

**CHAPTER 93**

**SUBSTANTIVE RULES OF THE NEW JERSEY  
COUNCIL ON AFFORDABLE HOUSING FOR  
THE PERIOD BEGINNING JUNE 6, 1994**

**Authority**

N.J.S.A. 52:27D-301 et seq., specifically 52:27D-307.

**Source and Effective Date**

R.1994 d.290, effective June 6, 1994.  
See: 25 N.J.R. 5763(a), 26 N.J.R. 2300(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period beginning June 6, 1994, expires on June 6, 1999.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**5:93-1.1 Short title; purpose; scope**

(a) The provisions of this chapter shall be known as the "Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994."

(b) The purpose of this chapter will be the provision of criteria to be used by municipalities in addressing their constitutional obligation to provide a fair share of affordable housing for moderate and low income households.

(c) All municipalities within the jurisdiction of the Council are subject to evaluation, in accordance with the provisions of this chapter, for the period beginning on June 6, 1994.

**5:93-1.2 Severability clause**

If any part of this chapter shall be held invalid, the holding shall not affect the validity of remaining parts of these rules. If a part of these rules is held invalid in one or more of their applications, the rules shall remain in effect in all valid applications that are severable from the invalid application.

**5:93-1.3 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created within an existing home, or through the conversion of an existing attached accessory structure on the same site, or by an addition to an existing home or accessory building.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c.222 (N.J.S.A. 52:27D-301 et seq.).

"Active recreation" means leisure time activities usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or fields. Active recreation sites include swimming areas; playgrounds; tot lots; play fields; and tennis and other court game facilities. Active recreation shall not include areas designated for bike riding, hiking, walking and picnicking.

"Adjustment" means a modification and/or deferral of the municipal low and moderate income housing obligation, pursuant to N.J.S.A. 52:27D-307(c)(2) and N.J.A.C. 5:93-4.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c.530 (N.J.S.A. 55:14K-1 et seq.).