

Township of Mahwah

Ordinance No. 1726

Authorizing the Acquisition of Affordable Housing Units in the Township of Mahwah

WHEREAS, the Township Council of the Township of Mahwah (“Township”) finds that there is a need for the acquisition of properties in the Township that are affordable housing ownership units on which the affordability controls have expired to preserve those units; and

WHEREAS, the Township is among the entities authorized to purchase these units upon the expiration of these controls; and

WHEREAS, the Township has funds available in its affordable housing trust fund, which may be used for those purposes; and

WHEREAS, the purpose of this ordinance is to approve the acquisition of affordable housing units to continue the affordability controls pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. and all other applicable laws and rules and regulations.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

Section 1: The Township will acquire, by agreement, any affordable housing units that the Township Council, by resolutions to be adopted pursuant to this ordinance, finds should be acquired in the public interest in order to reinstate and extend the affordability controls on the units acquired, to continue to make affordable housing units available in the Township, in accordance with the provisions of all applicable laws and legal standards. The acquisitions will include, but will not be limited to, the acquisition of all easements, rights of way, leaseholds, and other estates in and to the property to be acquired.

Section 2: Upon the adoption of a resolution pursuant to Section 1 of this ordinance, the Mayor, Township Clerk, Township Business Administrator, and Township Attorney are authorized and directed to execute all documents necessary for the acquisition of the property as approved by the resolution, including a contract for the purchase, which will be in a form prepared by or approved by the Township Attorney.

Section 3: The property is being acquired to provide opportunities in the Township for qualified persons to buy affordable housing.

Section 4: The Township acquires the property pursuant to all of the powers delegated to the Township pursuant to N.J.S.A. 40A:12-1 et seq.

Section 5: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 6: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 7: This ordinance will take effect upon final approval and publication, according to law.