



# BOROUGH OF HADDONFIELD

Camden County, New Jersey

June 23, 2010

2010-07

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF HADDONFIELD, COUNTY OF CAMDEN, STATE OF NEW JERSEY, CHAPTER 63, ENTITLED AFFORDABLE HOUSING, AND CHAPTER 135, ENTITLED LAND DEVELOPMENT, TO ESTABLISH A PATCO OVERLAY ZONE AND AN ENFORCEMENT SECTION**

**WHEREAS**, per the approval by the Coalition on Affordable housing (COAH) of the Borough of Haddonfield's Third Round Plan; and

**THEREFORE**, be it ordained by the Board of Commissioners of the Borough of Haddonfield, County of Camden, State of New Jersey, as follows:

**SECTION I:**

1. Chapter 63, Section 1 of the Code of the Borough of Haddonfield hereby be amended to include the following new definition:

PATCO SITE – Area located at or near the train station inclusive of Block 118, Lot 4; Block 36, Lots 1.01 and 1402; Block 134, Lot 9.

2. Chapter 63, Section 3 of the Code of the Borough of Haddonfield hereby be amended to include the following new items:

§63-3. Number of Affordable Units Required.

D. As part of any redevelopment of the PATCO Site, a minimum of 50% of the square footage to be constructed at the site shall be for residential use. Such required residential development shall provide a 25% affordable housing set-aside of the total number of residential units on the site. Parking garage square footage shall not be included in the total square footage.

3. Chapter 63 of the Code of the Borough of Haddonfield hereby be amended to include the following new Article:

**ARTICLE VI, Enforcement of Affordable housing Regulations**

§63-32. Enforcement of Affordable Housing Regulations

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:



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- (a) A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
    - (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Haddonfield Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  - (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money



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Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

4. Chapter 135, Section 33 of the Code of the Borough of Haddonfield hereby be amended to include the following new items:

§135-33(A) Permitted principal uses:

- (4) On PATCO Site as defined in Chapter 63, Section 3 a minimum of 50% of total floor area shall be residential.

§135-38(D)(3)(b)[1][a] Function.

- i. On PATCO Site as defined in Chapter 63, Section 3 a minimum of 50% of total floor area shall be residential.

§135-41(A) Permitted principal uses:

- ii. (3) On PATCO Site as defined in Chapter 63, Section 3 a minimum of 50% of total floor area shall be residential.

### SECTION II:

All ordinances or parts of ordinances inconsistent with this amending ordinance be and they are hereby repealed to the extent of such inconsistencies only.

### SECTION III:

If any section or provision of this ordinance shall be held unconstitutional or invalid by any court, the remaining sections and provisions shall, notwithstanding such holding, remain and be in full force and effect.

### SECTION IV:

This ordinance shall be in effect upon passage and publication according to law.

First Reading – June 8, 2010

Second Reading – June 22, 2010

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND COMPLETE COPY OF THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONER, BOROUGH OF HADDONFIELD, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AT THEIR REGULARLY SCHEDULED MEETING ON JUNE 22, 2010.

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Deanna Bennett, Borough Clerk