



AGENDA

**Combined Meeting of the Mayor and Council
Wednesday, February 11, 2026
7:00 PM**

To view the Mayor & Council meeting via livestream, please access the YouTube link which is posted on the Northvale website, www.northvalenj.org. Go to government tab, then to meeting livestreams.

CALL THE MEETING TO ORDER

OPEN PUBLIC MEETINGS ACT NOTICE

This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting have been advertised in the two official newspapers of the Borough, filed with the Municipal Clerk, and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.

SALUTE TO THE FLAG AND MOMENT OF SILENCE

ROLL CALL OF THE COUNCIL

PROCLAMATION

Joan Bohan and Michael Schulman

APPOINTMENTS

Approve the appointments of Daniel Plescia of 370 Summit Street, Norwood, Kunmin Lee of 160 Glenn Avenue, Norwood and Dennis Mikhaylov of 214 Walnut Street, Northvale to the Northvale Fire Department

APPROVAL OF MINUTES

Sine Die Meeting of December 29, 2025 AND Reorganization Meeting of January 6, 2026

MONTHLY CORRESPONDENCE

The following reports are on file in the Municipal Clerk's office and can be viewed by the public between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Building Department

Engineer – Neglia Group

Fire Prevention

Grantswriter - Bruno Associates

Recreation Minutes

Tax Collector

CORRESPONDENCE

1. Colliers Engineering
Riverside Cooperative 2026 Paving Program
(Resolution #2026-52)
2. NJ Solutions Joint Health Insurance Fund
Indemnity and Trust Agreement
(Resolution #2026-53)
3. Neglia Group Proposal
Willow Ave., White Ave., Firenze St. Improvements
(Resolution #2026-57)
4. Rockleigh Shared Service Agreement
(Resolution #2026-61)



RESOLUTIONS – Consent Agenda –

“All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business”.

RESOLUTION #2026-35

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BONDING ATTORNEY FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain a Bonding Attorney for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Rogut McCarthy LLC of Cranford, New Jersey, has submitted a proposal in response to the Borough’s Request for Proposals” (“RFP”) indicating they will provide the services as Bonding Attorney at the rates set forth within Attachment 1 to its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Rogut McCarthy LLC and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its Bonding Attorney; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the services to be provided hereunder are on an hourly, as-needed basis and the Chief Financial Officer will certify the availability of funds as the services are requested.

IT IS HEREBY RESOLVED, that Rogut McCarthy is hereby retained as Bonding Attorney for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the response to the Borough’s RFP, which response is incorporated in this resolution as if set forth fully herein; and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-36

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BOROUGH ATTORNEY FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain a Borough Attorney for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the



criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Bruno & Ferraro, Esqs. of Rutherford, New Jersey, has submitted a proposal in response to the Borough's Request for Proposals" ("RFP") indicating they will provide the services as Borough Attorney at the rate of \$90,000 per year, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Bruno & Ferraro, Esqs. and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its Borough Attorney; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$26,775.00 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line item appropriation is: 6-01-20-155-201

IT IS HEREBY RESOLVED, that Bruno & Ferraro Esqs.. is hereby retained as Borough Attorney for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-37

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BOROUGH AUDITOR FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain a Borough Auditor for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Stephen Wielkottz, CPA of Pompton Lakes, New Jersey, has submitted a proposal in response to the Borough's Request for Proposals" ("RFP") indicating they will provide the services as Borough Auditor at the rates set forth within its PSA, for the period between January 1, 2026 and December 31, 2026; and



WHEREAS, the Borough has reviewed the credentials of Stephen Wielkotsz CPA. and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its Borough Auditor; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$13,650.00 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line item appropriation is: 6-01-20-135-201

IT IS HEREBY RESOLVED, that Stephen Wielkotsz CPA.. is hereby retained as Borough Auditor for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the above fee and response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-38

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BOROUGH ENGINEER FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain an a Borough Engineer for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Neglia Group of Lyndhurst, New Jersey, has submitted a proposal in response to the Borough's Request for Proposals" ("RFP") indicating they will provide the services a Borough Engineer for general engineering at the rates set forth within Attachment 1 to its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Neglia Group and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its Engineer; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$15,750.00 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and



WHEREAS, the exact line item appropriation is: 6-01-20-165-201

IT IS HEREBY RESOLVED, that Neglia Group is hereby retained as an Engineer for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the above proposed fee and response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-39

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BOROUGH ENVIRONMENTAL ENGINEER FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain an a Borough Environmental Engineer for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Integral Consulting Inc , of Milford, New Jersey, has submitted a proposal in response to the Borough's Request for Proposals" ("RFP") indicating they will provide the services a Borough Environmental Engineer at the rates set forth within its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Integral Consulting Inc and has found that this firm has the requisite professional expertise and experience to assist the Borough as its Environmental Engineer; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$8,920.00 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line item appropriation is: 6-01-20-310-203

IT IS HEREBY RESOLVED, that Integral Consulting Inc is hereby retained as an Environmental Engineer for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the above proposed fee and response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and



IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of his appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-40

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A GRANTSWRITER FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain a Grantswriter for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Bruno Associates Inc., of Clifton, New Jersey, has submitted a proposal in response to the Borough's Request for Proposals ("RFP") indicating they will provide the services as Grantswriter at the rates set forth within Attachment 1 to its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Bruno Associates Inc. and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its Grantswriter; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$7,612.50 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line item appropriation is: 6-01-20-100-209

IT IS HEREBY RESOLVED, that Bruno Associates Inc. is hereby retained as Grantswriter for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the above fee and response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.



RESOLUTION #2026-41

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF AN IT CONSULTANT FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain an IT Consultant for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Dart Computer Services Inc (“Dart”), of River Vale, New Jersey, has submitted a proposal in response to the Borough’s Request for Proposals” (“RFP”) indicating they will provide the services a Borough IT Consultant for general IT services at the rates set forth within its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Dart and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its IT Consultant; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$1,837.50 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line item appropriation is: 6-01-20-100-206

IT IS HEREBY RESOLVED, that Dart is hereby retained as an IT Consultant for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the fee and response to the Borough’s RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-42

TITLE: RESOLUTON AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF FINANCIAL SERVICES FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain a financial services provider for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and



WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Battaglia Associates LLC of Fairview, New Jersey, has submitted a proposal in response to the Borough's Request for Proposals" ("RFP") indicating they will provide the services as Financial Services Provider at the rates set forth within its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Battaglia Associates LLC. and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its financial services provider; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$8,925.00 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line item appropriation is: 6-01-20-130-203

IT IS HEREBY RESOLVED, that Battaglia Associates LLC is hereby retained as financial services provider for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-43

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A BOROUGH PLANNER FOR YEAR 2026

WHEREAS, the Borough of Northvale desires to retain an a Borough Planner for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Neglia Group of Lyndhurst, New Jersey, has submitted a proposal in response to the Borough's Request for Proposals" ("RFP") indicating they will provide the services as Borough Planner at the rates set forth within its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Neglia Group and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its Planner; and



WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$9,712.50 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line item appropriation is: 6-01-20-100-203

IT IS HEREBY RESOLVED, that Neglia Group is hereby retained as a Planner for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the above proposed annual fee and response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-44

TITLE: RESOLUTON AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A MUNICIPAL PROSECUTOR FOR THE YEAR 2026

WHEREAS, the Borough of Northvale (the "Borough") has a need to engage the services of a Municipal Prosecutor for the year 2026; and

WHEREAS, the Borough of Northvale is required to comply with the New Jersey Pay-to-Play Law (P.L. 2004 c. 19, N.J.S.A. 19:44-20.4 et. Seq.) ("Act"); and

WHEREAS, the Borough have adopted a fair and open process pursuant to N.J.S.A. 19:44A-20.4 with respect to the retention of a Municipal Prosecutor with respect to all Municipal Court issues and as otherwise provided by New Jersey Law; and

WHEREAS, the Borough advertised for the submission or "Requests for Proposals (the "RFP") for the aforementioned position and has reviewed all the RFP's submitted; and

WHEREAS, the Borough has received responses to the RFP for the aforementioned position and has reviewed all the RFP's submitted; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the proposals and qualifications have been reviewed by the Mayor & Council who considered experience and reputation in the field; the contractor's knowledge of the Borough of Northvale; the subject matter to be addressed under the contract; the availability to accommodate any meetings; and other factors deemed to be in the best interest of the Borough of Northvale; and

WHEREAS, the Borough has reviewed the credentials of Mark P. Fierro, Esq. and has found that this individual has the requisite professional expertise and experience to assist the Borough as its Municipal Prosecutor; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget for payment of the pro-rated amount of the contract through the period of the temporary budget in the sum of \$3,543.75 and will certify at that time of any amendment to the



temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget; and

WHEREAS, the exact line item appropriation is: 6-01-25-275-299

NOW, THEREFORE BE IT RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to appoint Mark P. Fierro, Esq. as Municipal Prosecutor for the Borough of Northvale from the date of this Resolution through December 31, 2026; and

BE IT FURTHER RESOLVED, that the award of the position for Borough Municipal Prosecutor for the year 2026 is made pursuant to a “Fair and Open” process and the Prosecutor shall be compensated in the amount consistent with the Borough Ordinance fixing the rate of compensation, which his; and

BE IT FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-45

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A PUBLIC DEFENDER FOR THE YEAR 2026

WHEREAS, the Borough of Northvale (the “Borough”) has a need to engage the services of a Borough Municipal Public Defender for the year 2026; and

WHEREAS, the Borough of Northvale is required to comply with the New Jersey Pay-to-Play Law (P.L. 2004 c. 19, N.J.S.A. 19:44-20.4 et. Seq.) (“Act”); and

WHEREAS, the Borough have adopted a fair and open process pursuant to N.J.S.A. 19:44A-20.4 with respect to the retention of a Municipal Public Defender with respect to all Municipal Court issues and as otherwise provided by New Jersey Law; and

WHEREAS, the Borough advertised for the submission or “Requests for Proposals (the “RFP”) for the aforementioned position and has reviewed all the RFP’s submitted; and

WHEREAS, the Borough has received responses to the RFP for the aforementioned position and has reviewed all the RFP’s submitted; and

WHEREAS, the proposals and qualifications have been reviewed by the Mayor & Council who considered experience and reputation in the field; the contractor’s knowledge of the Borough of Northvale; the subject matter to be addressed under the contract; the availability to accommodate any meetings; and other factors deemed to be in the best interest of the Borough of Northvale; and

WHEREAS, the Borough has reviewed the credentials of Jordan D. Yuelys, Esq. and has found that he has the requisite professional experience to assist the Borough; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$1575.00 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget; and

WHEREAS, the exact line item appropriation is: 6-01-43-495-101

NOW, THEREFORE BE IT RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to appoint Jordan D. Yuelys, Esq. as Municipal Court Public Defender for the Borough of Northvale from the date of this Resolution through December 31, 2026; and

BE IT FURTHER RESOLVED, that the award of the position for Borough Public Defender for the year 2026 is made pursuant to a “Fair and Open” process and the Borough Public Defender shall be paid the sum of \$5,997.58 for contract year 2026, payable on a biweekly basis; and



BE IT FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTON #2026-46

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A REAL ESTATE CONSULTANT/APPRaiser FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain a Real Estate Consultant/Appraiser for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Associated Appraisal Group of Cranford New Jersey, has submitted a proposal in response to the Borough's Request for Proposals" ("RFP") indicating they will provide the services as Real Estate Consultant/Appraiser at the rates set forth within its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Associated Appraisal Group and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its real estate consultant/appraiser; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget in the sum of \$656.24 for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line item appropriation is: 6-01-20-150-203

IT IS HEREBY RESOLVED, that Associated Appraisal Group is hereby retained as real estate consultant/appraiser for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.



RESOLUTION #2026-47

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A RISK MANAGEMENT CONSULTANT FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain an a Risk Manager for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and

WHEREAS, Barsa Insurance Agency , of Norwood, New Jersey, has submitted a proposal in response to the Borough's Request for Proposals" ("RFP") indicating they will provide the services as Risk Manager at the rates set forth within its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Barsa Insurance Agency and has found that this firm has the requisite professional expertise and experience to assist the Borough as its Risk Manager; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the Risk Manager is compensated pursuant to fees as shall be as promulgated by the JIF and MEL which are established annually.

IT IS HEREBY RESOLVED, that Barsa Insurance Agency is hereby retained as Risk Manager for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the above proposed fee and response to the Borough's RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-48

TITLE: RESOLUTION AUTHORIZING ONE YEAR CONTRACT FOR PROFESSIONAL SERVICES OF A TAX APPEAL ATTORNEY FOR THE YEAR 2026

WHEREAS, the Borough of Northvale desires to retain a Tax Appeal Attorney for 2026 and has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Northvale, and said proposals were received, and publicly opened and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Northvale have determined that the value of the contract may exceed \$17,500, and the position is an exception to the requirement for public bidding under N.J.S.A. 40A:11-5(a) (i) as a professional service; and



WHEREAS, Giblin & Gannaio of Oradell, New Jersey, has submitted a proposal in response to the Borough’s Request for Proposals” (“RFP”) indicating they will provide the services as Tax Appeal Attorney at the rates set forth within its PSA, for the period between January 1, 2026 and December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of Giblin & Gannaio and has previously found that this firm has the requisite professional expertise and experience to assist the Borough as its Tax Appeal Attorney; and

WHEREAS, the Borough has determined that it is in the best interest to retain the professional set forth in this Resolution; and

WHEREAS, the services to be provided hereunder are on an hourly, as-needed basis and the Chief Financial Officer will certify the availability of funds as the services are requested.

