

ORDINANCE AMENDING
CHAPTER 193, AFFORDABLE HOUSING, AND
CHAPTER 335, ZONING AND LAND USE,
TO COMPORT WITH THE REQUIREMENTS
OF *N.J.A.C. 5:96-1 ET SEQ.* AND *N.J.A.C. 5:97-1 ET SEQ.*

BOROUGH OF BERLIN
COUNTY OF CAMDEN, STATE OF NEW JERSEY

WHEREAS, the Borough Council of the Borough of Berlin (“Borough Council”), a municipal corporation in the County of Camden, State of New Jersey, desires to develop a comprehensive solution to its second round housing element and fair share plan and to at least partially address its third round housing element and fair share plan; and

WHEREAS, the Borough Council has determined revision to Chapters 193 and 335 are necessary in order to fulfill its desire to address its municipal affordable housing obligation; and

WHEREAS, the Planning Board of the Borough of Berlin has adopted a housing element of the master plan that comprehensively provides for the appropriate use and development of lands in the Borough necessary to meet the obligation to provide for affordable housing; and

WHEREAS, the amendment will further the goal of providing affordable housing within the municipality in accordance with the Fair Housing Act, *N.J.S.A. 52:27D-301 et seq.*; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Berlin that Chapter 193, Affordable Housing, and Chapter 335, Zoning and Land Use, be and are hereby amended as follows:

CHAPTER 193, AFFORDABLE HOUSING

Section 1. §193-2, Income Requirements, is hereby repealed and §193-1, Definitions, is renumbered §193-2.

Section 2. New §193-1, entitled, Title, Short Title, Purpose and Applicability, is hereby added as follows:

§193-1. Title, Short Title, Purpose and Applicability

- A. Title. This ordinance shall be entitled, “An Ordinance Establishing Administrative Procedures and Regulations for the Implementation of Low- and Moderate-Income Housing Plans in the Borough of Berlin, in the County of Camden and State of New Jersey”.
- B. Short Title. This ordinance may be known as “Affordable Housing”.
- C. Purpose. The purpose of this Chapter is to implement the Uniform Housing Affordability Controls (*N.J.A.C. 5:80-26.1, et seq.*) and the regulations of the New Jersey Council on Affordable Housing or Department of Community Affairs, as the case may be, as they may be amended or superseded. The ordinance is designed to implement the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301, et seq.*) by assuring that affordable housing created under the Act is occupied by low and moderate-income households for the appropriate period of time. The words, phrases, and terms herein shall be interpreted to have the same meanings and usages as in the Fair Housing Act (*N.J.S.A. 52:27D-301 et seq.*), the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*), the substantive rules of the Council on Affordable Housing (*N.J.A.C. 5:97-1 et seq.*) and the Uniform Housing Affordability Rules. It is the further purpose of this Article to regulate the development and management of low and moderate income housing dwellings constructed in compliance with the Housing Element and Fair Share Plan of the Master Plan of the Borough of Berlin as they may be adopted or superseded.
- D. Applicability. No dwelling dwellings designated for low and moderate income housing shall be occupied by any persons except in strict conformance with the income limitations and other provisions governing affordable housing as contained herein. Notwithstanding this limitation, projects utilizing Federal Low-Income Housing Tax Credits under Section 42 of the Internal Revenue Code, dwellings that receive Balanced Housing funds under the NJ Housing and Mortgage Finance Agency’s Home Express program or to dwellings receiving assistance under the Federal HOME program, 24 C.F.R. §92.252(e), §92.254(a)(4); HUD 202 program, 24 C.F.R. Part 891; HUD 811 program, 24 C.F.R. Part 890; HUD HOPE VI program; or Federal Home Loan Bank, Affordable Housing Program, 12 C.F.R. Part 60, shall adhere to the regulations of their respective programs as they may be revised or superseded.

Section 3a. §193-2, Definitions, shall be amended by deleting the definition of “Housing Administrator”, “Income Ceiling”, “Low and Moderately Priced Dwelling Units” and “Median Regional Income”.