

Resolution of the City of Jersey City, N.J.

File No. **Res. 24-362**
Agenda No. **10.55**
Approved: **May 08 2024**



A RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY REFERRING ORDINANCE 23-096 TO THE PLANNING BOARD TO PREPARE AN AMENDMENT OR REVISION TO THE JOURNAL SQUARE 2060 REDEVELOPMENT PLAN

COUNCIL offered and moved adoption of the following resolution:

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Act”) permits municipalities to adopt and amend regulations within areas declared to be “in need of redevelopment” and “in need of rehabilitation”; and

WHEREAS, the Municipal Council of the City of Jersey City adopted the Journal Square 2060 Redevelopment Plan (the “Redevelopment Plan”) at its meeting on July 14, 2010, Ord. 10-103; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(f) states that the Municipal Council may direct the Planning Board to prepare a redevelopment plan or an amendment or revision to a redevelopment plan for a designated redevelopment area and that after completing the redevelopment plan, the Planning Board shall transmit the proposed plan to the governing body for its adoption; and

WHEREAS, all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan; and

WHEREAS, the Division of City Planning is in receipt of an amendment request, attached herein, which is proposed Ordinance 23-096, “An Ordinance of the Municipal Council of the City of Jersey City Adopting an Amendment to the Journal Square 2060 Redevelopment Plan to Mandate Affordable Housing”; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY that the attached ordinance is hereby referred to the Jersey City Planning Board pursuant to N.J.S.A. 40:55D-26 with the expectation that the Planning Board shall conduct a public hearing regarding an amendment or revision to the Redevelopment Plan and provide recommendations to the Municipal Council regarding the ordinances in a timely fashion in accord with N.J.S.A. § 40:55D2 et seq.;

A Resolution of the Municipal Council of the City of Jersey City referring Ordinance 23-096 to the Planning Board to Prepare an Amendment or revision to the Journal Square 2060 Redevelopment Plan

APPROVED AS TO LEGAL FORM



Business Administrator



Corporation Counsel

☐ Certification Required

RECORD OF COUNCIL VOTE – May 08														8-0
	AYE	NAY	N.V.	Absent		AYE	NAY	N.V.	Absent		AYE	NAY	N.V.	Absent
RIDLEY	✓				SALEH	✓				DEGISE	✓			
PRINZ-AREY	✓				SOLOMON	✓				RIVERA				✓
BOGGIANO	✓				GILMORE	✓				WATTERMAN, PRES	✓			

N.V. –
(Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey.



President of Council



City Clerk

A Resolution of the Municipal Council of the City of Jersey City referring Ordinance 23-096 to the Planning Board to Prepare an Amendment or revision to the Journal Square 2060 Redevelopment Plan

RESOLUTION FACT SHEET -

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Project Manager

Richard Boggiano, Councilperson		201.547.5159	rboggiano@jcnj.org
Department	Municipal Council		
Division	Municipal Council		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - May 08 2024
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Purpose

Resolution to Propose Affordable Housing Amendment to Journal Square Redevelopment Plan to JC Planning Board with two attachments: strikeout ordinance version and clean ordinance version
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ATTACHMENTS:

2024 Amended Affordable Housing Ordinance Strikeout Format 2024 Affordable Housing Amendment Clean Language
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Approved by
John Metro, Business Administrator

Status:
Approved - May 03 2024

Ordinance of the City of Jersey City, N.J.



~~{File No. Agenda No. Agenda No.~~

~~Ord. 23-096—Withdrawn 32 (1st Reading)~~

~~(2nd Reading and Final Passage)}~~

AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE JOURNAL SQUARE 2060 REDEVELOPMENT PLAN TO MANDATE AFFORDABLE HOUSING.

