

CITY OF PLAINFIELD

MC 2025-27

AN ORDINANCE OF THE CITY OF PLAINFIELD, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CITY CODE SO AS TO AMEND ARTICLE XIII FEES, CHAPTER 17:13-22 WHICH SHALL BE ENTITLED “AFFORDABLE HOUSING DEVELOPMENT FEE ORDINANCE”

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the City of Plainfield, County of Union, State of New Jersey, as follows:

SECTION 1. The City Code is hereby amended and supplemented so as to amend Article XIII , entitled “Fees,” so as to add 17:13-22 which shall be entitled “Affordable Housing Development Fees” and which shall read as follows:

§ 17:13-22. Affordable Housing Development Fees.

- A. Affordable housing development fees shall be paid by all developers other than developers of exempt developments and affordable inclusionary housing developments and shall consist of monies paid by an individual, person, partnership, association, company or corporation for the improvement of property. Affordable housing development fees collected shall be used for the sole purpose of providing low- and moderate-income housing.
- B. Fee calculations. Fees shall be based on the equalized assessed value, which shall be the value of a property determined by the City Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the City Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the City Tax Assessor.

§ 17:13-23. Residential Development Fees.

- A. For all residential development within the City of Plainfield, developers shall pay a development fee of 1.5% of the equalized assessed value of the residential development , provided no increase in density is permitted. When an increase in density is permitted pursuant to N.J.S.A. 40:55D-70d(5), known as a "d" variance, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- B. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and 6% of the equalized assessed value for the two additional units, provided that zoning on the site has not changed during the two-year period preceding the filing of such a variance application.
- C. Residential development fee exemptions.
 - a. The following development shall be exempt from residential development fees:
 - i. Affordable housing developments;
 - ii. Developments where the developer is providing for the construction of affordable units elsewhere in the City.
 - iii. Developments where the developer has made a payment in lieu of on-site construction of affordable units.

- iv. All residential dwellings destroyed due to fire, flood, or other natural disaster and rebuilt by their owners shall be exempt from paying a development.

§ 17:13-24. Nonresidential Development Fees.

- A. For all nonresidential development within the City of Plainfield, developers shall pay a fee equal to 2.5% of the equalized assessed value of the nonresidential land and improvements, for all new nonresidential construction on an unimproved lot or lots and for development resulting from any additions to existing structures or other improvements to be used for nonresidential purposes.
- B. Nonresidential development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved development including land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- C. All developers of nonresidential development must complete Form N-RDF prior to applying for a construction permit or requesting a certificate of occupancy. A certificate of occupancy will not be issued without proof of payment of a nonresidential development fee or proof of exemption.
- D. Eligible exactions, ineligible exactions and exemptions for nonresidential development.
 - a. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
 - b. The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within an existing footprint, reconstruction, renovations and repairs.
- E. Nonresidential development shall be substantiated in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption Form." Nonresidential development exempt from the development fee shall include nonresidential development that is an amenity made available to the public, including but not limited to, recreational facilities, community centers, and senior centers, which are developed in conjunction with or funded by a nonresidential developer; and
- F. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 approved July 17, 2008, (N.J.S.A. 52:27D-329.2) shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate for occupancy of the nonresidential development, whichever is later.
- G. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the City of Plainfield as a lien against the real property of the owner.

§ 17:13-25. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a construction permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non -Residential Development Certification/Exemption Form" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The City Tax Assessor shall verify exemptions and

prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- C. The construction official responsible for the issuance of a building permit shall notify the City Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the City Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the City Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the City Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements in the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the City of Plainfield fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in N.J.S.A. 40:55D-8.6.
- H. Fifty percent of the total estimated development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the issuance of the building permit and that determined at the issuance of the certificate of occupancy.


§ 17:13-26. Appeal of Development Fee procedures.

- A. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the City of Plainfield. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- B. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the City of Plainfield. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.


SECTION 4. This ordinance shall take effect after second reading and publication as required by law.



Abubakar Jalloh, R.M.C.
Municipal Clerk

CLERK'S CERTIFICATION

I, Abubakar Jalloh, City Clerk of the City of Plainfield do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Plainfield City Council.



Abubakar Jalloh, R.M.C.
Municipal Clerk

✓ Vote Record - Ordinance MC 2025-27						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Richard Wyatt	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Charles McRae	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Steve Hockaday	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Terri Briggs Jones	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Repealed	Robert Graham	Secunder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Failed	Julienne Cherry	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Vetoed	Darcella Sessomes	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consensus						