

**BOROUGH OF SADDLE RIVER
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 21-1008

**AN ORDINANCE AMENDING CHAPTER 65 “AFFORDABLE
HOUSING” OF THE SADDLE RIVER BOROUGH CODE**

WHEREAS, in 2019 the Mayor and Council of the Borough of Saddle River adopted an ordinance repealing and replacing in its entirety Chapter 65 of the “Code of the Borough of Saddle River” regarding affordable housing to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) and to comply with the Borough’s Third Round affordable housing obligations; and

WHEREAS, certain additional modifications to Chapter 65 are now required in order to maintain consistency with the Fair Housing Act and UHAC and comply with the Borough’s affordable housing settlement agreement with Fair Share Housing Center.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Saddle River, County of Bergen, State of New Jersey, as follows:

Section 1. Chapter 65, Section 3, of the Code of the Borough of Saddle River Entitled “Reporting Requirements” is hereby amended to read as follows:

§65-3. Reporting requirements.

- A. Trust fund activity. On the first anniversary of the execution of the Borough’s settlement agreement with Fair Share Housing Center Re: In the Matter of the Borough of Saddle River, County of Bergen, Docket No. BER-L-6120-15, which was executed on February 10, 2020, and every anniversary thereafter through the end of the period of protection from litigation referenced in said agreement, the Borough shall provide annual reporting of its affordable housing trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services. The reporting shall include an accounting of all affordable housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. Affordable housing activity. On the first anniversary of the execution of the Borough’s settlement agreement with Fair Share Housing Center Re: In the Matter of the Borough of Saddle River, County of Bergen, Docket No. BER-L-6120-15, which was executed on February 10, 2020, and every anniversary thereafter through the end of this agreement, the Borough shall provide annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website, with copies provided to Fair

Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the court-appointed special master and Fair Share Housing Center. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its affordable housing plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Borough, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the court regarding these issues.

- C. Very-low-income housing. For the review of very-low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the execution of the Borough's settlement agreement with Fair Share Housing Center Re: In the Matter of the Borough of Saddle River, County of Bergen, Docket No. BER-L-6120-15, which was executed on February 10, 2020, and every third year thereafter, the Borough will post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Borough, with copies provided to Fair Share Housing Center, on the issue of whether the Borough has complied with its very-low-income housing obligation.

Section 2. Chapter 65, Section 6, of the Code of the Borough of Saddle River Entitled "New Construction," Subsection A.(2), is hereby amended to read as follows:

- (2) At least 13% of all restricted rental units within each bedroom distribution shall be very-low-income units (affordable to a household earning 30% or less of median income). The very-low-income units shall be counted as part of the required number of low-income units within the development.

Section 3. Chapter 65, Section 6, of the Code of the Borough of Saddle River Entitled "New Construction," Subsection C.(1), is hereby amended to read as follows:

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and approved by the Court, COAH, or a successor entity.

Section 4. Chapter 65, Section 9, of the Code of the Borough of Saddle River Entitled "Control Periods for Restricted Ownership Units and Enforcement Mechanisms," Subsection A., is hereby amended to read as follows:

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall

remain subject to the requirements of this chapter for a period of at least 30 years and thereafter until the Borough takes action by ordinance to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

Section 5. Chapter 65, Section 14, of the Code of the Borough of Saddle River Entitled “Control Periods for Restricted Rental Units,” Subsection A., is hereby amended to read as follows:

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter for a period of at least 30 years and thereafter until the Borough takes action by ordinance to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented. For new projects receiving nine-percent low income housing tax credits, a control period of not less than a thirty-year compliance period plus a fifteen-year extended use period shall be required.

Section 6. Chapter 65, Section 19, of the Code of the Borough of Saddle River Entitled “Affirmative Marketing Requirements,” is hereby amended to include a new Subsection J., which shall read as follows:

- J. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Saddle River to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Bergen County Urban League and Bergen County Housing Coalition.

Section 7. Inconsistency. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. Severability. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 9. Effective Date. This ordinance shall take effect twenty (20) days following passage and publication, or as otherwise required by law, and upon filing with the Planning Board of the County of Bergen.

Vanessa Nienhouse, RMC

Mayor Albert J. Kurpis

Municipal Clerk

Borough of Saddle River, New Jersey

Introduced: _____, 2021

Adopted: _____, 2021