

ORDINANCE #2021-02

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGARDING PRINCETON'S AFFORDABLE HOUSING BOARD AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968"

WHEREAS, on June 29, 2020, the Princeton Mayor and Council adopted Ordinance No. 2020-15, which among other things repealed Articles XII (Affordable Housing) and XIIA (Municipal Housing Liaison) in Chapter 10B of the "Code of the Township of Princeton, New Jersey, 1968" ("Township Code") and replaced them with a new article containing Princeton's updated affordable housing regulations, identified in Ordinance No. 2020-15 as new (replacement) sections 10B-332 through -366; and

WHEREAS, the provisions of Ordinance No. 2020-15 have not yet been codified; and

WHEREAS, new section 10B-351 as set forth in Ordinance No. 2020-15 establishes the Affordable Housing Board of the Municipality of Princeton ("Board") and set forth various provisions applicable to said board; and

WHEREAS, Princeton's administrative code (Chapter 2 of the Borough Code) already contains provisions establishing and governing the affordable housing board; and

WHEREAS, it is necessary to amend all of the above provisions to reconcile certain inconsistencies as well as to add a third alternate member to the board and clarify the terms of all the members;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of Princeton as follows:

1. Borough Code amended. Section 2-82 "Affordable Housing Board" of the "Code of the Borough of Princeton, New Jersey 1974" is hereby amended to read as follows (additions are underlined; deletions are struck through and in brackets [~~thus~~):

Sec. 2-82. Affordable Housing Board.

(a) Formation; composition; terms, vacancies; compensation.

(1) There is hereby established an advisory board to be known as the Affordable Housing Board, whose overall purpose shall be to monitor the compliance of the municipality in providing housing for very low-, low-,

and moderate-income families under its Mount Laurel obligation.

(2) The board shall consist of ~~[consisting]~~ of seven regular members and up to ~~[two]~~ three alternate members appointed by the mayor with the advice and consent of the council. At least one regular member shall be a member of the ~~[governing body and may be the mayor]~~council. All members of the board shall be residents of Princeton during their tenure.

(3[2]) The term of the council member ~~[of the governing body]~~ shall ~~[correspond to his or her official tenure]~~ be one year. The terms of the remaining regular and alternate members shall be three years, computed from the first day of January of the year of appointment, except that the terms of the initial appointments shall be staggered so that to the greatest extent possible, ~~[provided that the terms of such members are staggered so that]~~ no more than ~~[two]~~ three terms shall expire each year. If a vacancy occurs among such members, it shall be filled for the unexpired term only. Members shall serve after the expiration of their terms until their successors have been appointed and qualified.

Alternate members shall be designated at the time of appointment as “alternate number 1,” ~~[and]~~ “alternate number 2” and “alternate number 3.” Alternate members may participate in discussions ~~[of the proceedings involving the board]~~ but may not vote except in the absence or disqualification of a regular member. Alternates shall be counted for purposes of establishing a quorum ~~[for]~~ of the board. In the event that a choice must be made as to which alternate member is to vote, alternate ~~[number 1]~~ members shall vote in the order of their numerical designation.

(4[3]) All members shall serve without salary, but may be ~~[paid]~~ reimbursed for expenses incurred in the performance of their duties.

(b) Officers. The board shall elect a chairperson and a vice-chairperson from among its members. Their terms of office shall be one year, and they shall be eligible for reelection. The board shall also elect a secretary, who may but need not be a

member of the board, and it may create and fill such other offices as it shall determine.

(c) Powers and responsibilities. With the assistance of the housing manager, the board shall:

(1) Review regulations pertaining to the sale, rental, resale and re-renting of affordable housing units.

(2) Prepare recommendations for amendments and additions to regulations as it deems necessary or appropriate to implement the purpose of the affordable housing program.

(3) Make recommendations to the council for approval of buyers of affordable housing units.

(4) Make recommendations to the council regarding how municipal funds or housing trust funds should be spent and propose priorities for such expenditures.

(5) Review all affirmative marketing plans for all housing in the affordable housing program.

(6) Provide annual reports to the council, courts (if applicable), Fair Share Housing Center, and federal, state and local agencies as required regarding activities undertaken in furtherance of the municipality's implementation of its affordable housing plan.

2. Township Code/Ordinance No. 2020-15 amended. Section 10B-351 "Affordable Housing Board" of the "Code of the Township of Princeton, New Jersey 1968," which section is set forth in Ordinance No. 2020-15 adopted on June 29, 2020, is hereby amended to read as follows (additions are underlined; deletions are struck through and in brackets [~~thus~~):

Section 10B-351 Affordable Housing Board

1. Formation; composition; terms, vacancies; compensation.
~~[Purpose. The purpose of this subsection is to create an advisory board, the Affordable Housing Board of the Municipality of Princeton, to monitor the compliance of the municipality in providing housing for very low-, low-, and moderate-income families under its Mount Laurel obligation.]~~

