

UL v. Cateret, Old Bridge

(year?) 1985 December

- Old Bridge Twp Ordinances
- ordinance amendment
- cover memo

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ALAN

These are the ordinances that were passed by Old Bridge in December. Jerry Convery tells me that last Monday they introduced on first reading an amendment to the zoning ordinance to provide an option, to developers of less than 100 total units, to make a contribution of \$3,000 per market unit in lieu of the 10% construction. He has asked me to provide any additional needed amendments. I will be drafting same between now and Tuesday. Apparently his original draft was based on South Plainfield's and South Brunswick's ordinances. I would like to check with you sometime probably Tuesday on what we consider the minimal essential additional elements; we can't do as fancy a job as in North Brunswick -- we can only do "technicals" and those substantive changes that we can slip by the Council. On substance, things like minimum square footage, dispersals and contributions to the Urban League have, I believe been okayed. Also you will be getting an express mail package Monday or Tuesday with the complete O & Y agreement. I know you will not enjoy having to read this stuff, but having come this far I feel it is important that we do the best we can to lock them in to a semi-decent ordinance, especially since even the Court indicated it might condition transfers upon maintenance of existing ordinances.

Speak to you next week.

ERIC



OLD BRIDGE TOWNSHIP
ORDINANCE NO. 55-85

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF OLD BRIDGE, CHAPTER XX.

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, New Jersey that Chapter XX, Land Development Ordinance be amended by adding:

Section 4-8 GENERAL REGULATIONS CONCERNING AFFORDABLE HOUSING

(Mount Laurel II)

4-8:1 General Regulations for all Residential Development.

4-8:1.1 The purpose of these special regulations is to satisfy a Judgement of the Superior Court of New Jersey in Urban League of Greater New Brunswick, et. al. v. Mayor and Council of the Borough of Carteret, et. al.

- a. Each application for development shall comply with all provisions of the "Affordable Housing Ordinance of the Township of Old Bridge.
- b. Each application for development subject to these provisions shall clearly state the number of low and moderate income units, as defined in the Affordable Housing Ordinance and each resolution of approval shall clearly state the number of low and moderate income units that are approved as part of the development.
- c. Each approved development subject to these provisions shall contain moderate income units, in a minimum of five percent (5%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone, and low income units minimum proportion of five percent (5%) of the total number of units that may be developed, assuming full development at the maximum gross density allowed by right in the zone.
- d. Any approval of a development application subject to these provisions shall require that construction of the low and moderate income units be phased in with the balance of the development in accordance with the following standard:

Number of market units completed as a % of total number of units approved	Number of low or moderate income units
Not more than 25%	At least 25%
50%	60%
75%	85%
90%	100%

*no cash
w/plan.*

To implement this requirement, certificates of occupancy shall not be issued for more than 25% of the total number of market units until certificates of occupancy have been issued for at least 25% of the total number of low or moderate income units; certificates of occupancy shall not be issued for more than 50% of the total number of market units until certificates of occupancy have been issued for at least 60% of the total number of low or moderate income units; certificates of occupancy shall not be issued for more than 75% of the total number of market units until certificates of occupancy have been issued for at least 85% of the total number of low or moderate income units; and certificates of occupancy shall not be issued for more than 90% of the total number of market units until certificates of occupancy have been issued for 100% of the low or moderate income units. Where construction of low or moderate income units is being phased in with the balance of a development, each phase shall include a mixture of low and moderate income units reasonably consistent with the percentage distribution of each category within the development as a whole.

- e. No more than fifty percent (50%) of the low or moderate income units in any development subject to these provisions shall be (1) bedroom units or efficiency units. In developments containing one hundred (100) or more low or moderate income units, at least twenty percent (20%) of these units shall be three (3) bedroom units or larger, except for units in senior citizen complexes. Construction of the various-sized units shall be phased proportionately according to the standard set forth above.
- f. No more than thirty percent (30%) of the total number of low or moderate income units that may be developed in any development subject to these provisions may have occupancy restrictions based on the age of household members, except if Senior Citizen projects are proposed. Where such age restrictions are permissible, occupancy shall be restricted to persons aged sixty-two (62) or over. The Township may not require a developer of low or moderate income housing to impose any age-based occupancy restrictions with respect to such units as a condition of approval. waiver of assistance.

