

**AN ORDINANCE TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT  
AND TO PROMOTE ENVIRONMENTAL JUSTICE (draft of 05/15/2011)**

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28       **RECITALS:**

29               1. WHEREAS the New Jersey Constitution provides in Article I, ¶ 1 that: "All  
30       persons are by nature free and independent, and have certain natural and unalienable  
31       rights, among which are those of enjoying and defending life and liberty, of acquiring,  
32       possessing, and protecting property, and of pursuing and obtaining safety and happiness";  
33       and

34               2. WHEREAS, N.J.S.A. 40:48-2 provides that: "Any municipality may make and  
35       enforce such ordinances, regulations, rules and by-laws not contrary to the laws of this  
36       state or of the United States, as it may deem necessary and proper for the good  
37       government, order and protection of persons and property, and for the preservation of the  
38       public health, safety and welfare..."

39               3. WHEREAS, the New Jersey Department of Environmental Protection  
40       (NJDEP) was established in 1970, N.J.S.A. 13:1B-1, et seq., to protect the natural and  
41       human environment by regulating certain human activities that may directly or indirectly  
42       impact the environment;

43               4. WHEREAS, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-1, et seq.,  
44       provides the legal and public policy foundation for municipalities to "guide the  
45       appropriate use or development of all lands in this State" in a manner which will promote  
46       the public health, safety, morals and general welfare, and to "secure safety from fire,  
47       flood, panic and other natural and man-made disasters," to "promote the establishment of  
48       appropriate population densities and concentrations that will contribute to the well-being

of persons, neighborhoods, communities and regions and preservation of the environment,”to “promote the conservation of...open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land,” among other goals and purposes; and

5. WHEREAS, to protect public health, counties and municipalities are empowered to establish Boards of Public Health, N.J.S.A. 26:3A2-1, et seq.

6. WHEREAS, to protect human health and the environment and to ensure a sustainable environment, for the benefit of all populations, municipal decision-makers need accurate information about the impacts of proposed action, including impacts on the determinants of health and the environment, and how those determinants will be impacted by municipal decision making; and

7. WHEREAS, the methods for protecting the environment and human health and the gathering of such information includes the “Environmental Impact Statement” and the “Environmental Commission,” N.J.S.A. 40:56A-1, et seq.; and

8. WHEREAS, in many communities, indicators of public health, such as lung disease, diabetes, cancers, and other infirmities, are worsening, particularly for vulnerable populations, including but not limited to infants, children, elderly, ailing and disabled, persons of low income or subject to socioeconomic “stressors” of race, ethnicity, and other aspects of the “social determinants of health,” as defined by the World Health Organization; and

69           9. WHEREAS some communities or neighborhoods are disproportionately  
70           burdened by public health problems related to the cumulative impacts of poverty, blight,  
71           poor walkability, degraded air and water, and other hazardous exposures; and

72           10. WHEREAS, individually some contaminants or impacts may be deemed safe  
73           enough in isolation, but cumulatively they cause or contribute to significant harm for  
74           vulnerable populations; and

75           11. WHEREAS many of these environmental and public health problems are  
76           preventable through due diligence and legal enforcement; and

77           12. WHEREAS, municipalities and communities therein need policy tools to  
78           provide residents protection and security from threats to public health and the  
79           environment, and to promote Environmental Justice, as that standard of decision-making  
80           is defined and clarified in Presidential Executive Order 12898 and its progeny, including  
81           State of New Jersey Executive Order #96 (February 18, 2004), and State of New Jersey  
82           Executive Order #131 (February 5, 2009); and

83           13. WHEREAS, the Local Redevelopment and Housing Law (LRHL), N.J.S.A.  
84           40A:10A-1, et seq., provides for the designation of “blighted areas” or “areas in need of  
85           redevelopment,” which designations authorize the taking of private property for transfer  
86           to a designated “redeveloper” for redevelopment purposes; and

87           14. WHEREAS, the beneficial purposes of the LRHL sometimes lead to the  
88           designation of properties or neighborhoods as “in need of redevelopment” without

sufficient regard for the detrimental impacts of such designations on areas of lower income, people of color, ethnic minorities, the elderly or other vulnerable populations.

15. WHEREAS, also pursuant to the LRHL initiatives, vulnerable populations may be uprooted and displaced without adequate attention to, or compensation for, replacement housing and property.