~~{COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:}~~

WHEREAS, On November 25, 2008 the Jersey City Municipal Council determined, by Resolution # 08-879, the Greater Journal Square Study Area to be an "area in need of rehabilitation," pursuant to the New Jersey Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-1 et seq.). Previously, several portions of the Journal Square area were declared to be an "area in need of redevelopment," called the Journal Square Redevelopment Plan originally adopted in 1974 and amended several times since.; and

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Journal Square 2060 Redevelopment Plan at its meeting of July 14, 2010, Ordinance #10-103; and

WHEREAS, part of the objectives of the July 14, 2010 adoption of the redevelopment plan was to promote balanced development in accordance with applicable State laws and City requirements regarding affordable housing; and

WHEREAS, the City of Jersey City and its elected officials are proud of the racial, ethnic, and socioeconomic diversity in Journal Square which has some of the highest levels of diversity in the City and recognize that policies that create homes affordable to the City's working families are essential to protecting that diversity; and

WHEREAS, the Supreme Court has held that the State's Constitution makes it "plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulation." S. Burlington Cty. NAACP v. Mount Laurel, 67 N.J. 151, 179 (1975) (Mount Laurel I); and

WHEREAS, the New Jersey Legislature, when it enacted the Fair Housing Act of 1985, established that it is in the State's interest "to maximize the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State." N.J.S.A. 52:27D-302; and

WHEREAS, the Municipal Land Use Law ("MLUL") sets forth that one of its primary purposes is to encourage municipal action to guide the appropriate use or development of all lands in this State in a manner which will promote the public health, safety, morals, and general welfare. N.J.S.A. 40:55D-2(a); and

WHEREAS, the MLUL further sets forth that one of its primary purposes is to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment. N.J.S.A. 40:55D-2(e); and

WHEREAS, municipalities that adopt new or amend existing redevelopment and rehabilitation plans under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., may require an affordable housing set-aside; and

WHEREAS, after the 2008 adoption of the Journal Square Redevelopment Plan, only ~~three~~ five developments have included proposals for affordable housing and as of August, 2023, none are yet available for occupation; and

WHEREAS, the Journal Square Development area has 22,056 units recognized by the City of Jersey City as Approved Development Projects, Projects Under Construction, Recently Completed Development Projects, or Development Proposals, and only 198 units or less than one percent (0.90%) are constructed as affordable housing; and

~~[WHEREAS, none of the new affordable housing units proposed in the Journal Square Development are located within the Journal Square 2060 Redevelopment Plan, and]~~

WHEREAS, no new affordable housing has been built and made available for occupation since 2007; additionally, the majority of the affordable housing in the Journal Square Development area was built prior to 1980 (over 40 years ago); and

WHEREAS, the area known as Ward C in Jersey City, the area containing the Journal Square 2060 Redevelopment Plan, only contains 1732 units of affordable housing (counting both existing and planned development), of which 1355 are available to the general public and 377 are available to senior residents only; and

WHEREAS, the Journal Square 2060 Redevelopment Plan development area contains only 123 units of affordable housing, with 93 of the units reserved for seniors and only 30 available to the general public; and

WHEREAS, the Municipal Council of the City of Jersey City and the Mayor of Jersey City have publicly recognized the importance of creating new affordable housing; and

WHEREAS, the 2060 Redevelopment Plan Objectives “encourag[e] high-density development in close proximity to mass transit,” “[e]ncourage the adaptive reuse of existing structures,” and serves “[t]o promote balanced development in accordance with applicable State laws and City requirements regarding affordable housing”; and

WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, NEW JERSEY, THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any [~~chapter~~]-ordinance numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repeal of existing provisions.
- D. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required).
- E. Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

APPLICABILITY AND EXCEPTIONS

An Ordinance [~~is amending~~] to amend [~~and replacing~~] portions of the Journal Square 2060 Redevelopment Plan as follows: [~~and the Chapter 187 (Inclusionary Zoning) of the Municipal Code requiring all applicable developments to include a mandatory onsite affordable housing set-aside.~~]

[~~Section 1. Chapter 187, Inclusionary Zoning, § 187-3, “Applicability and Exemptions,” is hereby amended and revised to provide as follows:~~

A. The following developments shall comply with the affordable housing set-aside and other requirements of this Chapter

1. All developments with a residential component, including mixed-use developments for which a developer requests and/or obtains five (5) or more residential units or five thousand (5,000) or more square feet of residential floor area (inclusive of residential hallways and egress areas) (i) as a result of variance(s) pursuant to N.J.S.A. 40:55D-70(c) and (d); (ii) as a result of rezoning; or (iii) as the result of the adoption of a new or amended redevelopment/rehabilitation plan pursuant to the Local Redevelopment and Housing Law.