4-8:2 Manufactured or Modular Housing

4-8:2.1 Manufactured housing, including modular, is permitted in all residential zones.

This ordinance shall become effective twenty (20) days after publication in accordance with law.

3/20/2014
see NY V. Ord.

OLD BRIDGE TOWNSHIP
ORDINANCE NO. 54-85

AN ORDINANCE TO ESTABLISH AN AFFORDABLE HOUSING AGENCY,
TO ESTABLISH A HOUSING REHABILITATION, CONVERSION AND
ASSISTANCE FUND AND TO ESTABLISH THE POSITION OF
EXECUTIVE DIRECTOR; AFFORDABLE HOUSING, AND TO ESTABLISH
PROCEDURES FOR OCCUPANCY OF LOW AND MODERATE INCOME
HOUSING.

I. PURPOSE. The purpose of this Ordinance is to create the
administrative mechanisms to carry out Old Bridge Township's responsibility
to assist in making available affordable housing resulting from Mount Laurel
II.

II. AFFORDABLE HOUSING AGENCY.

A. Establishment of the Agency:

There is hereby established an Affordable Housing Agency, composed
of an Affordable Housing Board, to set policy and make recommendations to
the Mayor and Council of the Township of Old Bridge; an Executive Director,
required to carry out the policies established by the Board and to carry out
the day-to-day administrative tasks of the Agency, and to supervise such
employees as may be required to carry out the tasks set by the Board within
the limit of funds appropriated thereto.

B. Establishment of Affordable Housing Board.

There is hereby established in the Township of Old Bridge an
Affordable Housing Board which shall consist of five members appointed by
the Mayor, with the advice and consent of the Council. The Board shall
have such powers and duties as specified below:

1. *At least 1
resident*
Members of Board and Term of Office. The Board shall be
composed of one member of the governing body, whose
appointment shall be for one year, a member of the Planning
Board and three additional residents of the Township whose
term shall be three years each, except when the Board is
initially appointed one member shall be appointed for one
year, one member for two years and the third member for
three years. Appointments to fill vacancies resulting from
resignations or removal from office shall be for the departing
member's unexpired term.
2. Powers of Affordable Housing Board. The powers of the
Affordable Housing Board shall be as follows:
 - a. *time
limits*
To recommend to the Mayor and Council the person or
organization to be appointed Executive Director;
Affordable Housing, and the amount of compensation
to be paid to that person or organization.
 - b. To recommend to Mayor and Council the adoption of rules
and regulations:

- 1) For the sale or rental of affordable housing units to lower income persons pursuant to the settlement agreement and the laws of the State of New Jersey.
- ii) To assure that housing units built, renovated or converted to lower income housing pursuant to the settlement agreement remain available to lower income persons.
- iii) To establish eligibility criteria for persons wishing to purchase or rent lower income housing in the Township in accordance with the settlement agreement and the laws of New Jersey.
- iv) To establish screening mechanisms to assure that the affordable housing is allocated only to lower income persons.
- v) For the administration of all funds made available to the Township for lower income housing from developers or public sources in accordance with Section IV of this Ordinance.
- vi) To establish a method of regulating the resale of lower income units so as to allow lower income persons to recoup the value of improvements to the units while at the same time providing for the recapture of any windfall profits from the resale of the units.
- vii) To establish a method of calculating the rents and other charges for lower income rental units and to assure lower income units are rented to and remain in possession of only lower income persons.
- viii) To provide for a fair and equitable disbursement of funds from the Housing Rehabilitation, Conversion and Assistance Fund, to the extent funds are available, for down payment assistance for the purchase of lower income units, conversion of existing units for use by lower income persons, rehabilitation of substandard housing occupied by lower income persons and such other projects or assistance which assist in providing for affordable housing in the Township of Old Bridge and which are authorized by law.
- ix) Regarding applications by builders for relief from the pricing requirements of lower income units, but not in excess of those prices that would make a lower income unit unaffordable to at least some segment of either the low or moderate income housing market.
- x) To carry out such additional responsibilities as are necessary to fulfill the Township's affordable housing program in accordance with the settlement and the laws of New Jersey.

define

3. To recommend to the Mayor and Council the methods to be used for housing surveys to be conducted to ascertain the extent and location of substandard housing in Old Bridge and, upon authorization by the Mayor and Council, to conduct such surveys or to have such surveys conducted.