16. WHEREAS, other actions and decisions of the township [city] [borough] , including the revaluation and assessment of property for taxation purposes, may also inadvertently have a disproportionately negative impact on communities of low income, ethnic minorities, or people of color; and

THEREFORE, to protect human health and the environment, and to promote principles of Environmental Justice to the fullest extent permitted by law, the [township] [city] [borough] of ANYTOWN hereby adopts this ORDINANCE TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT AND TO PROMOTE ENVIRONMENTAL JUSTICE.

## **1.0 DECLARATION OF POLICY**

The following shall be established as the public health, safety and environmental policy of the township [city] [borough] of ANYTOWN:

A. The environment is the subject of a public trust that must be protected and administered for the benefit, safety and happiness of all township [city] [borough] residents, present and future, regardless of income, race, ethnicity or national origin.

109           B. In furtherance of this public trust, the township [city] [borough] has a fiduciary  
110 duty to prevent harm to public health and the environment, which includes the early  
111 identification of risks and the rendering of decisions in recognition of such risks.

112           C. Therefore, the township [city] [borough] will develop laws, policies and plans  
113 to protect the public trust interests of all citizens and residents, to foster healthy  
114 communities, to create and maintain a healthy, viable environment for current and future  
115 generations, and to become a model of economic and environmental sustainability.

116           D. In furtherance of these policies, the township [city] [borough] further commits  
117 to:

118           1. Ensure the fair and equal treatment of all residents, regardless of races, culture  
119 or income with respect to development or redevelopment or other projects or activities,  
120 and enforcement of laws, regulations, policies, and actions that affect public health and  
121 quality of the environment in a manner consistent with principles of Environmental  
122 Justice; and

123           2. Take appropriate action to prevent or mitigate such harm, when such harm is  
124 occurring or reasonably foreseeable, as may be seen in the review of development  
125 applications, redevelopment initiatives, new projects, new activities, and other  
126 government action.

127           3. Encourage proposals for development or redevelopment, or new projects or new  
128 activities, that will not harm public health or the environment nor impose disproportionate  
129 impacts on people of color, ethnic minorities, or residents with low income, and to

withhold approval of such proposals that fail to meet these standards, frequently referenced as Environmental Justice factors, to the extent permitted by governing law.

4. Identify, prevent and, where possible, eliminate disproportionate environmental burdens and pollution imposed on low-income communities and communities of color pursuant to standards of Environmental Justice.

5. Enhance, protect and preserve the environment for the benefit of all present and future residents, regardless of race, income, ethnicity or national origin.

6. Provide complete and accurate information on potential human health and environmental impacts associated with municipal decisions.

7. Examine reasonable alternatives to a proposed development or redevelopment or new project or new activity and select the alternative with the least harmful impact on human health and the environment, including the alternative of taking no action, wherever authorized by law and practicable to do so.

8. Promote public participation and transparent decision-making as critical to identifying risks to health and the environment and to selecting alternatives that avoid or minimize such risks.

## **1.0-2 IMPLEMENTATION OF POLICY**

### **A. Environmental Impact Statement (EIS):**

1. Each redevelopment initiative pursuant to the Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A: 12A-1, et seq., and each application for approval of a development or subdivision approval, or for approval of other new project or new

151 activity, shall include preparation and submission by the applicant of an Environmental  
152 Impact Statement (EIS), as an integral part of its application for approval or designation,  
153 pursuant to the standards and criteria in this ordinance and the principles of  
154 Environmental Justice.

155 2. The EIS shall accompany the application or redevelopment initiative  
156 throughout the review process and shall be an official part of the record and subject to  
157 such public hearing and notice as authorized by law.

158 3. Each EIS shall satisfy the informational requirements set forth in this  
159 ordinance, including those items identified in the Checklist in order for an application or  
160 approval of a redevelopment initiative to be declared complete for review, public notice  
161 and hearing, provided an applicant may request and receive relief from any EIS  
162 informational requirement that is deemed unduly burdensome or unnecessary for the  
163 decision at issue.

164 4. A minimum of five (5) conforming copies of the EIS shall be forwarded to the  
165 Environmental Commission, the Office of the Public Advocate, and the Board of Public  
166 Health at the earliest possible opportunity, and the same shall be posted on a readily  
167 accessible Internet webpage or website.

