

**CITY OF SALEM
ORDINANCE NO. 26-05**

**AN ORDINANCE AMENDING CHAPTER 130
OF THE CITY CODE REGARDING AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, in 1975, the New Jersey Courts announced in *Southern Burlington County N.A.A.C.P., et al, v. City of Mount Laurel*, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, *N.J.S.A. 52:27D-301*, et seq. (“FHA”); and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing (“COAH”), created an Affordable Housing Dispute Resolution Program within the Courts (the “Program”), and codified standards for complying with a municipality’s affordable housing obligation (“FHA Amendments”); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at *N.J.A.C. 5:99-1* et seq. (“Affordable Housing Regulations”), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1* et seq. (“UHAC”) to implement the FHA Amendments; and

WHEREAS, *N.J.S.A. 52:27D-304.1(f)(2)(a)* requires municipalities seeking to participate in the Program and secure immunity from exclusionary zoning lawsuits to prepare and adopt a housing element and fair share plan that sets forth a plan for providing for a municipality’s fair share of affordable housing, and *N.J.S.A. 52:27D-304.1(f)(2)(c)* requires municipalities to adopt ordinances to implement the housing element and fair share plan; and

WHEREAS, the Affordable Housing Ordinance must be adopted to comply with the FHA, the Affordable Housing Regulations and the amendments to UHAC; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Salem to amend Article 130, “Land Use,” of the City Code by adding **Part 9, “Affordable Housing,” Article XXXIV, “Affordable Housing General Provisions,” and “Section 130-216. General program purposes, procedures,”** in order to reflect the current laws as they relate to the provision of affordable housing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Salem, Salem County, State of New Jersey, as follows:

1. The City hereby amends Article 130, “Land Use,” of the City Code by adding **Part 9, “Affordable Housing,” Article XXXIV, “Affordable Housing General Provisions,” and “Section 130-216. General program purposes, procedures,”** as stated in **Exhibit A** attached hereto,
2. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

3. In the event any clause, section, or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the City Council that the balance of the Ordinance remain in full force and effect to the extent it allows the City to meet the goals of the Ordinance.

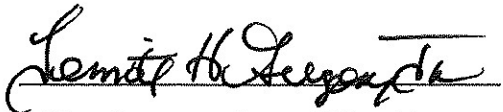
4. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

CITY OF SALEM



 Ben Angeli, RMC



 Tim Gregory, Council President

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline		X	X			
T. Gregory			X			
V. Jared			X			
S. Kellum						X
K. Henson						X
J. Long						X
J. Key			X			
E. Gage	X		X			

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Common Council of the City of Salem on February 23, 2026. Public Hearing shall take place on March 9, 2026.

2-23-26

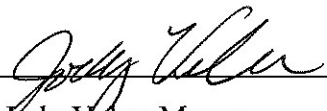
 Date



 Ben Angeli, RMC

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
S. Cline			X			
T. Gregory						X
V. Jared			X			
S. Kellum						X
K. Henson		X	X			
J. Long			X			
J. Key			X			
E. Gage	X		X			

3-9-26
Date


Dr. Jody Veler, Mayor

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Common Council of the City of Salem after a second reading and public hearing on March 9, 2026.

3-9-26
Date


Ben Angeli, RMC