4. To seek out sources of government funding that will assist the Township to meet its goals of supplying affordable housing and, upon the authorization of the Mayor and Council, to prepare and submit applications to secure such funding.

5. To prepare an annual budget for the Affordable Housing Agency including salaries and expenditures to be incurred in administering the units built as a result of the settlement agreement, but not including any expenditure for rehabilitation, conversion or down payment assistance. The budget is to be prepared in accordance with good municipal accounting procedure and approved by the Mayor and Council as part of the municipal budget.

6. To recommend to the Mayor and Council disbursement of funds from the Rehabilitation, Conversion and Assistance Fund, if such funds are available, for rehabilitation and conversion of housing and down payment assistance in accordance with Section IV hereof.

7. To carry out such other activities as may be authorized by law to carry out the obligations of the Township to assist in providing affordable housing.

III. HOUSING REHABILITATION, CONVERSION AND ASSISTANCE FUND.

A. Creation of Housing Rehabilitation and Conversion Fund.

1) There is hereby created a Housing Rehabilitation, Conversion and Assistance Fund of the Township of Old Bridge.

not in 55-85
2) Funds collected from residential developers resulting from Ordinance #55-85, as well as funds contributed by Woodhaven Village, Inc. as a result of the Settlement Agreement, shall be paid to and deposited by the Township Treasurer in an interest bearing account designated as the "Housing Rehabilitation, Conversion and Assistance Fund of the Township of Old Bridge ("Trust Fund").

3) Funds which may be received from government sources shall be paid to and deposited by the Township Treasurer in the Trust Fund, except if required by the funding source, they shall be held in a separate account and administered as required by the funding source.

B. Collection of Fees for Housing Rehabilitation, Conversion and Assistance Fund.

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1) Prior to the Planning Board granting final approval to any applicant seeking to develop residential housing or to build residential housing without building lower income housing on site, as permitted by Ordinance #55-85, the Planning Board shall determine the amount of fees due from the application to the Ordinance.

2) The resolution adopted by the Planning Board shall condition approval upon payment of the required fee upon issuance of a building permit for the approved use. A copy of this resolution shall be supplied to the building inspector and the Executive Director: Housing.

C. Disbursements from Housing Rehabilitation, Conversion and Assistance Fund.

1) The Affordable Housing Agency, subject to the approval of the Mayor and Council, may authorize disbursements from the Housing Rehabilitation, Conversion and Assistance Fund only if:

a) Rehabilitation: In the case of funds sought for rehabilitation purposes, the Executive Director certifies that:

*not only -
previous use*

- 1) He has examined the application submitted by the household and determined that the intended recipient is a qualified low or moderate income family according to income limits determined by the Affordable Housing Agency for that year;
- ii) The applicant's housing unit has been inspected and the existence of the health and safety code violations which the applicant seeks to remedy through the use of proceeds from the Fund has been verified;
- iii) The rehabilitation activity will result in the dwelling unit being free of code violations; and
- iv) The applicant has executed an agreement to use the funds only for the approved purposes and to rent or sell the unit only to a qualified low or moderate income family; and the agreement also requires the applicant, upon receipt of funds, to record a deed covenanting for ten (10) years to allow occupancy only by low or moderate income families pursuant to a properly issued certificate of occupancy and to otherwise comply with the rules and regulations of the Affordable Housing Agency.

IV. EXECUTIVE DIRECTOR: HOUSING

A. Establishment of position of Executive Director: Housing:

There is hereby established the position of Executive Director of the Affordable Housing Agency for the Township of Old Bridge, referred to herein as Executive Director: Housing. The Executive Director shall be appointed by the Mayor and Council and may be a full or part-time municipal employee, a consultant or a government agency contracted by the Township to perform the duties and functions of the Executive Director.

B. Compensation.

Compensation shall be initially fixed by the Mayor and Council at the time of the appointment of the Executive Director, upon the recommendation of the Affordable Housing Agency.

C. Powers and Duties.

It shall be the responsibility of the Executive Director:

- 1) To administer the affordable housing program of the Township of Old Bridge in accordance with the settlement and Rules and Regulations of the Affordable Housing Agency.

2) To maintain waiting lists of households which may be eligible to rent or purchase lower income dwelling units or to obtain funding from the Housing Rehabilitation, Conversion and Assistance Fund of the Township from such other state funded program as may be available to qualified applicants in the Township.

