

**CITY OF NORTHFIELD
COUNTY OF ATLANTIC, STATE OF NEW JERSEY
ORDINANCE NO. 10-2020**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF
THE CITY OF NORTHFIELD: SECTION 215, ARTICLE VB, ENTITLED
“HOUSING ELEMENT AND FAIR SHARE PLAN” AND ARTICLE XI,
ENTITLED “ZONING AND DISTRICT REGULATIONS”**

WHEREAS, the City of Northfield Code Section 215, Article VB governs the City’s affordable housing program; and

WHEREAS, the Council of the City of Northfield desires to amend various sections and sub-sections of Chapter 215, Article VB of the Northfield Code; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Northfield, County of Atlantic, and State of New Jersey that Chapter 215, Article VB of the Code of the City of Northfield is hereby amended as follows:

Section 1. Chapter 215, Article VB of the Code of the City of Northfield shall be amended to add the following (added text underlined; deleted text ~~stricken~~):

ARTICLE VB. HOUSING ELEMENT AND FAIR SHARE PLAN

§215-56.11. Affordable Housing Obligation.

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. On the first anniversary of the execution of the Settlement Agreement, April 27, 2018, and every anniversary thereafter through July 2, 2025, the City will provide an annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center (“FSHC”), or any other forms endorsed by the Special Master and FSHC. In addition to the foregoing, the City may also post such activity on the CTM system and/or file a copy of its report with the Council on Affordable Housing or its successor agency at the State level.
- F. The Fair Housing Act includes two provisions regarding actions to be taken by the City during the ten-year period of protection provided by the FSHC Agreement. The City will comply with these provisions as follows:

(1) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the City will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Housing Element and Fair Share Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to create a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms established to address the City’s “unmet need” should be revised or supplemented. Any interested party may, by motion, request a hearing before the Court regarding these issues.

(2) 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 FSHC Agreement, or April 27, 2018, and every third year thereafter, the City will post on its municipal website, with a copy to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the requirement that thirteen percent (13%) of the affordable units in each project will be made available to very-low income households in the housing region. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation under the terms of its settlement with FSHC.

(3) In addition to the foregoing postings, the City may also elect to file copies of its reports with the Council on Affordable Housing, or its successor agency at the State level.

§215-56.12. Definitions.

No change.

§215-56.13. Affordable Housing Programs.

The City of Northfield will use the following mechanisms to satisfy its affordable housing obligations:

A. A Rehabilitation program.

(1) The City of Northfield and Fair Share Housing Center have agreed upon a rehabilitation obligation of seventeen (17) units. The City shall enact or amend a development fee ordinance, under separate action, that will set aside funds into an Affordable Housing Trust Fund. The monies within said fund shall be utilized to rehabilitate twenty existing units from the City’s housing stock and occupy each rehabilitated unit with a low or moderate income household. The

City will implement its rehabilitation program through the assistance of its Administrative Agent, an adopted Spending Plan, and will ensure enough funds are available to rehabilitate twenty units. Any renovation of deficient housing units to be occupied by low- and moderate-income households will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.

- (2) All rehabilitated rental or owner-occupied units shall remain affordable to low-and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
- (3) The City of Northfield shall dedicate an average of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
- (4) The City of Northfield shall designate, subject to the approval of the Court, one Administrative Agent to administer the rehabilitation program in accordance with N.J.A.C. 5:91 and N.J.A.C. 5:93. The Administrative Agent shall provide a rehabilitation manual for both rental and owner occupant rehabilitations. These manuals when created will be reviewed by the governing body and adopted by resolution subject to approval of the Court. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the Office of the Administrative Agent.
- (5) Units in a rehabilitation program shall be exempt from N.J.A.C. 5:93-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:

 - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.
 - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.
 - (c) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9.
 - (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

B. Percentage of Mandatory Set Asides for All Future Residential Developments.

1. If the City permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, at a gross residential density of 6 units to the acre or more, the City shall require that an appropriate percentage of the residential units be set aside for low and moderate income households. This requirement shall apply beginning with the effective date of this ordinance to any multi-family or single-family attached residential development, including the residential portion of a mixed-use development, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the City’s Planning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage is 20 percent; for projects in which the low and moderate income units are to be offered for rent, the appropriate set-aside percentage is 15 percent. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in the Settlement Agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein, though all other provisions of this ordinance besides Section 3 paragraph b shall be applicable to those sites unless otherwise specified.
2. Furthermore, this section shall not apply to developments containing four (4) or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.

C. Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement:

Minimum Percentage of Low- and Moderate-Income Units Completed	Maximum Percentage of Market-Rate Units Completed
0	25
10	25 + 1 Unit
75	75
100	90

- D. Fractional Units. If 20% of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.
Example: an 8-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide two on-site affordable units.
- E. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- F. Off-site construction. The standards for constructing affordable units off-site, shall be in accordance with the City’s recommendations, provided that at least the same number of affordable units are provided, at least half of the affordable units are available to families, and not more than 25% are age-restricted, and the affordable units provided are otherwise consistent with the terms of the Settlement Agreement.
- G. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

§215-56.14. New Construction.

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low-and moderate-income housing units.

- A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units: No change.
- B. Accessibility Requirements: No change.
- C. Maximum Rents and Sales Prices
 - (1) No change.
 - (2) No change.
 - (3) No change.
 - (a) No change.
 - (4) No change.
 - (5) No change.
 - (6) No change.
 - (7) No change.
 - (8) No change.
 - (9) No change.
 - (10) No change.

(11) Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the City annually within 30 days of the publication of determinations of median income by HUD as follows:

- (a) Regional income limits shall be established for the Region 6 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 6. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average medium income for a family of four. The income limit for a very-low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- (b) The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the City updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the City annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

(12) Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§215-56.15. Affirmative Marketing Requirements.

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. The Affirmative Marketing Plan Resolution shall include the following information:
 - (1) All affordable housing units shall be marketed in accordance with the provisions herein.
 - (2) The City of Northfield has an affordable housing obligation. This subsection shall apply to all developments that contain proposed low- and moderate-income units and any future developments that may occur.
 - (3) In implementing the affirmative marketing program, the Municipal Housing Liaison shall undertake all of the following strategies:
 - (a) Publication of one advertisement in a newspaper of general circulation within the Housing Region.
 - (b) Broadcast of one advertisement by a radio or television station broadcasting throughout the Housing Region.
 - (c) At least one additional regional marketing strategy using one of the other sources listed below.
 - (4) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, to housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which

the municipality is located and covers the period of deed restriction. The City of Northfield is in the Housing Region 6 consisting of Atlantic, Cape May, Cumberland and Salem Counties. The affirmative marketing program is a continuing program and shall meet the following requirements:

(a) All newspaper articles, announcements and requests for applications for low- and moderate-income units shall appear in the following daily regional newspaper/publication:

- (i) The Atlantic City Press.
- ii) The Daily Journal
- (iii) The Atlantic County Record

(b) The primary marketing shall take the form of at least one press release sent to the above publication and a paid display advertisement in the above newspaper. Additional advertising and publicity shall be on an "as needed" basis. The developer shall disseminate all public service announcements and pay for display advertisements. The developer shall provide proof of publication to the Housing Administrator. The Housing Administrator shall approve all press releases and advertisements in advance. The advertisement shall include a description of the:

- (i) Location of the units;
- (ii) Direction to the units;
- (iii) Range of prices for the units;
- (iv) Size, as measured in bedrooms, of units;
- (v) Maximum income permitted to qualify for the units;
- (vi) Location of applications;
- (vii) Business hours when interested households may obtain an application; and
- (viii) Application fees, if any.

(c) All newspaper articles, announcements and requests for applications for low- and moderate-income housing shall appear in the following neighborhood-oriented ~~daily~~ / weekly newspapers within the region:

- (i) ~~Atlantic City Press.~~The Press of Atlantic City
- (ii) The Daily Journal.
- (iii) Atlantic County Record.