168 5. In the event that the applicant or proponent fails to submit a reasonably  
169 complete EIS, subject to the right of the applicant to be excused from any informational  
170 requirement in the EIS that is unduly burdensome or not necessary for the decision at  
171 issue, the Planning Board or Zoning Board of Adjustment, as the case may be (hereafter

“land use board or other entity”) may dismiss the application or terminate the initiative without prejudice, such that the applicant may re apply with adequate information.

6. The EIS shall address each item in the Checklist, and such other requirements as the board shall designate from time to time, subject to reasonable waiver opportunities.

7. The EIS shall incorporate by reference relevant portions of the most recent Natural Resource Inventory or Environmental Resource Inventory or such other official documents or plans or studies as may be developed by the Environmental Commission or the municipal planning department, provided the same is sufficiently current, including but not limited to:

a. the municipal Master Plan, as prepared and adopted pursuant to N.J.S.A. 40:55D-28, et seq., provided, however that

b. the information so incorporated remains timely and accurate as to each item incorporated, and

c. provided further that the incorporated sections shall be made a physical part of the EIS such that a reader will have access to all relevant information in one publication or on the Internet in one place.

8. The application shall supply not less than five (5) copies of the EIS for public review at a convenient location, such as the public library or municipal building, to be determined by the reviewing land use board or other entity, and one electronic copy in PDF format, to be placed prominently on the township's [city's] [borough's] website.

192           9. The informational requirements of the EIS shall generally follow the standards  
193 of the National Environmental Policy Act (NEPA) and the regulations of the Council on  
194 Environmental Quality (CEQ) for preparation of an Environmental Impact Statement  
195 (EIS), pursuant to Section 102(2)C, 42 U.S.C. Sec. 4321, et seq., except that the  
196 applicant may be excused from any unduly burdensome or irrelevant requirements, which  
197 request to the reviewing agency or entity shall be promptly determined after notice to and  
198 consultation with the Environmental Commission, and which determination will not be  
199 unreasonably withheld. However, under no circumstances will the applicant be excused  
200 from the requirement to address determinants of health.

201           10. The EIS shall include and provide a detailed statement and analysis of:

202           a. the environmental and public health impacts of the proposed development or  
203 redevelopment or initiative, project or activity under the LRHL, in comparison to a  
204 “baseline” of such information describing current conditions of the site, and including:

205           (1) both positive and negative impacts, and

206           (2) any cumulative impacts which, when viewed in isolation, may be considered  
207 insignificant but when viewed in combination with prior or planned development and  
208 ongoing activities or reasonably foreseeable activities, may prove to be detrimental or  
209 otherwise contributes to a significant impact on the environment or public health;

210           (3) any adverse effects which cannot reasonably be avoided should the proposed  
211 application or project be approved as filed, taking into account practicable and feasible

mitigation measures, including mitigation that may offset existing impacts through a “net impact” assessment;

(4) any reasonable alternatives to the proposed development project or redevelopment initiative or new project or new activity or portion thereof, including identification and consideration of alternatives which do not require such development or redevelopment approvals or which can be effectuated with lesser environmental impact, including the implementation of offsite remediation or mitigation through a “net impact” assessment while taking into account the goals of the community as set forth in relevant planning documents, including but not limited to the municipal master plan;

(5) any potentially irreversible environmental and health impacts and commitments of resources which cannot feasibly be avoided if the preferred development application is approved; and

(6) any negative environmental and public health impacts that may disproportionately affect areas of low income, people of color, or ethnic minorities or may otherwise contravene the principles of Environmental Justice as summarized in Executive Order No. 12898 and as updated;

11. Because the EIS shall have substantive legal effect, it follows that:

a. a failure of the applicant or proponent to select an alternative which, as identified in the EIS, is practicable and feasible, reasonably affordable, and less harmful to the environmental and public health shall be a basis for rejection of the development application; or

b. the land use board or other agency reviewing the application may condition its approval on the applicant agreeing to such mitigation measures as will reduce harm to the environment and/or communities of low income, people of color, or ethnic minorities, taking into account all reasonable costs and benefits of same.

12. An application for a development or redevelopment project or activity deemed “inherently beneficial” as a matter of law, N.J.S.A. 40:55D-4 (as amended by L.2009, c. 146), may be excused from this EIS requirement or any portion thereof, upon request of the applicant for same and a determination being made that the development qualifies as “inherently beneficial,” except that such development may not be excused from the requirement to address determinants of health.