IT IS HEREBY RESOLVED, that Giblin & Gannaio. is hereby retained as Tax Appeal Attorney for the Borough of Northvale, under the terms described in a Professional Service Agreement based upon the above fee and response to the Borough’s RFP, which response is incorporated in this resolution as if set forth fully herein, and

IT IS FURTHER RESOLVED, that Mayor Joseph McGuire be and the same is hereby authorized to execute and deliver the Professional Services Agreement in the form annexed hereto; and

IT IS FURTHER RESOLVED, that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the Professional Services Agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

RESOLUTION #2026-49

TITLE: RESOLUTION APPROVING CHANGE ORDER #1 AND FINAL FOR CLINTON AVENUE ROADWAY IMPROVEMENT PROJECT–D&L PAVING CONTRACTORS, INC.

BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale, Bergen County, New Jersey, upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB:	<u>NJDOT FY2021 Clinton Avenue Roadway Improvements</u>
CONTRACTOR:	<u>D&L Paving Contractors, Inc.</u> <u>675 Franklin Avenue, Nutley, NJ 07110</u>
CHANGE ORDER N°:	<u>1 and Final</u>
ORIGINAL CONTRACT:	<u>\$335,732.57</u>

AMOUNT OF CHANGE THIS RESOLUTION: \$53,769.37 (16.02% decrease) for an updated contract amount of \$281,963.20.

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.



RESOLUTION #2026-50

TITLE: RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FY26 LOCAL RECREATION IMPROVEMENT GRANT PROGRAM

WHEREAS, the Borough of Northvale desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$75,000.00 to carry out a project to improve the gazebo at Hogan Park;

NOW, THEREFORE BE IT RESOLVED,

1. That the Mayor and Council of the Borough of Northvale does hereby authorize the application for such a grant; and
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Northvale and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successor in said title is authorized to sign the agreement, and any other documents necessary in connection therewith.

RESOLUTION #2026-51

TITLE: RESOLUTION DECLARING EVERY JANUARY HUMAN TRAFFICKING AWARENESS MONTH

WHEREAS, human trafficking is among the world's fastest growing criminal enterprises, and it profits from the exploitation of vulnerable populations including minors and adults; and

WHEREAS, nearly 26 years after the passing of the Trafficking Victims Protection Act, an estimated 27.6 million people are subjected to human trafficking globally, with cases reported in every U.S. state and territory;

WHEREAS, human trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom; and

WHEREAS, human trafficking occurs when a person is recruited, harbored, or obtained through force, fraud, or coercion for the purposes of sexual or labor exploitation; and

WHEREAS, victims can be U.S. citizens or non-citizens and can be any age or gender, but they have a shared experience of having been forced, tricked, manipulated, or threatened into compliance with the criminals seeking to exploit them; and

WHEREAS, broad public awareness of human trafficking that is informed by the lived experience of survivors brave enough to share their knowledge, is best practice when seeking to understand and prevent trafficking; and

WHEREAS, large sporting events like the World Cup are known to increase the demand for sex trafficking victims, and the World Cup in particular has also been associated with labor trafficking cases (including construction, hospitality, retail industries, etc.), it is especially important to educate our communities and raise awareness before, during, and after this event: and

WHEREAS, New Jersey's MetLife Stadium will host 8 matches of the 2026 FIFA World Cup from June 11, 2026, for over 5 weeks, including the World Cup Final on July 19, 2026, along with Fan Fests in Liberty State Park, along the Jersey Shore, and other locations: and



WHEREAS, the signing into law of New Jersey’s 2013 Prevention, Protection and Treatment Act officially declared January as Human Trafficking Prevention Month in the state, and specifically declared January 11 as Human Trafficking Awareness Day: and

WHEREAS, the Borough of Northvale stands committed to protecting human rights and individual freedom by raising awareness of human trafficking.

WHEREAS, the Borough of Northvale is resolved to support the goals and ideals of observing a Month of Human Trafficking Prevention during January of each year and to support all efforts by individuals, businesses, organizations, and governing bodies to raise awareness of and opposition to human trafficking.

WHEREAS, the Borough of Northvale is resolved to make additional efforts to keep its residents aware of the warning signs, survivor-informed prevention messaging and how to respond in the case of suspected trafficking before, during and after the 2026 FIFA World Cup.

WHEREAS, the Borough of Northvale is committed to ensuring that those impacted by human trafficking receive services that are trauma-informed and responsive to their individual needs;

WHEREAS, the Borough commends the work of the NJ Coalition Against Human Trafficking for its survivor-inclusive efforts to end human trafficking in our state and beyond, through education, advocacy, and assistance to survivors, and to increase coordination and visibility of New Jersey’s commitment to end human trafficking.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Northvale hereby proclaim January of each year as: Human Trafficking Prevention Month in the Borough of Northvale, to raise awareness about the signs and consequences of human trafficking, to promote opposition to human trafficking in all of its forms, and to encourage support for the survivors of human trafficking throughout the State of New Jersey and across the world to put an end to this criminal activity and restore freedom and dignity to its survivors.

RESOLUTION #2026-52

TITLE: RESOLUTION AUTHORIZING AGREEMENT WITH COLLIERS ENGINEERING & DESIGN FOR PROFESSIONAL ENGINEERING DESIGN SERVICES RELATED TO 2026 RIVERSIDE COOPERATIVE PAVING PROGRAM – PROPOSAL NO. 25013634P

WHEREAS, pursuant to N.J.S.A. 40A:11-11(5), the Borough has entered into a Cooperative Pricing Agreement (the “Cooperative Agreement”) with the Boroughs of Alpine, Bergenfield, Closter, Cresskill, Demarest, Dumont, Englewood Cliffs, Harrington Park, Harrington Park BOE, Haworth, Hillsdale, Little Ferry, Montvale, New Milford, Northvale, Norwood, Paramus, River Edge, and Tenaflly located within the County of Bergen (hereinafter referred to as the “2026 Riverside Cooperative”); and

WHEREAS, pursuant to the terms of the Agreement the Borough of Northvale has been designated as the Lead Agency for the purchase of work, materials, and supplies for the 2026 Riverside Cooperative; and

WHEREAS, Colliers Engineering & Design has submitted an agreement to provide professional engineering services for the coordination of the 2026 Riverside Cooperative Paving Program; and

WHEREAS, Colliers Engineering & Design has presented the Borough of Northvale, as the Lead Agency, an agreement for design services only in the amount of Seven Thousand, Nine Hundred Dollars (\$7,900.00) to be shared by the participating municipalities and Boards of the 2026 Riverside Cooperative; and

WHEREAS, it is in the best interest of the Borough and the 206 Riverside Cooperative to execute the Agreement.



NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Northvale hereby authorizes the payment of \$7,900.00 to Colliers Engineering & Design to be shared by the participating municipalities and Boards of the 2026 Riverside Cooperative, for design services only as set forth in the agreement.