3) To advertise the initial availability of lower income housing units, when they become available.

4) To advertise the availability of funds for housing rehabilitation, or other programs established by the Agency, if and when such funds are available.

5) To maintain up-to-date records of all deed restricted lower income housing units in the Township.

6) To monitor all transfers of ownership and changes of occupancy of all deed restricted lower income housing units and to oversee the placement of qualified household in lower income housing units and to enforce the provisions of the settlement and perform all of the administrative duties and functions outlined therein.

7) To advise the Planning Board and Zoning Board with respect to their approvals of lower income housing units and as to developer contributions to the Housing Rehabilitation, Conversion and Assistance Fund.

8) To maintain detailed records of the income and expenditure from the Housing Rehabilitation, Conversion and Assistance Fund of the Township of Old Bridge and any other grant monies received.

9) To perform the administrative functions associated with any State funded housing rehabilitation or down payment assistance program, once such program has been funded.

10) To arrange for such inspections of any lower income housing units necessary to carry out the requirements of this Ordinance, the settlement, or any rules and regulations promulgated by the Affordable Housing Agency.

11) To carefully record the progress of construction of lower income housing within the Township, and to perform the certification as to developer's adherence to the agreements, as provided in the settlement agreement and the Court Order or such additional Orders as may be issued by the Superior Court of the State of New Jersey;

12) To carry out such additional duties as may be required of the Executive Director by any rules and regulations promulgated by the Affordable Housing Agency.

V. PROCEDURAL MECHANISMS

A. Definitions.

The following terms wherever used or referred to in this section shall have the following meanings unless a different meaning clearly appears from the context:

- (a) "Affordable Housing Agency" shall mean the Agency referred to in Article X of this Ordinance or its designee.
- (b) "Income Ceiling" shall mean 80% of the regional median income for moderate income households and 50% of the regional median income for low income households.

- (c) "Low Income Household" shall mean a household whose income does not exceed 50% of the regional median income, with adjustments for household size as determined by the Affordable Housing Agency.
- (d) "Low Income Unit" shall mean a dwelling unit which is subject to the price and occupancy requirements of this section and whose sales price or rental charge does not exceed the maximum price or charge that is affordable by low income households.
- (e) "Moderate Income Household" shall mean a household whose income is greater than 50%, but does not exceed 80%, of the regional median income, with adjustments for household size, as determined by the Affordable Housing Agency.
- (f) "Moderate Income Unit" shall mean a dwelling unit which is subject to the price and occupancy requirements of this section and whose sales price or rental charge does not exceed the maximum price or charge that is affordable by moderate income households.
- (g) "Regional Median Income" shall mean the median income for the present housing need region identified in the opinion of the Superior Court in AMG Realty Company v. Township of Warren, dated July 16, 1984. For ease of calculation, regional median income shall be deemed to mean 94% of the median income of the Primary Metropolitan Statistical Area (PMSA) in which Middlesex County is located.

B. General Provisions

1. Wherever reference is made to low or moderate income units in the Zoning Ordinance, the standards, qualifications, definitions, and procedures set forth in this section shall apply.
2. Except as otherwise expressly provided herein, no low or moderate income unit shall be offered for sale or rental except at prices that are affordable to low or moderate income households.
3. Except as otherwise expressly provided herein, no low or moderate income unit shall be sold, resold, rented or, re-rented except to a household that has been qualified as a low or moderate income household.
4. A covenant embodying these restrictions shall be recorded with the deed for all sales of property subject to the provisions of this section.

C. Qualification of Low and Moderate Income Households.

A prospective purchaser or renter of a low or moderate income unit must be qualified as a low or moderate income household by the Affordable Housing Agency prior to the purchase or sale of such unit. In making this determination, the Affordable Housing Agency shall apply the standards contained in the definitions of low and moderate income household set forth in Section A of this Ordinance. The Affordable Housing Agency shall periodically recalculate the regional median income and determine adjustments for household size based on changes in the official estimates of the median income for the Primary Metropolitan Statistical Area (PMSA) in which the Township is located.

D. Determination of Maximum Sales Prices and Rental Charges.

Prior to the sale, resale, rental or re-rental of a low or moderate income unit, the Affordable Housing Agency shall determine the maximum sales price or rental charge that may be charged for that size unit in each income category.

