

SOUTH ORANGE VILLAGE

ORDINANCE #2026-09

The above ordinance, summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of South Orange Village, County of Essex, State of New Jersey, on February 23, 2026. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held on March 9, 2026, at 7:00 p.m. at the Baird Community Center, 5 Mead Street, 3rd Floor Meeting Room, South Orange, NJ. This meeting will be conducted in a hybrid format, with virtual access available via the Zoom Audio/Video System. For instructions on how to access the meeting via the Zoom Audio/Video System, please monitor the Village's website at www.southorange.org, or please contact or visit the Village Clerk's Office either by telephone at (973) 378-7715, ext. 1, by email at clerksoffice@southorange.org or by visiting at 76 South Orange Avenue, 3rd Floor, South Orange, NJ. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same. The Village Council may adjourn the public hearing of this Ordinance to a date after March 9, 2026, without any further notice. The following ordinance was introduced:

TITLE: AN ORDINANCE OF SOUTH ORANGE VILLAGE IN ESSEX COUNTY, NEW JERSEY AMENDING AND RESTATING VILLAGE CODE CHAPTER 185, PART 15 - AFFORDABLE HOUSING IN ITS ENTIRETY TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE VILLAGE'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, South Orange Village (the "Village") is obligated to provide a realistic opportunity for the creation of housing affordable to very-low-, low-, and moderate-income households pursuant to the New Jersey Fair Housing Act and applicable constitutional requirements; and

WHEREAS, on March 20, 2024, the Fair Housing Act was amended by P.L.2024, c.2, including changes establishing updated Fourth Round compliance procedures and related State monitoring responsibilities; and

WHEREAS, the New Jersey Department of Community Affairs ("DCA") administers requirements applicable to municipal affordable housing compliance, including the reporting and monitoring framework reflected in N.J.A.C. 5:99 and related State guidance; and

WHEREAS, the Village has established an Affordable Housing Trust Fund and desires to amend and restate its development fee ordinance to conform to P.L.2024, c.2, N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act; and

WHEREAS, the Village's Planning Board adopted the Village's Fourth Round Housing Element and Fair Share Plan ("HEFSP") as part of the Village's Master Plan, identifying the strategies, mechanisms, and implementation measures by which the Village will address its Fourth Round affordable housing obligations; and

WHEREAS, the Village Council has endorsed the HEFSP as the policy basis for the Village's affordable housing implementation program, including the adoption and

maintenance of implementing ordinances and procedures consistent with State law and applicable approvals; and

WHEREAS, the Village desires to amend and restate its affordable housing Code provisions to implement the HEFSP and to ensure that standards for affordability controls, administration, monitoring, and enforcement are consistent with current State law and regulations and promote the long-term creation and preservation of affordability; and

WHEREAS, the Village Council finds that adoption of this Ordinance will ensure development fees are collected, maintained, monitored, reported, and expended solely for eligible affordable housing purposes in accordance with a Court-approved Spending Plan and applicable law.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of South Orange Village in the County of Essex and the State of New Jersey as follows:

SECTION 1. Village Code Chapter 185, Land Development, Part 15, Affordable Housing is hereby deleted in its entirety.

SECTION 2. Village Code Chapter 185, Land Development, Part 15, Affordable Housing, is hereby amended and restated in its entirety as follows:

Part 15 Affordable Housing

- Article XXXVI: General Program Purposes, Applicability And Definitions
- Article XXXVII: Affordable Housing Unit Controls and Requirements
- Article XXXVIII: Administration And Enforcement
- Article XXXIX: Development Fees
- Article XXXVI: General Program Purposes, Applicability And Definitions
- Article XXXVII: Affordable Housing Unit Controls and Requirements
- Article XXXVIII: Administration And Enforcement
- Article XXXIX: Development Fees

SECTION 3. All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 5. This ordinance shall take effect after referral to the Planning Board pursuant to N.J.S.A. 40:55D-64, notice and a hearing pursuant to N.J.S.A. 40-55D-62.1, and upon final passage and publication as required by law. The Village Clerk shall provide any and all notifications mandated by the Municipal Land Use Law, N.J.S.A. 40:49-2.1 and N.J.S.A. 40A:55-1 et seq.

SECTION 6. On passage this ordinance shall be codified.

Introduced: February 23, 2026

ATTEST:

Ojetti E. Davis, Village Clerk
South Orange Village