No subdivision shall be permitted or approved for the purpose of avoiding compliance with this Chapter. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units below the threshold. The approving authority may impose any reasonable conditions to ensure such compliance.

2. All developments with a residential component, including mixed-use developments that obtain low-income housing tax credits and/or tax-exempt bond financing from the New Jersey Housing Mortgage Finance Agency, funding from the Economic Development Authority Aspire program or similar program, and/or any other State support pursuant to N.J.S.A. 52:27d-329.9(b).

B. The following developments shall be exempt from the requirements of this Chapter.

1. Developments less than fifteen (15) total residential units.

2. Developments undertaken by the Jersey City Housing Authority or a non-profit corporation for the purpose of developing, through new construction or substantial rehabilitation, residential property in which at least fifty percent (50%) of the total residential units in the development are for very-low-, low-, and/or moderate-income households.

3. Any redevelopment plan or otherwise specifically zoned development area with separate affordable housing set-aside provisions which create equal to or more units as required by the affordable housing set-aside specifically located within that development area as mandated under Chapter 187 (*of the Municipal Code*); nothing herein provides any change to the Inclusionary Zoning to reduce the total number of units required by the affordable housing set-aside in Chapter 187. If any application of separate affordable housing set-asides described in a redevelopment plan or otherwise specifically zoned development would otherwise require less affordable housing units as described in Chapter 187, then the regulations for that specific development project would default to the regulations set forth in Chapter 187.

Note: Chapter 187 applies to all developments equal to or more than fifteen (15) total residential units. If a separate redevelopment plan or zoning requires increases in the affordable housing set-aside for only developments with a specific number of residential units in excess of fifteen (15) total residential units, then it is permissible as long as the total number of residential units for the development would not be less than those required under Chapter 187. Any development in the same redevelopment area or specifically zoned area which has a total number of residential units

between fifteen (15) and whatever number specified by that plan would follow the rules set forth in Chapter 187.

~~C. Nothing herein precludes the City of Jersey City or Approving Authority from requiring an affordable housing set-aside in a development not required to have a set-aside pursuant to this Chapter or requiring a higher affordable housing set-aside in any development so long as it is consistent with N.J.S.A. 52:27D-311(h) and other applicable law. This provision does not grant the City or Approving Authority any additional authority beyond what they already possess and is intended to reserve the right to exercise existing authority in accordance with applicable law. For example, the City reserves the right when it conveys municipally-owned land or permits development to occur on municipally-owned land to require a higher set-aside of affordable housing in exchange.]~~

~~[BE IT FURTHER ORDAINED THAT:~~

~~This ordinance amends the Journal Square 2060 Redevelopment Plan to require an affordable housing set-aside as reflected below.]~~

~~The following developments shall comply with the affordable housing [set-aside and other] requirements set forth in the Journal Square 2060 Redevelopment Plan [and/or Chapter 187 "Inclusionary Zoning:"]~~

~~1) All new Residential and/or Mixed-Use Developments having thirty (30) or more units [and Substantially Rehabilitated residential and mixed-use residential development having fifty (50) or more units] shall set aside[, at minimum, ten percent (10% or 15% of the total number of Residential units as Income-Restricted Units reserved for residents with incomes at 80% or below of the medians for the Jersey City Consolidated Metropolitan Area (CMSA). The applicable percentage shall be based on the following provisions taken from Jersey City Inclusionary Zoning Ordinance, Chapter 187 of the Municipal Code: {Of that 10%, each new and substantially rehabilitated residential development must provide affordable units at a distribution of affordability levels as mandated by Chapter 188.}]~~

a) Tier 1 -Developments in Low, Moderate, or Middle Income Census Tracts. The minimum on-site affordable housing set-aside for developments in this tier shall be ten percent (10%) of the total number of dwelling units in the development. Low Income Census Tracts are defined as tracts below fifty percent (50%) of area median income. Moderate Income Census Tracts are defined as tracts between fifty percent (50%) and below eighty percent (80%) of area median income. Middle Income Census Tracts are defined as tracts between eighty percent (80%) and below one-hundred-and-twenty percent (120%) of area median income.

