

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2009-08**

AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, NEW JERSEY TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Township of Fairfield intends to address the requirements of the Council on Affordable Housing (COAH) regarding compliance with the municipality's prior round and third round affordable housing obligations; and

WHEREAS, this need can be partially met by the creation of an accessory apartment ordinance; and

WHEREAS, the governing body of the Township of Fairfield deems it necessary to have an established procedure for the creation and administration of affordable accessory units; and

WHEREAS, this Ordinance implements and incorporates the Fair Share Plan and addresses the requirement of NJAC 5:97 as may be amended and supplemented.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Fairfield, County of Essex, and State of New Jersey as follows:

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Township of Fairfield Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Township of Fairfield shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of Fairfield Municipal Building, Municipal Clerk's Office, 230 Fairfield Road, Fairfield, N.J. 07004, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

