

Ordinance No. O.1.08

**AN ORDINANCE OF THE TOWNSHIP OF
DEPTFORD IN GLOUCESTER COUNTY, NEW
JERSEY, AMENDING SECTION 38.1, ENTITLED
"DEVELOPMENT IMPACT FEE" OF THE UNIFIED
DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF DEPTFORD**

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in *So. Burl. Co. NAACP v. Mount Laurel*, 92 N.J. 158 (1983) ("*Mount Laurel II*") and the Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in this State (N.J.S.A. 52:27D-304(a)); and

WHEREAS, COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, *et seq.*) contain requirements for the affirmative marketing of affordable units to the low and moderate income population; and

WHEREAS, COAH's Third Round Substantive Rules require the imposition of proper covenants and restrictions to ensure continued occupancy by low and moderate income households of affordable housing units; and

WHEREAS, the Township of Deptford desires to implement policies promulgated and adopted by COAH in its Third Round Substantive Rules in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through the third housing cycle which extends from 2000 to 2018 pursuant to N.J.A.C. 5:94 *et seq.* and N.J.A.C. 5:95 *et seq.*;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Deptford, County of Gloucester, New Jersey, that:

Section 1. §38.1, Development Impact Fee, is hereby amended by amending or adding the following:

D. Eligible exactions, ineligible exactions and exemptions.

1. [unchanged]
2. [unchanged]
3. [unchanged]
4. [unchanged]
5. The Township Council may waive the residential development fee required in –B, hereinabove, for individual homeowners who would otherwise be required to pay an affordable housing development impact fee and are themselves a low or moderate income household as defined in *N.J.A.C. 5:80-26.1 et seq.*, or as the regulation may be amended or superseded. The Township Council may delegate the determination of eligibility to the Municipal Housing Liaison or such other person as designated by the governing body.

Section 2. Continuation. In all other respects the Deptford Uniform Development Ordinance, as amended and supplemented, shall remain in full force and effect.

Section 3. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Deptford, then the restriction which imposes the greater limitation shall be enforced.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Enactment. This Ordinance shall take effect twenty (20) days after final passage and publication pursuant to *N.J.S.A. 40:69A-181*

and notice to the Gloucester County Planning Board within thirty (30) days pursuant to *N.J.S.A. 40:55D-15b*.

TOWNSHIP OF DEPTFORD

BY: _____
PAUL MEDANY, MAYOR

ATTEST:

DINA L. ZAWADSKI, CLERK

CERTIFICATION

The above Amended Ordinance was introduced and passed upon first reading at a meeting of the Township Council of the Township of Deptford held on the 4th day of February, 2008 and will be taken up for final consideration and passage at the Regular Meeting of Mayor and Council of the Township of Deptford to be held at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey, Gloucester County, on the 3rd day of March, 2008 at 7:00 P.M. or as soon thereafter as the matter can be reached at which time any person interested shall be given an opportunity to be heard.

DINA L. ZAWADSKI, CLERK