## **B. Measuring Progress**

1. To measure progress toward the goal of maintaining a healthy, viable environment for current and future generations, and to enable analyses of cumulative impacts, the township [city] [borough] will, subject to budgetary limitations and priorities, develop and publish an Environmental and Health Conditions inventory at the level of the census block group or at the level of the smallest unit of U.S. census geography for which data are available, to be published within twelve (12) months from the effective date of this ordinance, and to be updated and published with the annual budget report every year thereafter, unless such Environmental and Health Conditions inventory is included within the township’s [city's] [borough's] Environmental Resource Inventory or Natural Resource Inventory or other such published assessment of same.

254           2. The inventory will include at least these items on the Checklist, as set forth in  
255 the definitions section of this ordinance.

256           3. The preparation of this inventory may be assigned to the Planning Board or the  
257 Environmental Commission or the Board of Health, individually, jointly or cooperatively.

258           4. The inventory shall be incorporated in the EIS.

### 259 **C. Evaluating New Projects: The Checklist**

260           New development or redevelopment projects, and new projects and activities, will  
261 be evaluated by the land use board for their effect on existing conditions, using the  
262 Checklist and inventory of existing conditions in the affected neighborhood or  
263 community, and specific impacts of the proposal on Checklisted items.

264           1. A Health Impact Assessment will be completed for any proposed action that  
265 could negatively alter the determinants of health, except to the extent that such an  
266 assessment is part of the EIS or other published source. The cost of such assessment will  
267 be borne by the owners of the proposed projects, to the extent permitted by law.

268           2. The Checklist and Health Impact Assessment will evaluate whether the  
269 proponent of a project can show that the proposal will not worsen health or the  
270 environment.

271           3. Municipal decisions will be revisited periodically, at intervals no less frequent  
272 than whenever the Health Impact Assessment is updated, to evaluate whether prior  
273 decisions have produced the results anticipated or predicted, and if remedial actions are  
274 necessary.

275 **D. Monitoring Existing Facilities**

276 1. Subject to budgetary limitations, the township [city] [borough] shall provide for  
277 monitoring existing facilities and activities for compliance with and enforcement of this  
278 ordinance.

279 2. Monitoring results will be made available on paper in the local public library  
280 and prominently on the township's [city's] [borough's] website.

281 **E. Remedial Actions**

282 1. In any communities within the township [city] [borough] that are  
283 disproportionately burdened by pollution, or are particularly vulnerable to harm, the  
284 township [city] [borough] will work to improve existing conditions by reducing and  
285 eliminating negative impacts on the determinants of health to the fullest extent practicable  
286 and authorized by law.

287 2. In furtherance of this objective, the township [city] [borough] will annually  
288 solicit the findings and recommendations of the Board of Health, the Environmental  
289 Commission, and interested community organizations, including but not limited to houses  
290 of worship, advocacy groups, and members of the general public, and will hold public  
291 hearings thereon.

292 **F. Definitions**

293 **1. Communities:**

294 Means discrete areas of a municipality, such as neighborhoods, housing  
295 developments or subdivisions, public housing projects or other predominantly residential

sectors that generally share certain commonly-held characteristics, such as geographic proximity, lower income, race or ethnicity within a particular area.

## **2. Cumulative impacts**

The cumulative impact of an action refers to the incremental impact of the action which if viewed separately may seem to be insignificant but when combined with past, present, and reasonably foreseeable future actions contributes to having a significant impact on the environment and determinants of health as those determinants are recognized by the U.S. Department of Health and Human Services.

## **3. Determinants of Health**

The determinants of health include:

- a. The natural environment, such as plants, weather, or climate change
- b. The as-built environment, such as buildings or transportation, worksites, schools, and recreational settings, housing, homes, and neighborhoods.
- c. Exposure to toxic substances and other physical hazards
- d. Physical barriers, especially for people with disabilities
- e. Aesthetic elements, such as good lighting, trees, or benches
- f. Availability of resources to meet daily needs, such as educational and job opportunities, living wages, or healthful foods
- g. Social norms and attitudes, such as discrimination
- h. Exposure to crime, violence, and social disorder, such as the presence of trash
- i. Social support and social interactions

- j. Exposure to mass media and emerging technologies, such as the Internet or cell phones
- k. Socioeconomic factors, such as race, ethnicity, and concentrated poverty
- l. Quality schools
- m. Transportation options
- n. Public safety
- o. Residential segregation based on characteristics such as income, ethnicity, or race
- p. Disproportionate impact

#### **4. The Environment**

The environment includes the natural, built and social environments, and including the determinants of health for neighborhoods and communities, and impacts on associations and cultural values.