1. Maximum Sales Price

The following procedure shall apply to determine maximum sales price:

- (a) A base price shall be calculated such that the sum of the monthly payments for principal, interest, taxes, fire, theft and liability insurance, and homeowner association fees, if any, shall not exceed 28% of the low or moderate income ceiling determined in accordance with Section C. A ten percent (10%) down payment requirement and a thirty (30) year mortgage term shall be assumed in making this calculation.

In calculating the monthly interest payment, the interest rate provided by the developer as being available to the subject development shall be utilized if the Affordable Housing Agency determines that it is in fact reasonably available to low or moderate income households. If the developer or any other entity offers to buy down the prevailing interest rate for a minimum of three years commencing at the time of purchase, and the terms of the buydown provide that the increase in interest rate charged does not exceed one half of one percent (0.5%) per year during the period of the buydown, the interest rate for the first year of the buydown period shall be used in the above calculation to determine monthly interest payment. If the increase in the interest rate exceeds one-half of one percent (0.5%) per year, the average interest rate for the period of the buydown shall be used.

If the developer proposes that an adjustable rate Mortgage (ARM) be used to calculate the monthly interest rate payment, the initial interest rate of that mortgage shall be used only if the maximum annual average increase does not exceed one half of one percent (0.5%). Otherwise, a rate which is the average of the initial interest rate and the highest possible rate in effect after three years shall be used.

- (b) In order to assure that low and moderate income units are affordable by households whose income is less than the low or moderate income ceiling, the maximum sales price that may be offered for each such unit shall not exceed ninety percent (90%) of the base price for that size unit in each category of low or moderate income housing.
- (c) Prior to final approval of any development subject to these provisions, the Affordable Housing Agency shall determine the maximum sales prices by unit size for the low and moderate income units in the development and shall so notify the developer. These prices shall remain in effect for a period of one year or until all of the low and moderate income units have been sold, whichever occurs first. The developer may request a modification of the maximum sales prices at any time by applying to the Affordable Housing Agency for

recalculation of these prices based on changes in any of the factors used to calculate these prices.

- (d) Prior to the resale of any low or moderate income unit, the Affordable Housing Agency shall determine the maximum sales price for that unit in accordance with a formula developed by the Agency which takes into account increases in a generally accepted price or income index, reasonable improvements to the property as determined by the Agency, and reasonable out-of-pocket costs of the sale as determined by the Agency, and which, to the extent feasible, ensures that the sales price will be consistent with the affordability.
- (e) The agency shall permit a developer, upon proof that a unit or units remain unsold for a period of sixty (60) days following issuance of a Certificate of Occupancy, despite diligent marketing efforts, to adjust the prices of lower income housing units as follows:

1. Low income housing units may be sold to persons qualifying as moderate income purchasers;
2. Moderate income units may be sold to persons earning up to one hundred twenty (120%) percent of the region's median income.

However, these units must remain deed restricted for the period specified in the Ordinance, and prices charged for these units must reflect the maximum prices charged for the relevant income category. Thus, a low income unit sold to a moderate income buyer, under this provision, must be priced as if it were a low income unit; and a moderate income unit marketed to a person earning up to one hundred twenty (120%) percent of the region's median income must be sold as a moderate income unit, so as to preserve long term affordability.

2. Maximum Rental Charges.

The following procedure shall apply to determine maximum rental charges:

- (a) A base rent shall be calculated such that the sum of the monthly rental payment, including utilities, does not exceed thirty percent (30%) of the low or moderate income ceiling, determined in accordance with subsection 1 (d) above.
- (b) In order to assure that low and moderate income units are affordable by households whose income is less than the low or moderate income ceiling, the maximum gross rent that may be charged for any such unit shall not exceed ninety percent (90%) of the base rent for that size unit in each category of low or moderate income housing.
- (c) If the cost of all utilities, including heat, hot water, cooking fuel, and electricity, is not included in the monthly rental charge, an estimated monthly charge for those utilities not included in the rent shall be calculated for each unit size. This estimated charge shall be subtracted from the maximum gross rent to determine the maximum rental charge that may be imposed for each low and moderate income unit.