b) Tier 2 – Developments in Upper Income Census Tracts. The minimum on-site affordable housing set-aside for developments in this tier shall be fifteen percent (15%) of the total number of dwelling units in the development. Upper Income Census Tracts are defined as tracts at or above one-hundred-and-twenty percent (120%) of area median income.

A copy of the IZO census tract zoning map has been attached to this ordinance

~~[(c) (i) Substantial rehabilitation shall mean any rehabilitation of a vacant structure or any rehabilitation that involves the replacement of two or more major systems.]~~

~~[(ii)]~~ c) When the calculation of the affordable housing set-aside results in a fractional affordable unit, the fraction shall be rounded up. ...if the fraction is one-half (.5) or higher. ~~[This shall mean that the affordable housing unit shall be provided. The payment shall be calculated based on a pro rata basis of \$180,000.00 per unit.]~~

2) All developments affected by these requirements are afforded an increase to applicable maximum FAR and/or maximum height limits according to the following table:

<u>Number of Required Onsite Affordable Units</u>	<u>Additional Height Allowance (Stories)/(Feet Or FAR (Zone 1 Only)</u>
<u>3 units</u>	<u>1/12' or .7 FAR</u>
<u>4 to 6 units</u>	<u>2/24' or 1.3 FAR</u>
<u>7 to 9 units</u>	<u>3/36' or 1.6 FAR</u>
<u>10 to 19 units</u>	<u>4/48' or 1.9 FAR</u>
<u>20 units or greater</u>	<u>5/60' or 2.2 FAR</u>

All other applicable bulk standards including, but not limited to, setbacks and
setbacks shall remain in effect.

3) The following developments shall be exempt from the requirements set forth in the Journal Square 2060 Redevelopment Plan

a) All properties located in Districts 4, 4A, 6, 9, 10, 11 and 12 in the Journal Square Redevelopment Area.

b) All new Residential, and/or Mix-Use Development ~~[or Substantial Rehabilitation]~~ having less than thirty (30) Residential units.

c) Developments undertaken by the Jersey City Housing Authority or a non-profit corporation for the purpose of developing, through new construction or substantial rehabilitation, residential property in which at least fifty percent (50%) of the total residential units in the development are for very low-, low, and/or moderate-income households.

d) Projects that have submitted a complete development application in accordance with N.J.S.A. 40:55D-10.5 prior to the effectiveness of this Ordinance, unless the developer seeks a substantial change, modification or amendment.

4)Nothing herein precludes the City of Jersey City or Approving Authority from requiring an affordable housing set- aside in a development not required to have a set-aside pursuant to this Chapter or requiring a higher affordable housing set-aside in any development so long as it is consistent with N.J.S.A. 52:27D-311(h) and other applicable law. This provision does not grant the City or Approving Authority any additional authority beyond what they already possess and is intended to reserve the right to exercise existing authority in accordance with applicable law. For example, the City reserves the right when it conveys municipally-owned land or permits development to occur on municipally- owned land to require a higher set-aside of affordable housing in exchange.

~~[4]~~5) The provisions of this Ordinance shall be included as Section M of the Journal Square 2060 Redevelopment Plan.

Control Periods for Income-Restricted Ownership Units:

Any development subject to the Journal Square 2060 Redevelopment Plan affordable housing set-aside is required to have the following control periods: each income-restricted ownership unit shall remain subject to the requirements of this chapter for a period of thirty (30) years; provided, however, that: any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant agreement or contract.

Compliance:

1)Prior to the approval of any site plan applications, each developer subject to the Chapter must prove compliance with this ~~[Chapter]~~ Ordinance to the approving authority. Prior to the issuance of any building permit, each developer must have an approved affordable housing plan in the form of a Division of Affordable Housing Checklist and enter into an affordable housing agreement prior to the issuance of any CO with the City in accordance with Chapter 188.

