

ORDINANCE NO. 14-2022

AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION, AND REVISION OF "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" TO PROVIDE MILITARY VETERANS WHO QUALIFY WITH PREFERENCE ON AFFORDABLE HOUSING ASSISTANCE.

WHEREAS, the State of New Jersey has adopted legislation to provide preference to military veterans who qualify for affordable housing assistance; and

WHEREAS, the legislation providing preference to military veterans is codified in N.J.S.A 52:27D-311(j); and

WHEREAS, the Mayor and Borough Council of the Borough of Morris Plains are desirous of providing preference to qualifying military veterans for affordable housing assistance and amending "Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance" accordingly.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

§ 13-2.1, DEFINITIONS in chapter 13 is hereby amended, supplemented, and revised to include the definition of "MILITARY VETERAN" as follows:

MILITARY VETERAN

Any citizen and resident of this state honorably discharged or released under honorable circumstances from active service in any branch of the Armed Forces of the United States.

Section 2:

§ 13-5.13 (B) (3) entitled "Section of Occupants of Affordable Housing Units" designated in Chapter 13 of the Revision is hereby amended, supplemented, and revised by deleting the following language:

(3) Selection of occupants of affordable housing units.

(3.1) The Administrative Agent shall use a random selection process to select occupants of the very-low, low-, and moderate-income housing.

(3.2) A waiting list of all eligible candidates will be

maintained in accordance with provisions of N.J.A.C. 5:80-.26 et seq.

And inserting the following in its place and stead:

(3) Selection of occupants of affordable housing units.

(3.1) The Administrative Agent shall use a random selection process to select occupants of the very-low, low-, and moderate-income housing.

(3.2) A waiting list of all eligible candidates will be maintained in accordance with provisions of N.J.A.C. 5:80-.26 et seq.

(3.3) The Borough may enter into an agreement with a developer or residential development owner to provide a preference for affordable housing to low to moderate income veterans who served in time of war or other emergencies, as defined in Section 13-2.1 herein, of up to 50 percent of the affordable housing units in that particular project. This percent preference shall be established in the applicant selection process for available affordable units so that applicants who are veterans who served in times of war or other emergency, as referenced in this section, and who apply within 90 days of the initial marketing period shall receive preference for the rental of the agreed-upon percentage of affordable units. After the first 90 days of the initial 120-day marketing period, if any of those units subject to the preference remain available, then applicants from the general public shall be considered for occupancy. Following the initial 120-day marketing period, previously qualified applicants and future qualified applicants who are veterans who served in times of war or other emergency, as referenced in this section, shall be placed on a special waiting list as well as the general waiting list. The

veterans on the special waiting list shall be given preference for affordable units, as the units become available, whenever the percentage of preference-occupied units falls below the agreed upon percentage.

Section 3:

All other provisions of the aforesaid Chapter 13 of the Revised Ordinances shall be unaffected and are hereby continued.

Section 4:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: September 1, 2022

Adopted: September 15, 2022

/s/ Jason Karr