

Explanation: This Ordinance amends Section 15-5.4 entitled “Affordable Housing Development Fees” to (i) remove the requirement of a third-party escrow agreement with COAH; (ii) to authorize the Division of Local Government Services to direct the manner in which affordable housing trust funds are used in the event that the Township fails to comply with trust fund monitoring; and (3) to provide annual reporting of trust fund activity to Fair Share Housing Center and to post same on the Township website.

TOWNSHIP OF WARREN

ORDINANCE NO. 19-33

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER XV ENTITLED “LAND USE PROCEDURES” OF *THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN* BY AMENDING SECTION 15-5.4 ENTITLED “AFFORDABLE HOUSING DEVELOPMENT FEES”.

BE IT ORDAINED by the Township Committee of the Township of Warren, in the County of Somerset, State of New Jersey, as follows:

SECTION I. Section 15-5.4 entitles “Affordable Housing Development Fees” is hereby amended by the removal of existing paragraph 6. of Subsection 15-5.4g entitled “Affordable Housing Trust Fund” and its replacement with new paragraph 6. to read as follows:

[6. The Township of Warren shall provide COAH and/or the DCA with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH and/or DCA to permit COAH and/or DCA to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.19.]

6. In the event of a failure by the Township of Warren to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re. Twp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff’d 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Warren, or, if not practicable, then within the County of the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality

with a reasonable opportunity to respond and/or remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

SECTION 2. Subsection 15-5.4i entitled “Monitoring” of Section 15-5.4 entitled “Affordable Housing Development Fees” is hereby amended to read as follows:

i. Monitoring. The Township of Warren shall complete and return to COAH, or LGS, or other entity designated by the State and/or the Court, with a copy provided to Fair Share Housing Center and posted on the Township website, all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans and any other funds collected in connection with the Township of Warren’s housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH and/or approved by the Court. All monitoring reports shall be completed on forms designed by COAH and/or the Court.

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 Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. This ordinance shall take effect upon final adoption and publication in accordance with the laws of the State of New Jersey.

ATTEST:

TOWNSHIP OF WARREN

Cathy Reese, RMC

Gary P. DiNardo, Mayor

Note to Codifier: Deleted provisions indicated by brackets [] .

New provision indicated in underline _____.

INTRODUCED: APRIL 11, 2019

ADOPTED: May 9, 2019

EFFECTIVE: May 16, 2019