

**BOROUGH OF MENDHAM**  
MORRIS COUNTY, NEW JERSEY

**ORDINANCE #05-2021**

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,  
TO AMEND CHAPTER 60, AFFORDABLE HOUSING, REGARDING ADMINISTRATIVE AGENT FEES**

**WHEREAS**, the Borough Administration and Borough Planner have recommended certain amendments to Chapter 60, Affordable Housing, to clarify responsibility for Administrative Agent fees; and

**WHEREAS**, the Mayor and Borough Council find it in the best interest of the Borough to make such amendments.

**THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows:

**SECTION 1.** Chapter 60, Affordable Housing, Section 60-4, New Construction, paragraph c, Maximum Rents and Sale Prices, is hereby amended to add new subparagraph 12 to read as follows:

12. The costs of determining maximum rents and sales prices for affordable units shall be the responsibility of the developer, sponsor, or owner, unless otherwise determined or agreed to by the Borough.

**SECTION 2.** Chapter 60, Affordable Housing, Section 60-8, Buyer Income Eligibility, is hereby amended to add new paragraph (e) to read as follows:

(e) The costs of certifying buyer's income eligibility to purchase an affordable unit shall be the responsibility of the developer, sponsor, or owner, unless otherwise determined or agreed to by the Borough.

**SECTION 3.** Chapter 60, Affordable Housing, Section 60-13, Tenant Income Eligibility, is hereby amended to add new paragraph (d) to read as follows:

(d) The costs of certifying tenant income eligibility to rent an affordable unit shall be the responsibility of the developer, sponsor, or owner, unless otherwise determined or agreed to by the Borough.

**SECTION 4.** Chapter 60, Affordable Housing, Section 60-14, Administration, paragraph (b) is hereby amended to read as follows:

(b) The Borough shall hire an administrative agent to administer affordable units in the Borough and costs of such administration shall be reimbursed to the Borough by the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough. Affordable units existing at the time of adoption of this ordinance are exempt from this requirement.

**SECTION 5.** Chapter 60, Affordable Housing, Section 60-14, Administration, is hereby amended to add new paragraph (e) to read as follows:

(e) The cost of administering affordable units in the Borough including affirmative marketing, establishing rents and sales prices, establishing buyer and tenant income eligibility and rental and re-sale shall be the responsibility of the developer, sponsor, or owner, unless otherwise determined or agreed to by the Borough.

**SECTION 6.** If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 7.** All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 8.** This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

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Introduced: April 14, 2021  
Public Hearing: April 26, 2021