2)The bedroom distribution and income distribution of the affordable housing units shall comply with all applicable requirements of Chapter 188 and N.J.A.C. 5:80-26.1 et seq., the Uniform Housing Affordability Controls (U.H.A.C.).

3)Affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non- age-restricted family units, the affordable units shall be non-age-restricted family units as well). The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

4)The affordable housing units shall be constructed with the same materials and finishes as market rate units in the buildings.

5)Construction of the affordable units and market-rate units shall be phased in compliance with N.J.A.C. 5:93-5.6(d).

6)Specific income limits shall be determined, including adjustments by household size, based on multipliers used by N.J.A.C. 5.80-26.1 et seq., U.H.A.C to adjust median incomes by household size. In no event shall the income limits be less than those for the previous year.

7)Developers shall comply with eligibility determination procedures by providing adequate documentation as set forth within Chapter 188 to the satisfaction of the Division of Affordable Housing.

8)The Division of Affordable Housing shall be responsible for monitoring compliance and recordkeeping for all Affordable Housing Agreements produced as a result of this amendment.

Administrative Fee

1)Each development subject to this [~~Chapter~~] Ordinance shall pay a two-thousand-dollar (\$2,000) fee to the City of Jersey City to cover the administrative costs associated with formalizing the Affordable Housing Agreement with the Division of Affordable Housing.

Violations

1)Upon a violation of any of the provisions of this [~~Chapter~~] Ordinance or the Affordable Housing Agreement, the Director of Affordable Housing or other designated City official shall give written notice to the developer specifying the nature of the violation and require corrective action within sixty (60) days of the notice.

2)If the developer does not correct the violation within the time specified, the developer shall, for each and every violation, be fined up to a maximum of two-thousand dollars (\$2,000) a day that such violation continues after such notice until the violation is corrected.

3)Additionally, the Director of Affordable Housing or other designated City official shall have the authority to revoke permits associated with the construction of the development until the violation is corrected.

Severability

If any article, section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this [~~Chapter~~] Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

Inconsistencies

In the event of any inconsistencies between the provisions of this amendment to the Journal Square 2060 Redevelopment Plan and any prior ordinance of the municipality, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

Effective Date

This Ordinance shall take effect on _____.

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE JOURNAL SQUARE 2060
REDEVELOPMENT PLAN TO MANDATE AFFORDABLE HOUSING.**

WHEREAS, On November 25, 2008 the Jersey City Municipal Council determined, by Resolution # 08-879, the Greater Journal Square Study Area to be an "area in need of rehabilitation," pursuant to the New Jersey Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-1 et seq.). Previously, several portions of the Journal Square area were declared to be an "area in need of redevelopment," called the Journal Square Redevelopment Plan originally adopted in 1974 and amended several times since.; and

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Journal Square 2060 Redevelopment Plan at its meeting of July 14, 2010, Ordinance #10-103; and

WHEREAS, part of the objectives of the July 14, 2010 adoption of the redevelopment plan was to promote balanced development in accordance with applicable State laws and City requirements regarding affordable housing; and

WHEREAS, the City of Jersey City and its elected officials are proud of the racial, ethnic, and socioeconomic diversity in Journal Square which has some of the highest levels of diversity in the City and recognize that policies that create homes affordable to the City's working families are essential to protecting that diversity; and

WHEREAS, the Supreme Court has held that the State's Constitution makes it "plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulation." S. Burlington Cty. NAACP v. Mount Laurel, 67 N.J. 151, 179 (1975) (Mount Laurel I); and

WHEREAS, the New Jersey Legislature, when it enacted the Fair Housing Act of 1985, established that it is in the State's interest "to maximize the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State." N.J.S.A. 52:27D-302; and

WHEREAS, the Municipal Land Use Law ("MLUL") sets forth that one of its primary purposes is to encourage municipal action to guide the appropriate use or development of all lands in this State in a manner which will promote the public health, safety, morals, and general welfare. N.J.S.A. 40:55D-2(a); and

