



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 12-1936, Version: 1

**Dept/ Agency:** Economic & Housing Development

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Waiving 20 day period for an ordinance to take effect

**Purpose:** Construction of Residential Rental Affordable Housing Project is at Risk as Closing on Property Needs to Occur Prior to Expiration of 20 Day Waiting Period

**Ordinance No(s):** 6PSF-a, October 3, 2012

**Additional Information:**

Broadway Genesis Urban Renewal Apartments, LP, residential rental housing project to be constructed by H.E.L.P. New Jersey Development Co., LLC on land located within the City's North Ward identified on the official tax map of the City of Newark as Block 729, Lots 36.01 through 36.09, (North Ward)

**WHEREAS**, on April 18, 2012, the Municipal Council of the City of Newark adopted Resolution 7R3-F(AS) granting a long term tax exemption for a fifteen (15) year term to H.E.L.P. New Jersey Development Co., LLC pursuant to the New Jersey Housing and Mortgage Finance Agency Law of 1983, N.J.S.A. 55:14K-1 et seq. (the "HMFA Law") for a residential rental affordable housing project to be financed by the New Jersey Housing and Mortgage Finance Agency (the "HMFA") and to be constructed by H.E.L.P. New Jersey Development Co., LLC on land located within the City's North Ward identified on the official tax map of the City of Newark as Block 729, Lots 36.01 through 36.09, and more commonly known as 711-715 Broadway, Newark, New Jersey (the "Property"); and

**WHEREAS**, on April 30, 2012, the Municipal Council adopted Resolution 7R3-D(S)(AS) amending and clarifying the long term tax exemption to be awarded to H.E.L.P. New Jersey Development Co., LLC, pursuant to Resolution 7R3-F(AS) 041812; and

**WHEREAS**, H.E.L.P. New Jersey Development Co., LLC subsequently advised the City that it no longer intends to finance the project through HMFA financing and that it therefore no longer qualifies for a long term tax exemption for the project under the HMFA Law; and

**WHEREAS**, H.E.L.P. New Jersey Development Co., LLC thereafter created an urban renewal entity, Broadway Genesis Urban Renewal Apartments, LP, with an address of c/o H.E.L.P. USA, Inc., 5 Hanover Square, 17<sup>th</sup> Floor, New York, New York 10004, which filed an application with the Mayor seeking a long term tax exemption for the residential rental affordable housing project on the Property pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq; and

**WHEREAS**, H.E.L.P. New Jersey Development Co., LLC received an award of low income housing tax credits for this project from the HMFA and has assigned its rights with regard to these tax credits to Broadway Genesis Urban Renewal Apartments, LP; and

**WHEREAS**, as a condition of the tax credit award, Broadway Genesis Urban Renewal Apartments, LP must close on its financing for this project and begin construction of the project within

90 days from the date of the award (i.e. by October 11, 2012); and

**WHEREAS**, N.J.S.A. 40:69A-181(b) authorizes a governing body to adopt a resolution declaring an emergency and determining that an ordinance will take immediate effect upon final passage by the Municipal Council and approval by the Mayor so long as at least two-thirds of all the members of the governing body vote in favor of such resolution; and

**WHEREAS**, the Municipal Council seeks to authorize the adoption of Ordinance No. 6PSF-j, September 19, 2012, on an emergent basis as authorized under N.J.S.A.40:69A-181(b) so that Broadway Genesis Urban Renewal Apartments, LP may secure funding, close on the project and begin construction within the time frame mandated by the HMFA tax credit award; and

**WHEREAS**, the Municipal Council recognizes the need for this project in the City's North Ward and further recognizes that the potential loss of the opportunity to build this project would exacerbate the problems found in the North Ward which stem from lack of affordable housing, social services and construction jobs.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. As a result of the reasons set forth herein and the important public policies enunciated, an emergency is hereby declared to exist and Ordinance No. 6PSF-j, September 19, 2012, shall take effect immediately upon final passage by the Council, approval by the Mayor and publication in accordance with N.J.S.A.40:69A-181(b).

### **STATEMENT**

This resolution authorizes an emergency to be declared and further authorizes Ordinance No. 6PSF-j, September 19, 2012, to become effective immediately upon final passage by the Council and approval by the Mayor due to the important public policies served by the construction of a residential rental affordable housing project located at 711-715 Broadway, Block 729, Lots 36.01 through 36.09 in in the North Ward by Broadway Genesis Urban Renewal Apartments, LP and the risk that the project will lose its tax credit funding if Broadway Genesis Urban Renewal Apartments, LP cannot close on the project and commence construction within the time period required by the HMFA.