#### **5. The Checklist**

- a. **Air:** air pollution sources, including existing background conditions
- b. **Water:** includes water discharge sources, stormwater controls and management, point sources and nonpoint sources of water pollution
- c. **Land:** includes soils, farmland, woodlands, wetlands, open space, recreational space, landscapes and views

d. **Quality of life:** includes, smells, dust, smoke, vapors, gases, noise, vibration, glare, heat, rodents, mosquitoes, other vectors; presence or absence of trees and other vegetation

e. **Waste:** includes industrial waste, waste facilities, sewage, litter

f. **Urban design:** includes consideration of walkability, dangerous intersections, barriers dividing neighborhoods, pedestrian safety, visual blight, empty lots, abandoned structures, traffic congestion,

g. **Environmental Justice:** includes the principles set forth in presidential Executive Order No. 12898 and as further clarified in relevant updates and implementing publications of the U. S. Environmental Protection Agency (EPA) regarding the disproportionate or disparate negative impact of diverse governmental decisions and initiatives including but not limited to decisions respecting pollution discharge permits, development applications and redevelopment initiatives and other governmental action which may impact neighborhoods or communities of low income or people of color or ethnic minorities, and vulnerable populations therein

h. **The Applicant:** includes review of its compliance record with respect to assurances provided by the applicant in other or prior applications and with existing laws or regulations protecting the environmental and public health, or conditions for the receipt of tax abatements and any other municipal gratuities or inducements which may be relevant to the decision at issue.

If the applicant for the proposed development, or redevelopment, or project or activity asserts that jobs will be created, then the applicant will provide the following information: (1) how many jobs will be created, with what job titles, paying what wages, with what benefits, over what period of time; (2) whether the jobs will be unionized; (3) what percentage of such jobs will be filled from within the township [city] [borough]; (4) for its existing workforce, the number of employees, their job titles, their wages, their benefits, whether they are unionized, and their zip code of residence.

i. **Health status and health-determining factors.** Cancer incidence, prevalence, and deaths. Asthma incidence, prevalence, and deaths. Diabetes incidence and prevalence. Autism incidence, and prevalence. Low-birth-weight births. Premature births. Age distribution of the population. Racial and ethnic characteristics of the population. Distribution of per-capita income and family income. Single-parent households. Condition of housing stock. Employment statistics. Proportion of children being raised in poverty. Percent of the population that voted in the last 3 general elections.

## **6. Inherently Beneficial:**

Means a project, facility, development or redevelopment which has been declared by courts of competent jurisdiction or by legislation to inherently serve the public good such that certain regulatory impediments should be minimized in order to promote or facilitate such project, development or redevelopment, and which include but are not

necessarily limited to child care facilities, lower income or subsidized housing, group homes for the disabled, schools, hospitals, homes for the aged, assisted living facilities, places of worship, and renewable energy facilities, but shall not include certain public facilities of a non residential or industrial nature, such as sewage treatment plants or cell tower installations.

## **7. Net Impact Assessment:**

Means a mode or methodology for quantifying or calculating the overall environmental and health impact of an activity through such action as authorizing an applicant to offset certain increases in impacts on-site by making or offering to make additional and increased reductions of the same impacts offsite, provided that such net impact assessment or offsets will not be authorized to trade off the environment or public health of one community or neighborhood for the benefit of another, if doing so may create or contribute to undue concentrations of impacts known as “hot spots” in the impacted area

### **2.0: Establishment of the Office of Municipal Public Advocate; delineation of qualifications, and powers and duties:**

A. There is hereby established the Office of the Municipal Public Advocate for the purpose of assisting the township [city] [borough] in the implementation and enforcement of this Ordinance and related rules and regulations.

#### **B. Appointment and Compensation:**

1. The Governing Body of the township [city] [borough] shall appoint a qualified attorney to serve as the Municipal Public Advocate after soliciting candidates to consider on the basis solely of relative merit and after an open competitive basis.

2. The Public Advocate may be a non profit or public interest law firm or similar association dedicated to protection of the environment and public health.