WHEREAS, the MLUL further sets forth that one of its primary purposes is to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment. N.J.S.A. 40:55D-2(e); and

WHEREAS, municipalities that adopt new or amend existing redevelopment and rehabilitation plans under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., may require an affordable housing set-aside; and

WHEREAS, after the 2008 adoption of the Journal Square Redevelopment Plan, only ~~[three]~~ five developments have included proposals for affordable housing and as of August, 2023, none are yet available for occupation; and

WHEREAS, the Journal Square Development area has 22,056 units recognized by the City of Jersey City as Approved Development Projects, Projects Under Construction, Recently Completed Development Projects, or Development Proposals, and only 198 units or less than one percent (0.90%) are constructed as affordable housing; and

WHEREAS, no new affordable housing has been built and made available for occupation since 2007; additionally, the majority of the affordable housing in the Journal Square Development area was built prior to 1980 (over 40 years ago); and

WHEREAS, the area known as Ward C in Jersey City, the area containing the Journal Square 2060 Redevelopment Plan, only contains 1732 units of affordable housing (counting both existing and planned development), of which 1355 are available to the general public and 377 are available to senior residents only; and

WHEREAS, the Journal Square 2060 Redevelopment Plan development area contains only 123 units of affordable housing, with 93 of the units reserved for seniors and only 30 available to the general public; and

WHEREAS, the Municipal Council of the City of Jersey City and the Mayor of Jersey City have publicly recognized the importance of creating new affordable housing; and

WHEREAS, the 2060 Redevelopment Plan Objectives “encourag[e] high-density development in close proximity to mass transit,” encourage the adaptive reuse of existing structures,” and serves “[t]o promote balanced development in accordance with applicable State laws and City requirements regarding affordable housing”; and

WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, NEW JERSEY, THAT:

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This Ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

C. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any ordinance numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repeal of existing provisions.

D. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required).

E. Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

APPLICABILITY AND EXCEPTIONS

1) All new Residential and/or Mixed-Use Developments having thirty (30) or more units ~~and~~ shall set aside 10% or 15% of the total number of residential units as Income-Restricted Units reserved for residents with incomes at 80% or below of the medians for the Jersey City Consolidated Metropolitan Area (CMSA). The applicable percentage shall be based on the following provisions taken from Jersey City Inclusionary Zoning Ordinance, Chapter 187 of the Municipal Code:

a) Tier 1 -Developments in Low, Moderate, or Middle Income Census Tracts. The minimum on-site affordable housing set-aside for developments in this tier shall be ten percent (10%) of the total number of dwelling units in the development. Low Income Census Tracts are defined as tracts below fifty percent (50%) of area median income. Moderate Income Census Tracts are defined as tracts between fifty percent (50%) and below eighty percent (80%) of area median income. Middle Income Census Tracts are defined as tracts between eighty percent (80%) and below one-hundred-and-twenty percent (120%) of area median income.

b) Tier 2 – Developments in Upper Income Census Tracts. The minimum on-site affordable housing set-aside for developments in this tier shall be fifteen percent (15%) of the total number of dwelling units in the development. Upper Income Census Tracts are defined as tracts at or above one-hundred-and-twenty percent (120%) of area median income.

A copy of the IZO census tract zoning map has been attached to this ordinance

c) When the calculation of the affordable housing set-aside results in a fractional affordable unit, the fraction shall be rounded up. ...if the fraction is one-half (.5) or higher.

2) All developments affected by these requirements are afforded an increase to applicable maximum FAR and/or maximum height limits according to the following table:

Number of Required Onsite Affordable Units	Additional Height Allowance (Stories)/(Feet Or FAR (Zone 1 Only)
3 units	1/12' or .7 FAR
4 to 6 units	2/24' or 1.3 FAR
7 to 9 units	3/36' or 1.6 FAR
10 to 19 units	4/48' or 1.9 FAR
20 units or greater	5/60' or 2.2 FAR

All other applicable bulk standards including, but not limited to, setbacks and stepbacks shall remain in effect.

