlesex and State of New Jersey, as follows:

Section 1. Ordinance Amendment. Section 1 of Ordinance No. 07-16-11, adopted July 25, 2016 and codified as §44-1 “Affordable Housing Obligation” of Article I, Chapter 44 “Affordable Housing” of the “Code of the Township of Cranbury” (“Code”), be and hereby is amended as follows:

1. Paragraph §44-1.A shall be amended to add a new sentence to the end of the paragraph to read: “All Low Income Housing Tax Credit projects shall conform to the income, affordability average and bedroom distribution requirements set forth in the UHAC at N.J.A.C. 5:80-26.3, with the exception that 13 percent of affordable rental units shall be affordable to households earning no more than 30 percent of median income instead of the UHAC requirement of 10 percent of affordable rental units being affordable to households earning no more than 35 percent of median income.”

2. Paragraph §44-1.E shall be deleted in its entirety and replaced with a new paragraph to read as follows:

E. *Annual Monitoring Reporting.* On an annual basis beginning with the first anniversary of the entry of the Judgment granting the Township of Cranbury a Judgment of Compliance and Repose, the Township shall report on the status of all affordable housing activity within the municipality, including all activity in connection with the Township’s Affordable Housing Trust Fund, through an update of the COAH CTM system and posting on the municipal website, with a copy of such posting provided to Fair Share Housing Center (“FSHC”), using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

3. Add new paragraphs §44-1.F and -1.G to read as follows:

F. *Plan Progress Reporting.* Pursuant to N.J.S.A. 52:27D-313, the Township shall, by July 1, 2021, report on the continuing realistic opportunity provided by any inclusionary zoning sites or other affordable housing mechanisms in its Plan that have not been implemented. Such reporting shall be in the form of a posting on the municipal website, with a copy provided to FSHC. The reporting shall consist of a status report as to the Township’s implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity or should be replaced. Such posting shall invite any interested party to submit comments to the Township and to FSHC on the issue of whether any unbuilt inclusionary zoning sites or other affordable housing mechanisms no longer present a realistic opportunity for affordable housing and should be replaced.

G. *Very-Low Income Unit Reporting.* Pursuant to N.J.S.A. 52:27D-329.1, the Township shall, within 30 days of the third anniversary of the entry of the

Judgment granting the Township of Cranbury a Judgment of Compliance and Repose, and every year thereafter, post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low income housing requirement, including the family very-low income requirement referenced in the settlement agreement between the Township and FSHC dated August 19, 2016. Such posting shall invite any interested party to submit comments to the Township and to FSHC on the issue of whether the municipality has complied with its very-low income housing obligation per the settlement agreement between the Township and FSHC.

Section 2. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this ordinance is un-Constitutional, void or ineffective for any cause or reasons, shall not affect any other portion of this ordinance.

Section 4. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, on September 26, 2016. It will be further considered for final passage, second reading, after public herein thereon, on October 10, 2016 at 7:00 p.m. Copies are available at the Municipal Clerk's Office, 23-A North Main Street, Cranbury, NJ 08512 at no charge or at www.cranburytownship.org, click on "Document Library", then new Ordinances.

Kathleen R. Cunningham, RMC
Municipal Clerk