RESOLUTION #2026-53

TITLE: RESOLUTION OF BOROUGH OF NORTHVALE AUTHORIZING BOROUGH OF NORTHVALE TO JOIN THE NJ SOLUTIONS JOINT HEALTH INSURANCE FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the NJ Solutions Joint Health Insurance Fund, hereafter referred to as the “Fund”, as permitted by N.J.A.C. 11:15-3.1 et. seq., N.J.S.A. 17:1-8.1 et. seq., and N.J.S.A. 40A:10-36 et. seq.; and

WHEREAS, the Fund was approved to become operational by the Department of Banking and Insurance and the Department of Community Affairs (collectively, the “Departments”) and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund in the State of New Jersey contain certain restrictions and safeguards in connection with the administration of the public interest entrusted to such a Fund; and

WHEREAS, the governing body of Borough of Northvale, hereinafter referred to as “Local Unit” has studied the feasibility of joining the Fund and has determined that membership in the Fund is in the best interest of the Local Unit.

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Local Unit hereby agrees and authorizes the following:

- i. Execution of the application for membership to the Fund, including any and all documents and/or certifications as may be necessary, in order for the Local Unit to complete the application process and join the Fund.
- ii. The Local Unit shall become a member of the Fund for an initial period outlined in the Local Unit’s Indemnity and Trust Agreement, subject to the approval of the Fund Commissioners, which in no event shall exceed three (3) years as prescribed in N.J.A.C. 11:15-3.3(a).
- iii. The Local Unit shall participate in the following type(s) of coverage(s) offered by the Fund: Health Insurance and/or Prescription Insurance and/or Dental Insurance and/or Medicare Advantage/Employer Group Waiver Program as defined pursuant to N.J.S.A. 17B:17-4, the Fund’s Bylaws, and Plan of Risk Management.
- iv. Adoption and approval of the Fund’s Bylaws, a true and correct copy of which is annexed hereto as Attachment A, which has been approved by the Departments.
- v. Execution of the Local Unit’s Indemnity and Trust Agreement, which has been approved by the Departments.

BE IT FURTHER RESOLVED, that the governing body of the Local Unit certifies, pursuant to N.J.A.C. 11:15-3.3(a), that the Local Unit has never defaulted on claims under a self-insured plan and that it has not had its insurance canceled for nonpayment of premium for a period of at least two (2) years prior to this application.

BE IT FURTHER RESOLVED, that the governing body of the Local Unit is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund as required by the Fund’s Bylaws, and to deliver these documents to the Fund’s Executive Director with the express reservation that these documents shall become effective only upon on acceptance of the Fund’s By-laws as prescribed in N.J.A.C. 11:15-3.3(a).



BE IT FURTHER RESOLVED, that this resolution shall take effect upon its passage.

RESOLUTION #2026-54

TITLE: RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO RETURN ESCROW FOR MUFSON LANDSCAPING DESIGN, LLC FOR PROPERTY LOCATED AT 147 WALNUT STREET, BLOCK 1009, LOT 12

WHEREAS, Mufson Landscaping Design, LLC is the owner of 147 Walnut Street, Block 1009, Lot 12; and

WHEREAS, Mufson Landscaping Design, LLC has a balance of \$1,374.50 in their escrow account; and

WHEREAS, there are no objections to the return of escrow from the Borough Engineer and Building Department and there are no outstanding bills.

NOW, THEREFORE BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to return the remainder of escrow fees to Mufson Landscaping Design, LLC, 147 Walnut Street, Northvale, New Jersey 07647 in the amount of \$1,374.50 from escrow account number 4600.

RESOLUTION #2026-55

TITLE: RESOLUTION APPROVING RAFFLE LICENSE #282 FOR K OF C IMMACULATE CONCEPTION COUNCIL 9021-50/50 RAFFLE-MAY 8, 2026

NAME: K of C Immaculate Conception Council 9021

ADDRESS: 211 Summit Street, Norwood, NJ

LOCATION OF RAFFLE: 199 Walnut Street, Northvale, NJ

HOURS: 5:00-8:00 PM

DATE OF RAFFLE: May 8, 2026

ID #: 355-6-42364

RAFFLE LICENSE #: RL #282

RESOLUTION #2026-56

TITLE: RESOLUTION APPROVING RAFFLE LICENSE #283 FOR ST. ANTHONY'S CHURCH-CASINO NIGHT-MARCH 27, 2026

NAME: St. Anthony's Church

ADDRESS: 199 Walnut Street, Northvale, NJ

LOCATION OF RAFFLE: 199 Walnut Street, Northvale, NJ

HOURS: 7:00 PM – 12:00 AM

DATE OF RAFFLE: March 27, 2026

ID #: 353-1-146



RAFFLE LICENSE #: RL #283

RESOLUTION #2026-57

TITLE: RESOLUTION AUTHORIZING PROFESSIONAL SERVICES FOR NEGLIA GROUP – WILLOW AVENUE, WHITE, AVENUE, FIRENZE STREET PHASE I-PROJECT NO. NOVLADM26.001

WHEREAS, Neglia Group has prepared a scope of services for the Willow Avenue, White Avenue, and Firenze Street Phase I study as per Neglia’s letter dated January 28, 2026 as follows:

Engineering Design, Bidding Services \$49,800

WHEREAS, the Chief Financial Officer certifies that the funds will be available not to exceed \$49,800.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council hereby approve the Proposal for Engineering Design and Bidding Services for Neglia Group.

RESOLUTION #2026-58

TITLE: RESOLUTION CONCERNING ACCESSING PUBLIC NOTICES FOR THE BOROUGH OF NORTHVALE

WHEREAS, it is necessary to designate the official medium for the publication of legal notices as required by law; and

WHEREAS, currently under applicable State law, legal notices are required to be published in a newspaper circulating within the municipality or county when such publication is required; and

WHEREAS, beginning March 1, 2026, P.L. 2025, c.72 requires that when a public entity does publish or advertise a legal notice, such notice shall be published in the public entity’s official website and no longer mandates that such notices be published in a local newspaper; and

WHEREAS, in accordance with P.L. 2025, c. 72 legal notices will be published in the Borough of Northvale’s municipal website. The Borough’s website shall be accessible and available to the public free of charge, with a direct hyperlink to legal notices placed conspicuously on the homepage. Further, legal notices will remain displayed on the official website for at least one week before being archived, and maintained in an online archive of legal notices for at least one year; and

WHEREAS, until March 1, 2026, publication in a designated official newspaper remains a lawful method of publishing required legal notices consistent with existing statutes.

NOW, THEREFORE BE IT RESOLVED, by the Borough of Northvale, County of Bergen, State of New Jersey, that:

1. During the transition period prior to March 1, 2026, all required legal notices shall continue to be published in the Borough’s designated official newspaper in accordance with applicable law.
2. Effective March 1, 2026, all required public notices of the Borough shall be published on the Borough’s official website, www.northvalenj.org, in compliance with P.L. 2025, c.72.
3. The Borough shall maintain an online archive of legal notices accessible to the public for at least one year following initial posting of the notice.



4. Nothing in this resolution shall prohibit the Borough from also publishing legal notices in an eligible online news publication consistent with P.L. 2025, c.72.