2. ~~Membership; Terms of Office.]~~

a. There is hereby established an advisory board to be known as the Affordable Housing Board, whose overall purpose shall be to monitor the compliance of the municipality in providing housing for very low, low-, and moderate-income families under its Mount Laurel obligation.

b. The [~~Affordable Housing Board (hereinafter referred to as “Board”)~~] board shall consist of seven [~~voting members, and two~~] regular and up to [two] three alternate members [~~, all of whom shall be~~] appointed by the [~~M~~] mayor with the advice and consent of the [~~C~~] council. At least one regular member shall be a member of the council. All members shall be residents of Princeton during their tenure. [~~, providing, however, that:~~

i. ~~All members of the Affordable Housing Board shall be residents of Princeton during their tenure on said Affordable Housing Board unless the enabling legislation or ordinance creating said Affordable Housing Board permits non-residents to serve.~~

ii. ~~The Mayor selects one Council liaison to the Affordable Housing Board each year with the advice and consent of Council. The Council member has full voting rights on the Affordable Housing Board.~~

iii. ~~Persons employed by the municipality may not serve on the Affordable Housing Board unless so provided in the enabling legislation.~~

iv. ~~Members are free to resign at any time.~~

v. ~~All members of the Affordable Housing Board shall regularly attend the meetings of the Affordable Housing Board upon which they are serving. Failure to do so may lead to the member’s removal. Any Affordable Housing Board member is entitled to request a public hearing to contest their removal.~~

b. ~~Attendance by four voting members shall constitute a quorum.]~~

c. The term of the council member [~~of the Municipal Council]~~ shall [~~correspond to his or her official tenure]~~

be one year. The terms of the remaining regular and alternate members shall be three years, computed from the first day of January of the year of appointment, except that the terms of the initial appointments shall be staggered so that to the greatest extent possible, ~~[provided that the terms of such members are staggered so that]~~ no more than ~~[two]~~ three terms shall expire each year. If a vacancy occurs among such members, it shall be filled for the unexpired term only. Members shall serve after the expiration of their terms until their successors have been appointed and qualified. Alternate members shall be designated at the time of appointment as “alternate number 1,” “alternate number 2,” and “alternate number 3.” Alternate members may participate in discussions but may not vote except in the absence or disqualification of a regular member. Alternates shall be counted for purposes of establishing a quorum for the board. In the event that a choice must be made as to which alternate member is to vote, alternate members shall vote in the order of their numerical designation.

~~[d. The Board shall elect a chairperson and a vice-chairperson from among its members. Their terms of office shall be one year, and they shall be eligible for re-election. The Board shall also elect a secretary, who may but need not be a member of the Board, and it may create and fill such other offices as it shall determine.]~~

~~[e]d. All members shall serve without salary, but may be ~~[paid]~~ reimbursed for expenses incurred in the performance of their duties. ~~[Expenses of and reimbursements for the Board will be included in appropriations made for the housing department. The Municipal Council may employ or assign at the request of the board such personnel of experts and other staff as the Board deems necessary, provided such obligations do not exceed the municipal budgetary allocation available to the Board for such use.]~~~~

2. Officers. The board shall elect a chairperson and a vice-chairperson from among its members. Their terms of office shall be one year, and they shall be eligible for re-election. The board shall also elect a secretary, who may but need not be a member of the board, and it may create and fill such other offices as it shall determine.

~~[3. Vacancies; Removal for Cause. Any voting member of the Board who has been absent without excuse from three successive regular meetings shall be removed from office by the Mayor after notice and an opportunity to explain the absences.]~~

[4]3. Powers and responsibilities. With the assistance of the housing manager, the board shall:

- a. Review ~~[, with the assistance of the housing manager,]~~ regulations pertaining to the sale, rental, resale and re-renting of affordable housing units.
- b. ~~[With the assistance of the housing manager, p]~~Prepare recommendations for amendments and additions to regulations as it deems necessary or appropriate to implement the purpose of the affordable housing program.
- c. ~~[With the assistance of the housing manager, m]~~Make recommendations to the Municipal Council for approval of buyers of affordable housing units.
- d. ~~[With the assistance of the housing manager, m]~~Make recommendations to the [Municipal C]ouncil regarding how municipal funds or housing trust funds should be spent and propose priorities for such expenditures.
- e. Review all affirmative marketing plans for all housing in the affordable housing program.
- f. Provide annual reports~~[of all activity pursuant to the approved Settlement Agreement]~~ to the [Municipal C]ouncil, courts (if applicable), Fair Share Housing Center, and federal, state and local agencies as required regarding activities undertaken [pursuant to the approved Settlement Agreement] in furtherance of the municipality's implementation of its affordable housing plan.

3. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Princeton or Code of the Township of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. Effective date. This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

Delores A. Williams, RMC, Clerk

Hon. Mark Freda, Mayor

Ordinance Introduced:

Ordinance Adopted:

STATEMENT OF PURPOSE: If adopted, this ordinance will add a third alternate member to Princeton's Affordable Housing Board, clarify that the term of the council member on the board is one year, and eliminate certain inconsistencies and contradictions in the existing provisions governing the board.