

**NOTICE OF INTRODUCTION AND STATEMENT OF PURPOSE AND SUMMARY PURSUANT
TO N.J.S.A. 40:49-2 AND N.J.S.A. 40:49-2.1
BOROUGH OF LINCOLN PARK, COUNTY OF MORRIS**

ORDINANCE 15-17

NOTICE IS HEREBY GIVEN that an Ordinance entitled "An Ordinance Deleting Article XIX, Growth Share requirements, of Chapter 17, Development Review Ordinance, of the Code of the Borough of Lincoln Park, was submitted in writing at a regular meeting of the Mayor and Council of the Borough of Lincoln Park, County of Morris, State of New Jersey, held on November 20, 2017 and was introduced, read by title and passed on first reading. The Governing Body of the Borough of Lincoln Park will further consider the Ordinance for second reading and final passage thereof at their regular meeting to be held on December 18, 2017 at 7:30 p.m. prevailing time, at the Municipal Building, Council Chambers, 34 Chapel Hill Road, Lincoln Park, New Jersey, at which time and place a public hearing will be heard thereon by the Governing Body and all parties in interest and citizens shall have an opportunity to be heard concerning said Ordinance.

ORDINANCE 15-17

**AN ORDINANCE DELETING ARTICLE XIX, GROWTH SHARE
REQUIREMENTS, OF CHAPTER 17, DEVELOPMENT REVIEW
ORDINANCE, OF THE CODE OF THE BOROUGH OF LINCOLN PARK**

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) and the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the prompt provision of affordable housing; and

WHEREAS, the FHA created an administrative agency known as the New Jersey Council on Affordable Housing ("COAH") to develop regulations regarding municipal compliance with constitutional affordable housing obligations; and

WHEREAS, COAH adopted regulations regarding third round municipal affordable housing obligations which required municipalities to utilize a growth share methodology in order to calculate their affordable housing obligations; and

WHEREAS, in accordance with the third round COAH regulations, the Borough of Lincoln Park ("Borough") adopted Ordinance 1,380 on May 21, 2007 to amend and supplement Chapter 17 of the Code of the Borough of Lincoln Park with the addition of a new Article XIX, entitled "Growth Share Requirements"; and

WHEREAS, COAH's third round regulations, including the use of the growth share methodology to establish municipal affordable housing obligations, was challenged and, on September 26, 2013, the New Jersey Supreme Court sustained the Appellate Division's decision that the growth share methodology was invalid in the case entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 215 N.J. 578 (2013); and

WHEREAS, due to the invalidation of the growth share methodology, the Borough desires to delete Article XIX, Growth Share Requirements, of Chapter 17, Development Review Ordinance, of the Code of the Borough of Lincoln Park.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Lincoln Park, in the County of Morris and State of New Jersey, as follows:

SECTION ONE. Article XIX, Growth Share Requirements, of Chapter 17, Development Review Ordinance, of the Code of the Borough of Lincoln Park is hereby deleted in its entirety.

SECTION TWO. All Ordinances of the Borough of Lincoln Park which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

SECTION FOUR. This Ordinance shall take effect as provided by law.

Cynthia L. Sloane, RMC, CMR Municipal Clerk for the Borough of Lincoln Park