- (d) Once the maximum rental charges have been determined for a development subject to the provisions of this section, such charges shall not be increased without the prior written approval of the Affordable Housing Agency. The Agency shall establish appropriate criteria and procedures for allowing periodic rental charge increases consistent with the affordability standards set forth in subsections (a) and (b) above. No more than one rental charge increase shall be allowed for any unit or group of units within any twelve (12) month period.

3. Relationship Between Household Size and Unit Size.

For the purpose of determining maximum sales prices and rental charges pursuant to Subsection 1 and 2 of this Ordinance, the ceiling incomes of the following household sizes shall be used to determine the maximum prices for each of the following unit sizes:

efficiency	1 person
1 bedroom	2 persons
2 bedrooms	3 persons
3 bedrooms	5 persons
4 bedrooms	6 persons

4. Affordable Price Tables.

The Affordable Housing Agency shall prepare and maintain tables of maximum affordable prices for low and moderate income households by unit size as a guide for determining maximum sales prices and rental charges for low and moderate income units.

where to go
Table I of this Ordinance contains the maximum affordable sales prices for condominium ownership. Table II contains the maximum affordable sales prices for fee simple ownership, and Table III contains the maximum affordable rental charges for low and moderate income households, calculated using the median income data available as of the effective date of this Ordinance. The following assumptions were made in preparing the sales tables:

- (a) A ten percent (10%) down payment and a mortgage with a thirty (30) year term.
- (b) The property tax rate in effect in Old Bridge as of the effective date of this Ordinance.
- (c) Fire, theft and liability insurance estimated to be \$40 per \$10,000 house value.
- (d) Homeowner's association fees estimated to be \$150 annually per \$10,000 house value.

E. Expiration of Restrictions.

1. Restrictions on the resale of low or moderate income sales units shall expire thirty (30) years from the date of the initial sale of the property.
2. Low or moderate income rental units shall remain subject to the requirements of this section indefinitely, except that the limitations set forth in Section 1 shall apply if such rental units are converted into condominiums, co-operatives, or some other form of ownership property.

F. Affirmative Marketing.

Developers of low or moderate income units shall affirmatively market those units to all segments of the lower income population within the Mount Laurel housing region in which the Township is located and to all qualified low or moderate income households irrespective of race, color, religion, sex or national origin. Toward that end, the developer shall formulate and submit an affirmative marketing plan acceptable to the Affordable Housing Agency, which plan shall be incorporated into any approval of the development application. At a minimum, the plan shall provide for advertisement in newspapers in general circulation in the following urban areas: Jersey City, Newark, Elizabeth, Paterson, New Brunswick and Perth Amboy. The plan shall also require the developer to notify the following agencies on a regular basis of the availability of any low or moderate income units: The Civic League of Greater New Brunswick, the Housing Coalition of Middlesex County, the Middlesex County Office of Community Development, and other fair housing centers, housing referral organizations, and government social service and public welfare departments located in the eleven-county present housing need region identified in the opinion of the Superior Court in AMG Realty Company v. Township of Warren, dated July 16, 1984.

This ordinance shall become effective in twenty (20) days after publication in accordance with law.

PUBLIC NOTICE

TAKE NOTICE that the foregoing ordinance was introduced at a meeting of the Township Council of the Township of Old Bridge, Middlesex County, New Jersey, held in the Municipal Complex, One Old Bridge Plaza, on December 2, 1985 and that the same will be further considered for final passage at a Special Meeting of the Council of the Township of Old Bridge, Middlesex County, New Jersey, to be held in the Municipal Complex, One Old Bridge Plaza, at 8:00 p.m. on December 19, 1985 or as soon thereafter as said matter may be reached, at which time all those interested will be given an opportunity to be heard concerning the same.

Mary M. Brown
Clerk

OLD BRIDGE TOWNSHIP
ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER XX, LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF OLD BRIDGE.

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, New Jersey, that Chapter XX, Land Development Ordinance be amended by adding the following:

4-8:1.1 (g) ~~XXXXXXXXXX~~: Developers of ninety-nine (99) or fewer units may make a contribution of \$3,000 per market unit to the Township Affordable Housing Agency in lieu of constructing the housing in accordance with the procedures established by said Agency. The agency may, following hearings, adopt modifications to the contribution required so as to reflect increases or decreases in the cost of construction of such lower income housing units.

This ordinance shall become effective twenty (20) days after publication in accordance with law.