3) The following developments shall be exempt from the new requirements established by this Ordinance.

- a) All properties located in Districts 4, 4A, 6, 9, 10, 11 and 12 in the Journal Square Redevelopment Area.
- b) All new Residential, and/or Mixed-Use Developments having less than thirty (30) Residential units.
- c) Developments undertaken by the Jersey City Housing Authority or a non-profit corporation for the purpose of developing, through new construction or substantial rehabilitation, residential property in which at least fifty percent (50%) of the total residential units in the development are for very low-, low, and/or moderate-income households.
- d) Projects that have submitted a complete development application in accordance with N.J.S.A. 40:55D-10.5 prior to the effectiveness of this Ordinance, unless the developer seeks a substantial change, modification or amendment.

4) Nothing herein precludes the City of Jersey City or Approving Authority from requiring an affordable housing set-aside in a development not required to have a set-aside pursuant to this Chapter or requiring a higher affordable housing set-aside in any development so long as it is consistent with N.J.S.A. 52:27D-311(h) and other applicable law. This provision does not grant the City or Approving Authority any additional authority beyond what they already possess and is intended to reserve the right to exercise existing authority in accordance with applicable law. For example, the City reserves the right when it conveys municipally-owned land or permits development to occur on municipally- owned land to require a higher set-aside of affordable housing in exchange.

Control Periods for Income-Restricted Ownership Units:

Any development subject to the Journal Square 2060 Redevelopment Plan affordable housing set-aside is required to have the following control periods: each income-restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of thirty (30) years; provided, however, that: any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant agreement or contract.

Compliance:

- 1) Prior to the approval of any site plan applications, each developer subject to the Chapter must prove compliance with this Ordinance to the approving authority. Prior to the issuance of any building permit, each developer must have an approved affordable housing plan in the form of a Division of Affordable Housing Checklist and enter into an affordable housing agreement prior to the issuance of any CO with the City in accordance with Chapter 188.
- 2) The bedroom distribution and income distribution of the affordable housing units shall comply with all applicable requirements of Chapter 188 and N.J.A.C. 5:80-26.1 et seq., the Uniform Housing Affordability Controls (U.H.A.C.).
- 3) Affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non-age-restricted family units, the affordable units shall be non-age-restricted family units as well). The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
- 4) The affordable housing units shall be constructed with the same materials and finishes as market rate units in the buildings.
- 5) Construction of the affordable units and market-rate units shall be phased in compliance with N.J.A.C. 5:93-5.6(d).

6) Specific income limits shall be determined, including adjustments by household size, based on multipliers used by N.J.A.C. 5.80-26.1 et seq., U.H.A.C to adjust median incomes by household size. In no event shall the income limits be less than those for the previous year.

7) Developers shall comply with eligibility determination procedures by providing adequate documentation as set forth within Chapter 188 to the satisfaction of the Division of Affordable Housing.

8) The Division of Affordable Housing shall be responsible for monitoring compliance and recordkeeping for all Affordable Housing Agreements produced as a result of this amendment.

Administrative Fee

Each development subject to this Ordinance shall pay a two-thousand-dollar (\$2,000) fee to the City of Jersey City to cover the administrative costs associated with formalizing the Affordable Housing Agreement with the Division of Affordable Housing.

Violations

1) Upon a violation of any of the provisions of this Ordinance or the Affordable Housing Agreement, the Director of Affordable Housing or other designated City official shall give written notice to the developer specifying the nature of the violation and require corrective action within sixty (60) days of the notice.

2) If the developer does not correct the violation within the time specified, the developer shall, for each and every violation, be fined up to a maximum of two-thousand dollars (\$2,000) a day that such violation continues after such notice until the violation is corrected.

3) Additionally, the Director of Affordable Housing or other designated City official shall have the authority to revoke permits associated with the construction of the development until the violation is corrected.

Severability

If any article, section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

Inconsistencies

In the event of any inconsistencies between the provisions of this amendment to the Journal Square 2060 Redevelopment Plan and any prior ordinance of the municipality, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

Effective Date

This Ordinance shall take effect on _____.