RESOLUTION #2026-59

TITLE: RESOLUTION OF THE BOROUGH OF NORTHVALE ADOPTING THE BERGEN COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Borough of Northvale recognizes the threat that natural hazards pose to people and property within Northvale; and

WHEREAS, the County of Bergen has prepared a multi-hazard mitigation plan, hereby known as Bergen County Multi-Jurisdictional Hazard Mitigation Plan 2026, in accordance with federal and state laws, including the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#), as amended; the [National Flood Insurance Act of 1968](#), as amended; and the [National Dam Safety Program Act](#), as amended; and New Jersey P.L. 2023, CHAPTER 313 approved January 16, 2024; and

WHEREAS, the Bergen County Multi-Jurisdictional Hazard Mitigation Plan 2026, identifies current and future natural hazard risks, and assesses the vulnerability of facilities, infrastructure, and populations, and defines mitigation goals and actions to reduce or eliminate long term risk to people and property in (local government) from the impacts of future natural hazards and disasters; and

WHEREAS, adoption by the Borough of Northvale demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Bergen County Multi-Jurisdictional Hazard Mitigation Plan 2026.

NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH OF NORTHVALE, NEW JERSEY, that:

Section 1. the Borough of Northvale adopts the Bergen County Multi-Jurisdictional Hazard Mitigation Plan 2026. While content related to the Borough of Northvale may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the Borough of Northvale to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

RESOLUTION #2026-60

TITLE: RESOLUTION AUTHORIZING SOLICITATION OF BIDS FOR RIVERSIDE COOPERATIVE PAVING PROGRAM

WHEREAS, N.J.S.A. 40A:11-1 ET. SEQ. and N.J.A.C. 5:34-7 et seq., permits the creation of a cooperative pricing system whereby two or more contracting units join together to form a joint purchasing and cooperating pricing system; and

WHEREAS, the Riverside Cooperative was duly formed and created and has designated the Borough of Northvale as the Lead Agency; and

WHEREAS, the Riverside Cooperative intends to solicit bids for the “2026 Riverside Cooperative Road Improvement Program” project; and

WHEREAS, the aggregate of said goods and services is anticipated to exceed the current bid threshold and is therefore required to be bid under a formal process pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-3 et. seq; and



WHEREAS, as the Lead Agency, the Borough of Northvale is responsible for advertising for the receipt of bids for the 2026 Riverside Cooperative Road Improvement Program.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale, County of Bergen and State of New Jersey, that the Borough of Northvale does hereby authorize the Municipal Clerk to advertise for the receipt of bids for the 2026 Riverside Cooperative Road Improvement Program.

RESOLUTION #2026-61

TITLE: RESOLUTION AUTHORIZING AN AGREEMENT WITH THE BOROUGH OF ROCKLEIGH FOR THE PROVIDING OF PUBLIC WORKS SERVICES BETWEEN BOROUGH OF NORTHVALE FOR 2026

WHEREAS, the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1, et. seq. permits a municipality to enter into an agreement with another municipality to receive any services which the respective parties are empowered to provide or receive; and

WHEREAS, an Agreement has been prepared whereby the Borough of Northvale would provide the Borough of Rockleigh with certain services to be performed by the Department of Public Works of Northvale, including maintaining and replacing street signs, brush chipping, lawn maintenance of municipal property and pothole repair on streets, all within the Borough of Rockleigh; and

WHEREAS, the Agreement has been reviewed by the Mayor and Council and found to be acceptable.

NOW, THEREFORE BE IT RESOLVED, that Mayor Joseph McGuire and the Municipal Clerk be and are hereby authorized to execute aforesaid agreement; and

BE IT FURTHER RESOLVED, that a copy of the Agreement, once executed by the respective municipalities, shall be filed with the Division of Local Government Services in the Department of Community Affairs pursuant to NJSA 40A:65-4b.

RESOLUTION #2026-62

TITLE: PAYMENT OF BILLS

WHEREAS, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Fund Appropriations (2025)	\$233,786.27
Current Fund Appropriations (2026)	\$439,193.90
General Capital Fund	6,354.75
Grant Fund	6,550.00
Animal Trust	192.60
Police DEA Trust	9,339.73
Escrow Trust	10,834.75
Affordable Housing Trust	4,160.00
Recreation Trust	8,787.17
Donation Trust Account	
Unemployment Trust	
Summer Recreation Trust	
SUBTOTAL	719,196.17
Payroll 1 1/2/2026	227,427.70



Payroll 2 1/16/2026	191,111.01
Payroll 2 1/30/26	207,446.02
	\$1,345,180.90

WHEREAS, above claims have been listed and summarized in the Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, finance committee, and/or the chief financial officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule, following examination and approval by the finance committee, be paid and checks issued; accordingly, and

WHEREAS, claims have already been paid in the following amounts for the purposes specified below during the course of the year:

Northern Valley Regional High School	1/30/26	\$619,971.60
Health Benefits	1/15/26	\$79,949.98
Health Benefits	1/15/26	\$82,350.67
County Taxes		
Employee Pension Payment-PERS/PFRS		
Northvale Board OF Education	1/30/26	995,518.00
Northvale Public Library		
Capital – Inter-fund	1/14/26	264,734.74
DTC- Bond Principal & Inter		
DTC- Bond Interest		
TOTAL		\$3,387,705.89

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Northvale that the claims totaling **\$3,387,705.89** and ratified respectively.

ROLL CALL

ORDINANCE – 2nd Reading-Public Hearing

ORDINANCE #26-01

AN ORDINANCE TO AMEND CHAPTER 42 OF THE BOROUGH CODE ENTITLED “POLICE DEPARTMENT”

WHEREAS, the Governing Body of the Borough of Northvale believes it is in the best interest of the Borough to amend and revise Chapter 42 of the Borough Code entitled “Police Department” as set forth herein, by creating Chapter 42 Article VI to provide for fees for use of police and police vehicles by private entities or persons to provide for payment to the Borough of its costs.

BE IT ORDAINED by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, as follows:

Chapter 42, Article VI: Fees for use of police and police vehicles by private entities or persons



§ 42-36 Fees for use of police and police vehicles by private entities or persons.

A.

The Borough of Northvale's Police Department may render extra-duty services to private entities or persons, when necessary or required, upon payment by such private entity or person for all wages and administrative fees as set forth herein. Such extra-duty services may be necessary or required at construction sites, development areas, recreational or athletic events, and other activities that require police security.

B.

The following fees shall be charged to and prepaid by private entities or persons who request or require the services of the Northvale Police Department:

(1)

Extra-duty rate for police officers: 150 % of the officer's salary broken down hourly.

(2)

Daily rate, or any part thereof, for a police car: \$175.00 per day.

(3)

Administrative fee 15 % of the total fee charged.

C.

Upon a request for police services, the Police Department and the Finance Department or its third-party administrator shall consult and provide an estimate of the total fees in advance of the services being rendered and shall provide a written itemized estimate to the private entity or person.

D.

Such private entity or person shall thereafter issue payment to the Borough of Northvale or its third-party administrator as directed by the Borough for the estimated amount which shall be maintained in an escrow trust account by the Borough Finance Department or its third-party administrator.

