

NOTICE OF PENDING ORDINANCE
NOTICE IS HEREBY GIVEN

that at a virtual meeting of the Council of the Borough of North Plainfield held on November 17, 2020 there was introduced and read for the first time, and passed on such first reading, an ordinance, a true copy whereof is printed below and that said Council did then and there fix the regular meeting of said Council to be held on December 14, 2020 at 7:30 p.m. or as soon thereafter as the matter may be heard, and the Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey as the place when and where said ordinance will be further considered for final passage, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

The said ordinance as introduced and passed on first reading as aforesaid is in the following words and figures:

ORDINANCE NO. 20-13

**ORDINANCE ADOPTING AN UPDATED AFFORDABLE HOUSING
TRUST FUND SPENDING PLAN FOR THE
BOROUGH OF NORTH PLAINFIELD**

WHEREAS, the Borough has adopted a development fee ordinance creating a dedicated revenue source for affordable housing and establishing an Affordable Housing Trust Fund; and,

WHEREAS, N.J.A.C. 5:97-8.1(d) requires that a municipality with an affordable housing trust fund receive approval of a spending plan from the Council on Affordable Housing or a Court prior to spending any of the funds in its affordable housing trust fund; and,

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;

7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. A plan to spend the trust fund balance in accordance with an implementation schedule approved by the Council;

9. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

10. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough's planning consultant, Phillips Preiss Grygiel Leheny Hughes LLC, has prepared an updated Affordable Housing Trust Fund Spending Plan for the Borough consistent with the requirements set forth above; and;

WHEREAS, the Borough has submitted the updated Affordable Housing Trust Fund Spending Plan to the Court for its review and approval as part of its obligations under the Settlement Agreement between the Borough of North Plainfield and the Fair Share Housing Center; and,

WHEREAS, the Court has entered a Conditional Judgment of Compliance and Repose, which will provide the Borough and the Borough Planning Board and Borough Zoning Board of Adjustment with immunity from Mount Laurel lawsuits through July 1, 2025, subject to certain conditions identified by the Court-appointed Special Master, one of which is that the Borough adopt an ordinance adopting the updated Affordable Housing Trust Fund Spending Plan for the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the updated Affordable Housing Trust Fund Spending Plan is hereby adopted.

BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

Copies of the full Ordinance are on file with the Borough Clerk of the Borough of North Plainfield in the Municipal Building, 263 Somerset Street, North Plainfield, New Jersey. Copies may be obtained upon request and a copy is posted on the Bulletin Board in the Municipal Building reserved for such purpose.

Richard K. Phoenix, RMC
Borough Clerk