3. The compensation of the Public Advocate shall be set by the Governing Body and be sufficient to attract a qualified person for the position, and shall not be reduced during his or her term in office.

4. The Public Advocate shall serve at the pleasure of the Governing Body but may be removed for good cause shown which shall not include the assertion of a politically unpopular position on any matter within the jurisdiction of the office.

5. The Planning Board and Zoning Board may include such funding as may be appropriate for the Public Advocate to appear before such board within its schedule of “escrow fees,” as authorized by N.J.S.A. 40:55D-53.1, et seq.

#### C. Qualifications:

1. The Public Advocate shall be an attorney at law in good standing in the State of New Jersey with at least five (5) years of experience.

2. The Public Advocate shall be substantially qualified by education and experience in the areas of legal practice relevant to its duties, which include but are not limited to

a. Land use law including zoning, rezoning, variances, site plans, subdivision reviews, planning and stormwater.

b. Litigation and appeals from decisions of Planning Boards and Zoning Boards, both to uphold or to contest any such decision, as the case may be.

c. Environmental law and practice

d. Public health law and practice.

D. Duties and Powers: The Public Advocate shall:

1. Take such action as permitted by law to enforce this ordinance or law or rule or regulation related thereto, including the Environmental Rights Act, N.J.S.A. 2A:35A-1, et seq.

2. Appear before the Planning Board, and the Zoning Board to present argument and evidence with respect to any pending major development application.

3. Represent residents, communities and neighborhoods regarding any application for major development located within such community or neighborhood of the township [city] [borough], on petition by representatives of such community or neighborhood.

4. File and argue appeals in any court with subject matter jurisdiction as deemed necessary to implement or enforce this Ordinance.

5. Collect fees for reimbursement of the township [city] [borough] or “escrow fee” account, as the “prevailing party” under any relevant statute or Rule of Court providing for such fee shifting.

441           6. Take such other action as necessary and appropriate to carry out the foregoing  
442 duties and powers.

443           7. This being a remedial ordinance, the powers of the Public Advocate shall be  
444 liberally construed.

### 445 **3.0. Powers of the Board of Public Health:**

446           A. Pursuant to the “Local Public Health Services Act,” N.J.S.A. 26:3A2-1, et seq.,  
447 each county and municipality is authorized and empowered to establish a board of public  
448 health.

449           B. If the township [city] [borough] has not established a board of public health,  
450 pursuant to law, it shall do so within ninety (90) days.

451           C. Among the duties of such board of public health, the board shall have authority  
452 to implement and enforce any provision of this ordinance related to protection of public  
453 health through appropriate action, provided that the township [city] [borough] or Public  
454 Advocate is not actively enforcing the same at that time.

### 455 **4.0. Property Taxation:**

456           A. The taxation of realty or “real property” (land, buildings and fixtures), which  
457 is the principal means of supporting the expenses of local government and public  
458 education and county services, requires periodic valuation or revaluation of property  
459 values within the township [city] [borough] for purposes of tax assessments.

460 B. The process of valuation or revaluation of property may be performed by a  
461 variety of generally accepted methodologies or techniques by competent personnel and  
462 qualified consultants retained for that purpose.

463 C. However, because certain methodologies of valuation or revaluation, including  
464 but not necessarily limited to the “Extraction Method,” have been shown to shift or  
465 transfer tax burdens from areas with predominantly higher income property owners to  
466 areas where residents or property owners are predominantly of lower income or people of  
467 color or ethnic minorities, the township [city] [borough] shall:

468 1. Select that methodology which is both legally acceptable and is least likely to  
469 lead to disproportionate shifting of tax burdens to lower income property owners, and

470 2. Closely monitor the process of property valuation and revaluation to assure  
471 transparency, fairness and equity to the fullest extent permitted by law.

472 **5.0. Effectiveness date:**

473 This ordinance shall take effect no sooner than the ninetieth (90) day after the  
474 publication of notice of the enactment of this Ordinance, except that the Governing Body  
475 and other affected boards shall, upon enactment, take such steps as necessary to  
476 commence the process of implementing this ordinance immediately after the date of  
477 effectiveness.

478 **6.0 Severability:**

479 If any portion, clause, or section or subsection of this ordinance is determined by a  
480 court of competent jurisdiction to be unlawful, ultra vires or unenforceable, it is the

481       intention of the township [city] [borough] that the remaining portions remain and be  
482       severed from the portion struck down by the court.