E.

The Borough Finance Department or its third party administrator shall make all proper deductions from the escrow account for actual fees and costs incurred as set forth above, as the services or fees are incurred, and shall keep an accurate accounting of all deductions from the escrow account and shall provide an itemized expenditure report to the private entity or person upon request.

F.

The Finance Department or its third-party administrator shall return any balance in the escrow account to the private entity or person within 30 days of the completion of services and payment for same.

Section 2. This ordinance will take effect immediately upon passage.

Section 3. All prior ordinances that are inconsistent with this ordinance are repealed.

OPEN TO THE PUBLIC

ROLL CALL

ORDINANCES – 1ST Reading
Public Hearing – March 11, 2026

ORDINANCE #26-02

AN ORDINANCE TO FIX THE SALARIES, WAGES, AND COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED, by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, as follows:



Section 1. The employees herein designated shall be paid up to the annual salaries as follows:

POSITION/TITLE	2026 SALARY
Mayor	\$6,679.29
Council Members	4,713.03
Borough Clerk, Bd. of Health Secretary, Registrar, DPW Secretary, Election and Safety Officer	94,556.25
Chief Financial Officer	44,152.512
Accounting Assistant	57,624.70
Deputy Registrar	4,293.90
Qualified Purchasing Agent	6,461.34
Tax Collector/Payroll Clerk	81,881.37
Tax Assessor	25,456.68
UCC Building Subcode Official	10,230.45
Electrical Sub-Code Official	14,059.46
Construction Code Official	15,292.48
Fire Prevention Inspector	16,460.27
Fire Sub-code Official	10,012.95
Plumbing & Mechanical Sub-code Official	12,666.91
Construction Code Technical Assistant	49,628.19
Planning Board Secretary	5,384.37
Code Compliance Secretary	2,562.50
Municipal Affordable Housing Liaison	2,306.25
Fire Prevention Secretary	3,078.33
Code Compliance Officer	28,699.12
Fire Prevention Officer	18,102.52
Magistrate	21,667
Acting Judge	250.00 per session
Court Administrator	34,536.23
Deputy Court Clerk / Violations Clerk	Up to 28.00 per hour
Recording Clerk	Up to 25.00 per hour
Municipal Court Attendant	75.00 per session



Municipal Prosecutor	Up to \$13,639.68
Public Defender	5,997.77
Alternate Public Defender	150.00 per case
DPW Superintendent	134,100
Assistant DPW Superintendent & Pest Control Officer	129,100
DPW Part-time / Seasonal Worker	15.00 – 18.00 per hour
Fire Watch	\$55 Per Hour
Public / Special Events Coordinator	5,000.00
Recreation Director	5,000.00
Senior Center Director	56,000.00
Senior Center Assistant to the Director	Up to 19.86 per hour
Senior Center Assistants	Up to 15.88 per hour
Senior Van Driver	Up to 21.54 per hour
Fire Department Engineer	1,700.00
Fire Department SCBA	1,500.00
Library Director	80,340.00
Youth Services Librarian (NJ Certified)	47,442.72
Senior Library Assistant	20.00 – 25.56 per hour
Library Assistant	15.00 – 19.00 per hour
Library Monitor / Page	Up to 16.93 per hour
Library Custodian	Up to 16.76 per hour

Section 2. The compensation of Special Police and School Crossing Guards shall be as follows:

School Crossing Guards - per hour \$ 25.68

Section 3. Time in excess of forty (40) hours per week for all full- time employees is to be paid at the rate of time and one-half excluding all statutory appointments.

Section 4. All full time Borough employees and School Crossing Guards shall be paid bi-weekly, or as determined by resolution of the Mayor and Council.

Section 5. Sick leave policies for all employees other than D.P.W. Contract and Police Contract employees are in accordance with Administrative Rules, Regulations and Practices.

Section 6. All ordinances or parts of ordinances inconsistent herewith are repealed.

Section 7. Salaries, wages and compensation herein set forth shall be retroactive to January 1, 2025.

Section 8. This ordinance shall take effect immediately after passage and publication according to law.

ROLL CALL



ORDINANCE #26-03

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF DPW CONTRACT EMPLOYEES OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY (Year 5 of 5-Year Contract – 2.50%)

BE IT ORDAINED, by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, as follows:

Section 1. The Department of Public Works Contract Employees shall consist of One Superintendent, and in the discretion of the Governing Body, there may be an Assistant Superintendent, Foremen and such other Department of Public Works employees as determined by the Governing Body.

**DEPARTMENT OF PUBLIC WORKS SALARY SCHEDULE
EMPLOYEES HIRED BEFORE JANUARY 1, 1995**

2026	2026
Less than 1 year of service	\$48,731.64
Beginning 2nd year of service	\$76,279.16
Beginning 3rd year of service	\$85,249.89
Beginning 4th year of service and thereafter	\$94,220.63
Working Foreman	\$10,411.76
C-2 License	\$791.99

**DEPARTMENT OF PUBLIC WORKS SALARY SCHEDULE
EMPLOYEES HIRED AFTER JANUARY 1, 1995**

2026	2026
Less than 1 year of service	\$53,816.37
Beginning 2nd year of service	\$63,176.79
Beginning 3rd year of service	\$76,278.94
Beginning 4th year of service	\$85,249.90
Beginning 5th year of service	\$94,220.63
Working Foreman	\$10,411.76
C-2 License	\$791.99

All Employees, regardless of date of hire, in this bargaining unit shall receive a CDL stipend payable by separate check, before June 1 of the year in which it is due as follows:

Effective 1/1/26	\$2,300.00
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Section 2. In addition to the compensation set forth in Section 1, each full time employee of the Borough of Northvale shall receive longevity pay as follows:

EMPLOYEES HIRED BEFORE JANUARY 1, 1995

- 2% of the base annual pay after 5 years of service
- 4% of the base annual pay after 9 years of service
- 6% of the base annual pay after 13 years of service
- 8% of the base annual pay after 17 years of service
- 10% of the base annual pay after 21 years of service

Longevity shall be paid in two installments with the 1st pay check in July and the 1st pay check in December of each year and it is not to exceed \$7,500.00 in any one year.

EMPLOYEES HIRED AFTER JANUARY 1, 1995

Effective January 1, 1995, longevity pay will no longer be granted to any employees hired after January 1, 1995.



Section 3. The Superintendent of Public Works will designate a member of the Department each week to be available on a Saturday, Sunday or Holiday. Such time will be classified as “Stand By” time and shall be paid at the rate of \$215.00 per day.

Section 4. Each new and existing employee of the Department of Public Works shall receive \$2,000.00, effective January 1, 2022, for clothing allowance. Clothing allowance shall be paid by separate check in 2 (two) equal installments. The 1st (first) payment shall be in the 1st (first) pay period of each year and the 2nd (second) payment shall be during the 1st (first) pay period in July of each year.

Section 5. Time in excess of forty (40) hours per week for all full time employees is to be paid at the rate of time and one-half.