- (d) The following regional cable television station or regional radio station shall be used. The developer must provide satisfactory proof of public dissemination:
- (i) WSJO 104.9.
 - (ii) New Jersey 101.5 FM.
 - ~~(iii) News Channel 40.~~
- (e) The following is the location of applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program:
- (i) City of Northfield Municipal Building.
 - (ii) Atlantic County Public Library and Branches.
 - (iii) City of Northfield Web site.
 - (iv) Developer's sales office.
 - (v) Municipal libraries and municipal administrative buildings in the region.
 - (vi) Atlantic County Office of Municipal and County Government Services.
 - (vii) Atlantic County Housing Authority.
- (f) The following is a listing of community contact person(s) and/or organizations(s) in Atlantic, Cape May, Cumberland and Salem that will aid in the affirmative marketing program with particular emphasis on contracts that will reach out to groups that are least likely to apply for housing within the region:
- (i) Lions club.
 - (ii) Habitat for Humanity.
 - (iii) Rotary Club.
 - (iv) Houses of worship.
 - (v) New Jersey Housing Resource Center.
 - (vi) Fair Share Housing Center
 - (vii) The New Jersey State Conference of the NAACP
 - (viii) Latino Action Network
 - (ix) Mainland/Pleasantville, Mizpah, Atlantic City and Cape May County branches of the NAACP
- (g) Quarterly flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:
- (i) Atlantic County Board of Realtors
 - (ii) Cape May County Board of Realtors
 - (iii) Cumberland County Board of Realtors
 - (iv) Salem County Board of Realtors

(5) Applications shall be mailed to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office.

(6) Additionally, quarterly informational circulars and applications shall be sent to the chief administrative employees of each of the following agencies in the counties of Atlantic, Cape May, Cumberland and Salem:

- (a) Welfare or social services board
- (b) Rental assistance office (local office of DCA)
- (c) Office on Aging
- (d) Housing Agency or Authority
- (e) Library
- (f) Area community action agencies

(7) A random selection method to select occupants of low- and moderate-income housing will be used by the Municipal Housing Liaison, in conformance with N.J.A.C. 5:80-26.16 (1).

I. The Municipal Housing Liaison is the person responsible to administer the program. The Municipal Housing Liaison has the responsibility to income qualify low- and moderate-income households; to place income-eligible households in low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of low- and moderate-income units with income-qualified households; to continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26. The Municipal Housing Liaison within the City of Northfield is the designated housing officer to act as liaison to the City Administrator. Also, the Municipal Housing Liaison shall direct qualified low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law.

J. All developers of low- and moderate-income housing units shall be required to assist in the marketing of the affordable units in their respective developments.

K. The marketing program shall commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program shall continue until all low-income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continue to be necessary.

L. The Municipal Housing Liaison will comply with monitoring and reporting requirements as per N.J.A.C. 5:80-26

§215-56.16. Occupancy Standards.

- A. No change.
- B. No change.

§215-56.17. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.

§215-56.18. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- A. No change.
- B. No change.
- C. No change.
- D. No change.

§215-56.19. Buyer Income Eligibility.

- A. No change.
- B. No change.

§215-56.20 Limitations on indebtedness secured by ownership unit; subordination.

- A. No change.
- B. No change.

§215-56.21. Control Periods for Restricted Rental Units.

- A. No change.
- B. No change.
- C. No change.

§215-56.22. Price Restrictions for Rental Units; Leases.

- A. No change.
- B. No change.
- C. No change.

§215-56.23. Tenant Income Eligibility.

- A. No change.
- B. No change.
- C. No change.

§215-56.24. Administration.

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.

§215-56.25. Enforcement of Affordable Housing Regulations.

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. No change.

§215-56.26 Appeals.

No change.

Section 2. Chapter 215, Article XI of the Code of the City of Northfield shall be amended to add the following (added text underlined; deleted text ~~stricken~~):

ARTICLE XI. ZONING AND DISTRICT REGULATIONS

§ 215-162.1 Affordable Housing 2 - Overlay District (AH2).

- A. No change.
- B. No change.
- C. Standards:
 - (1) No change.
 - (2) A housing density of 16.5 units per acre is permitted on the maximum area of 6 acres, for a maximum yield of 100 units.
 - (3) No change.

Section 3. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 5. This ordinance shall take effect in accordance with applicable law.

Mary Canesi, RMC Municipal Clerk	Erland Chau Mayor
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The above Ordinance was introduced and passed on its first reading at a regular meeting of the Council of the City of Northfield, New Jersey held on May 26, 2020, and pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26, shall be referred to the City of Northfield Planning Board for review; the matter will be taken up for a second reading, public hearing and final passage at a meeting of said Council held on July 14, 2020, at 7:00pm, in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING:	May 26, 2020
PUBLICATION:	May 30, 2020
SECOND READING:	July 14, 2020
PUBLICATION:	July 18, 2020