

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #12/26

**AN ORDINANCE TO AMEND § 221-2.1 OF THE TOWN CODE ENTITLED
“AFFORDABLE HOUSING TRUST FUND”**

WHEREAS, the Town of West New York has adopted Section 221-2.1 of the Town Code to allow for payments in lieu of construction of low and moderate income housing; and

WHEREAS, Section 221-2.1 of the Town Code (“Affordable Housing Trust Fund”) currently provides Developers may pay a certain fee in lieu of construction of low and moderate income housing; and

WHEREAS, the governing body desires to amend Section 221-2.1 of the Town Code to modify the requirements for payments in lieu of construction.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey hereby authorize Code 221-2.1 to be amended as follows:

SECTION ONE

Chapter 221-2.1 entitled “Affordable Housing Trust Fund” subsection B (2), shall be deleted in its entirety and replaced as follows:

§ 221-2.1(B)(2). Affordable Housing Trust Fund.

A residential developer electing to contribute to the Affordable Housing Trust Fund, in lieu of building low- or moderate-income housing, shall make a contribution of \$5,000 in lieu of constructing each required low-income and moderate-income unit, provided that any development which is not granted any exemption or abatement of real estate taxes shall be responsible to make discounted contributions of 80% of the amounts set forth hereinabove in lieu of construction for the units attributable to the development so abated or exempted.

SECTION TWO

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION THREE

Repealer. To the extent that any provision of the Code of the Town of West New York is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION FOUR

In order to avoid accidental repeal of existing provisions, the Town Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE

This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Section 221-2.1(b)(2) to reflect the new payment in lieu fee requirement for residential construction.

Introduced: April 15, 2026

Adopted: May 6, 2026

Statement

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **May 6, 2026** and at said date was duly and finally adopted after public hearing thereon.

Adelinny Plaza, RMC
Town Clerk

Commissioner Marcos A. Arroyo

Commissioner Victor M. Barrera

Commissioner Marielka A. Diaz

Commissioner Adam W. Parkinson

Mayor Albio Sires
Board of Commissioners

Attest: _____
Adelinny Plaza, RMC
Town Clerk