

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2024-04

**AN ORDINANCE AUTHORIZING AN AGREEMENT FOR THE SALE OF
CRANFORD TOWNSHIP PROPERTY TO PROVIDE AFFORDABLE HOUSING
OPPORTUNITIES FOR PEOPLE WITH DEVELOPMENTAL, EMOTIONAL,
PHYSICAL, OR SOCIAL DISABILITIES**

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Township filed a complaint on November 21, 2018 under caption In the Matter of the Township of Cranford, County of Union, Docket No. UNN-L-3976-18, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (HEFSP), hereinafter “Fair Share Plan”), satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, on July 25, 2022, the Court entered a Final Judgment of Compliance and Repose finding that the Township’s then-applicable HEFSP “is facially constitutionally compliant and provides a fair and reasonable opportunity for the Township to meet” its affordable housing obligations; and

WHEREAS, an element of the Township’s HEFSP to satisfy its affordable housing obligations is to create a fair and reasonable opportunity for the development of group housing for people with developmental, emotional, physical or social disabilities; and

WHEREAS, Community Access Unlimited Inc., (“CAU) with an address of 80 West Grand Street, Elizabeth, New Jersey 07202 is a New Jersey non-profit organization organized for the purpose of the education and treatment of person afflicted with developmental disabilities, as well as the provision of education, recreational, medical and social services to residents with developmental, emotional, physical or social disabilities; and

WHEREAS, the Township has entered into an agreement with CAU whereby the existing CAU Units will qualify as 6 affordable housing credits in satisfaction of the Township’s HEFSP; and

WHEREAS, in furtherance of the Township’s HEFSP, the CAU-Township Agreement further grants CAU an option to develop additional affordable housing credits by acquiring from the Township the real property known as Block 601, Lot 1.01, 104 McClellan Street, for the development of; and

WHEREAS, CAU, through its assignor, Community Property Management of N.J., Inc., intends to develop 104 McClellan Street as a single-story 4-bedroom home for the provision of housing, medical and social services to residents with developmental disabilities; and

WHEREAS, N.J.S.A.40A:12-21(h) & (l), a municipality may authorize the sale of

municipal land not then needed for municipal purposes for nominal consideration to a nonprofit organization for the purpose of treating and housing low and moderate income persons or handicapped persons, subject a right of reverter if said lands are not used in accordance with such purpose; and

WHEREAS, the Township Committee has determined that 104 McClellan Street is not needed for municipal purposes other than for the creation of housing for the treatment and housing low and moderate income persons or handicapped persons as called for in the Township’s HEFSP, and that conveyance of 104 McClellan Street for the creation of such housing is consistent with state law and the Township’s HEFSP.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford:

SECTION 1. The Mayor and Township Clerk are hereby authorized to execute all documents necessary and proper, including but not limited to a Purchase & Sale Agreement and Deed, for conveying 104 McClellan Street to CAU and/or its assignor Creative Property Management, of NJ, Inc. for nominal consideration for the creation of such housing is consistent with state law and the Township’s HEFSP, subject to a right of reverter if said lands are not used in accordance with such purpose.

SECTION 2. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Cranford, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Cranford are hereby ratified and confirmed, except where inconsistent with the terms hereof.

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. Upon final passage and publication according to law, this ordinance shall become effective immediately.

Introduced: February 6, 2024

Adopted: March 5, 2024

Approved:

Brian Andrews, Mayor
Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

RECORDED VOTE

Brian Andrews
Terrence Curran
Paul Gallo
Kathleen Miller Prunty
Gina Black

INTRODUCED

Aye
Aye
Aye
Aye
Aye

ADOPTED

Aye
Aye
Aye
Aye
Aye