



ORDINANCE (ID # 8567)

Ordinance No. 18-2024 AMENDING SECTION 34 OF CHAPTER 33 ENTITLED "GENERAL PROGRAM PURPOSES; PROCEDURE; DEFINITIONS" OF THE TOWNSHIP CODE FOR THE TOWNSHIP OF TEANECK BY DETAILING THE PAYMENT IN LIEU OPTION FOR PARTIAL OR FRACTIONAL AFFORDABLE HOUSING UNITS BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #18-2024 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

AMENDING SECTION 34 OF CHAPTER 33 ENTITLED "GENERAL PROGRAM PURPOSES; PROCEDURE; DEFINITIONS" OF THE TOWNSHIP CODE FOR THE TOWNSHIP OF TEANECK BY DETAILING THE PAYMENT IN LIEU OPTION FOR PARTIAL OR FRACTIONAL AFFORDABLE HOUSING UNITS

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #18-2024 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

07/16/24 Township Council INTRODUCED

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael S Pagan, Councilman
SECONDER:	Mark J. Schwartz, Councilman
AYES:	Katz, Schwartz, Orgen, Pagan, Belcher, Gee, Goldberg

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

**ORDINANCE NO. 18-2024 AMENDING SECTION 34 OF CHAPTER 33
ENTITLED "GENERAL PROGRAM PURPOSES; PROCEDURE;
DEFINITIONS" OF THE TOWNSHIP CODE FOR THE TOWNSHIP OF
TEANECK BY DETAILING THE PAYMENT IN LIEU OPTION FOR
PARTIAL OR FRACTIONAL AFFORDABLE HOUSING UNITS BE IT
RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TEANECK THAT ORDINANCE #18-2024 PASS UPON SECOND AND
FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY
AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME
ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE
NOTICES IN ACCORDANCE WITH LAW.**

WHEREAS, the Township of Teaneck (the "Township") has an obligation to provide affordable housing as prescribed by the New Jersey Supreme Court in Southern Burlington County, N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983) and Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151, cert. denied, 423 U.S. 808 (1975) and as codified in the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., which requires that every municipality has a constitutional obligation to provide for its fair share of its region's need for affordable housing; and

WHEREAS, the Township has complied with the requirements of the decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 be the New Jersey Council on Affordable Housing, 221, N.J. 1 (2015) through the adoption and implementation of an affordable housing plan through the enactment of inclusionary development ordinance which requires a 15% set aside of affordable housing for residential developments; and

WHEREAS, there exists a need for the Township to impose and collect a payment in lieu of an affordable unit for an obligation created for a partial or fractional unit.

NOW, THEREFORE, BE IT ORDAINED by the Township Council that:

SECTION I. Section 33-34 entitled "General program purposes; procedure; definitions", is hereby amended with the following:

§ 33-34 General program purposes; procedure; definitions.

(f) For a calculation of affordable housing units that results in a partial unit, a payment in lieu option is available to satisfy only the partial unit obligation subject to the following controls:

- i. The required subsidy for the payment in lieu option is \$180,000.00 per unit.
- ii. Payment in lieu of constructing affordable units may only represent partial or fractional units.

iii. The payment in lieu of a partial or fractional unit is based on the pro rata share of one unit. For example, if a project results in the obligation for 7.2 affordable units, the developer shall build 7 units in accordance with this section and pay the amount of \$36,000.00 as a payment in lieu for the fractional 0.2 unit obligation.

iv. Payments in lieu of constructing affordable units shall be deposited into the Borough's affordable housing trust fund pursuant to N.J.A.C. 5:97-8.4 and shall be subject to the provisions thereof.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

ATTEST:



Doug Ruccione
Township Clerk



Michael Pagan,
Mayor