Section 6. All full time employees of the Department of Public Works shall be paid bi-weekly.

Section 7. All ordinances and parts of ordinances inconsistent herewith are repealed.

Section 8. This Ordinance shall take effect immediately after passage and publication.

ROLL CALL

ORDINANCE #26-04

AN ORDINANCE TO FIX THE SALARIES, WAGES AND COMPENSATION OF POLICE EMPLOYEES OF THE BOROUGH OF NORTHVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY (Year 4 of 5 Year Contract – 3.50%)

BE IT ORDAINED by the Mayor and Council of the Borough of Northvale, County of Bergen, State of New Jersey, as follows:

Section 1. That the following annual salaries, wages, and compensation shall be paid to Police Employees of the Borough of Northvale in the amounts set forth opposite their respective title and commencing on January 1, 2026, through December 31, 2026

EMPLOYEES HIRED PRIOR TO 01-01-2023

Lieutenant	162,364.00
Sergeant	152,418.00
Patrolman	
Beginning:	
Seventh year	144,459.00
Sixth year	115,943.00
Fifth year	114,068.00
Fourth year	98,872.00
Third year	83,678.00
Second year	69,645.00
First year	61,965.00
Training pay	46,625.00

EMPLOYEES HIRED AFTER 01-01-2023

Lieutenant	162,364.00
Sergeant	152,418.00
Patrolman	
Beginning:	
Tenth year	144,459.00
Ninth year	129,485.00
Eighth year	115,943.00



Seventh year	114,068.00
Sixth year	98,872.00
Fifth year	91,275.00
Fourth year	83,678.00
Third year	76,661.00
Second year	69,645.00
First year	61,965.00
Training pay	46,625.00

Section 2. In addition to the compensation set forth in Section 1, each full time member of the Police Department hired before January 1, 2012, shall receive longevity pay as follows:

- 2% of annual base pay after 7 years of service
- 4% of annual base pay after 10 years of service
- 6% of annual base pay after 13 years of service
- 8% of annual base pay after 17 years of service
- 10% of annual base pay after 21 years of service

The following longevity schedule will take effect for all employees hired after January 1, 2012:

- 1.5% of annual base pay after 8 years of service
- 3% of annual base pay after 10 years of service
- 5% of annual base pay after 13 years of service
- 8% of annual base pay after 17 years of service
- 10% of annual base pay after 21 years of service

If an employee reaches a higher plateau of longevity entitlement at any time during the calendar year, then said employee shall be entitled to receive the full value of the higher plateau.

Section 3. Time in excess of the basic work week or tour for a day performed by a Lieutenant, Sergeant or Patrolman shall be compensated for at the rate of time and one-half.

Section 4. Each full-time member of the Police Department under Contract shall receive a lump sum compensation for thirteen (13) holidays, payable between December 1 and 5, 2026.

Section 5. There shall be paid to each full-time member of the Police Department during the year of attainment of college credits towards a Police Science Degree and in each year of service thereafter the sum of:

- \$ 300.00 upon completion of 25 credits
- \$ 600.00 upon completion of 45 credits
- \$1,000.00 upon completion of an Associate's Degree
- \$1,500.00 upon completion of a Bachelor's Degree

Where an employee qualifies for a higher plateau of credits during the first half of a calendar year (January 1 through June 30), then said employee shall be entitled to higher educational incentive payments starting the first day of July 1 of that same year and in each year of service thereafter. In the event that an Employee qualifies for a higher plateau of credits during the last half of the calendar year (July 1 through December 31), then the entitlement to higher educational compensation shall commence with the following January 1 and in each year of service thereafter.

Section 6. All full time employees of the Police Department shall be paid bi-weekly.

Section 7. All ordinances or parts of ordinances inconsistent herewith are repealed.

Section 8. This ordinance shall take effect immediately after passage and publication according to law.

ROLL CALL



ORDINANCE #26-05

AN ORDINANCE AMENDING SECTION 19 (AFFORDABLE HOUSING REGULATIONS) IN CHAPTER 200 (ZONING), OF THE CODE OF THE BOROUGH OF NORTHVALE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT (FHA) AS AMENDED, AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC), AS AMENDED, REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Northvale has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

WHEREAS, the Borough of Northvale filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the "Fair Housing Act"), entitled "In the Matter of the Application of the Borough of Northvale," Docket No. BER-L-365-25 on January 22, 2025; and

WHEREAS, the Borough of Northvale entered into a consent order, filed December 12, 2025, with Fair Share Housing Center, in order to carry out Northvale's affordable housing obligation, whereby the Code of the Borough of Northvale is to be amended to include provisions addressing Northvale's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented,

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Northvale, as follows:

A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Borough of Northvale consistent with the provisions outlined in P.L. 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Borough of Northvale Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L. 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
 - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.



- b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
- c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

B. Definitions

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary



development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from



exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.



“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.



“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.



“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit



that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

"Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

"Random selection process" means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

"RCA administrator" means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

"RCA project plan" means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

"Receiving municipality" means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Recreational facilities and community centers" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

"Regional contribution agreement" or "RCA" means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

"Regional median income" means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

"Rehabilitation" means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.



“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.



“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency’s Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

C. Monitoring and Reporting Requirements

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 - b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 - c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.



D. Municipality-wide Mandatory Set-Aside

1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20%.
2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
3. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
7. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
 - a. The developer may round the set-aside upward to construct a whole additional affordable unit; or
 - b. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro formas for 100% affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

E. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:



Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
- a. Design of 100 percent affordable developments:
- i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
- b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
- i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.



- ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - vii. Each bedroom in each restricted unit must have at least one window; and
 - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.
- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C. 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.
- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded down to the nearest whole number shall be very low- or low-income units.
 - c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units.



- iv. At least 30% of all low- and moderate-income units, rounded down shall be two-bedroom units.
 - v. At least 20% of all low- and moderate-income units, rounded down shall be three-bedroom units.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
 - e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
6. Accessibility requirements.
- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 - b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.



- (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
- (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

F. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
 - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 - b. Both ownership and rental units shall be eligible for rehabilitation funds.
 - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L. 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
 - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.



- ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
3. Accessory Apartment program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).
- a. An accessory apartment program shall provide low- and moderate-income units or may be limited to only low- or only moderate-income units .
 - b. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.
 - c. Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein. Rents of accessory apartments shall be established for low-income units to be affordable to households earning no more 44 percent of median income.
 - d. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.
 - e. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 - f. Per N.J.A.C. 5:97-6.8(b)2, the municipality shall provide a minimum of \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
4. Market to Affordable program (per N.J.A.C. 5:97-6.9).
- a. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
 - b. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 - c. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - d. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
 - e. The units shall comply with UHAC with the following exceptions:
 - i. Bedroom distribution (N.J.A.C. 5:80-26.4).
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.4).
 - f. Affordability average (N.J.A.C. 5:80-26.4); however:
 - i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
 - ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.



5. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
 - a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
 - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
6. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
 - a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - e. Low- and moderate-income residents cannot be charged any upfront fees.
 - f. The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
7. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
 - a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to



a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

- ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
- iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
- iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
- v. Occupancy shall not be restricted to youth under 18 years of age.
- vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (a) An Affirmative Marketing Plan in accordance with D1 above; and
 - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.

G. Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the “median family incomes” published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the



regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

H. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and



condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

I. Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b. There shall be a regional preference for all households that live and/or work in Housing Region 1 comprising Bergen, Passaic, Hudson, and Sussex Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to



ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
 6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- J. Selection of Occupants of Affordable Housing Units.
1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
 2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.
- K. Occupancy Standards.
1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;
 - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - d. Avoid placing a one-person household into a unit with more than one bedroom.
- L. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.
1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
 2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
 3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
 4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.



5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 - c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.



2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

N. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;



- b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
- c. The household is currently in substandard or overcrowded living conditions;
- d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

P. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit;
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Q. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount



of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.

3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

R. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.



3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

S. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - b. The oversight of the Affirmative Marketing Plan and affordability controls.
 - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 - i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
 - j. Listing on the municipal website contact information for the MHL and Administrative Agents.

T. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the developer/owner.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:



- a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
- b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
- c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- d. Affordability controls.
 - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
 - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
 - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.



- i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
- ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
- iii. Notifying the municipality of an owner's intent to sell a restricted unit.
- iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

U. Responsibilities of The Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.
 - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e. A projected construction schedule.
 - f. The location of any common areas and elevators.
 - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.



2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
 - a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - b. Provide to the administrative agent a description of any applicable fees.
 - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - e. Provide to the administrative agent a proposed form of lease for any rental units.
 - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
 - a. Proposed pricing for all units, including any purchaser options and add-on items.
 - b. Condominium or homeowner association fees and any other applicable fees.
 - c. Estimated real property taxes.
 - d. Sewer, water, trash disposal, and any other utility assessments.
 - e. Flood insurance requirement, if applicable.
 - f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

V. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$10,000 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;



- iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
- a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
- e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.



- f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals
 - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

W. Development Fees.

1. Purpose
 - a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.
2. Basic Requirements
 - a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
 - b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
3. Residential Development Fees
 - a. Imposed fees
 - i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be



calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

- ii. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. 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.

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 the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b. Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- iv. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.
- v. Reserved.

4. Non-Residential Development Fees

a. Imposition of fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. 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 pre-existing land and improvements and the equalized assessed value of the newly improved structure;



i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

- b. Eligible exactions, ineligible exactions and exemptions for non-residential development
 - i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
 - ii. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
- d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act 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 non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- e. If a property that was exempted from the collection of a non-residential 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 non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

5. 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 building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The 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 tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, 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 tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the municipality 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 Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).

- h. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

6. Appeal of development fees

- 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 that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. 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, R.S. 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 non-residential 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 municipality. 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, R.S. 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.

7. Affordable Housing Trust Fund

- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - iii. Rental income from municipally operated units;
 - iv. Repayments from affordable housing program loans;
 - v. Recapture funds;
 - vi. Proceeds from the sale of affordable units; and
 - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
 - i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;



- iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - vi. Revocation of compliance certification or a judgment of compliance and repose;
 - vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 - viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.
8. Use of Funds
- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
 - b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
 - c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.
9. Monitoring
- a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December



31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

10. Ongoing Collection of Fees

- a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

11. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

ROLL CALL

ORDINANCE #26-06

AN ORDINANCE TO AMEND CHAPTER 200 OF THE BOROUGH CODE ENTITLED “ZONING”

WHEREAS, the Governing Body of the Borough of Northvale believes it is in the best interest of the Borough to amend Chapter 200 of the Borough Code to increase the minimum affordable housing requirements for the Paris Avenue Inclusionary Overlay District.

WHEREAS, the Governing Body of the Borough of Northvale believes it is in the best interest of the Borough to amend Chapter 200 of the Borough Code to increase the minimum affordable housing requirements and permitted density for the Residential Multifamily Inclusionary Overlay District.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF NORTHVALE, that Chapter 200 of the Borough Code is hereby amended as follows:



Section 1 .

Section 200-19.1 – Paris Avenue Inclusionary Overlay District

- A. Purpose. It is the purpose of this overlay zone to provide opportunities for the creation of inclusionary housing developments which will provide a variety of housing types and affordability levels. Located on Block 909, Lots 1 through 7, 23 & 24, Block 910, Lots 1 through 3, Block 911, Lots 1, 2, 3, 11, 12, and 13, Block 912, Lot 1, and Block 914 Lots 1 and 2.
- B. ~~Conditionally~~ Permitted Principal Uses.
- (1) Multifamily dwelling unit buildings, subject to the following conditions:
 - (a) The minimum lot area shall be 22,000 square feet.
 - (b) The maximum density shall be 30 units to the acre.
 - (c) Parking for the residential units shall be in accordance with residential site improvement standards.
 - (d) Where the property abuts a single-family detached home, a solid screen comprised of either a six-foot-tall fence or evergreen shrubs six feet in height shall be installed.
 - (e) No dumpster or trash facilities shall be located within 15 feet of a property line shared with an existing single-family detached home.
 - (f) A minimum of ~~15%~~ **20%** of the residential units shall be reserved for affordable households if the tenure is rental. A minimum of 20% of the residential units shall be reserved for affordable households if the tenure is sale.
 - (g) The following bulk standards are required, but any deviations shall be treated as "c" bulk variances:
 - [1] Minimum lot width: 100 feet.
 - [2] Minimum lot depth: 100 feet.
 - [3] Minimum front yard setback: five feet.
 - [4] Minimum side yard setback: 10 feet.
 - [5] Minimum rear yard setback: 40 feet. [6]
 - [6] Maximum lot coverage: 75%. [7]
 - [7] Minimum green area: 10%. [8]
 - [8] Maximum height: 40 feet and three stories.
- C. Permitted accessory uses.
- (1) Signs as regulated.
 - (2) Off-street parking.
 - (3) Garages under or incorporated into the building design.
 - (4) Fences and walls.
 - (5) Tenant amenities including mail rooms. [Amended 11-10-2020 by Ord. No. 1025-2020]
 - (6) Roof-mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property. [Added 12-29-2020 by Ord. No. 1028-2020]
- D. Affordable housing requirements.
- (1) Affordable units in the PAI Overlay District shall be deed-restricted affordable units complying with the Uniform Housing Affordability Controls and Article IX, Affordable Housing Regulations, of Chapter 200, Zoning.
 - (2) The affordable units shall be deed restricted for at least 30 years.
 - (3) The units shall be family affordable units.



(4) The developer shall be responsible for the costs associated with marketing the units.

E. Landscaping.

- (1) Street trees shall be provided along the street frontage at an interval of 40 to 50 feet on center. Said trees shall be a minimum of three inches caliper at installation.
- (2) The front building wall foundation area shall be planted with a variety of shrubs with an installation height of at least three feet.
- (3) Surface parking areas shall be landscaped at a rate of one tree per 15 parking spaces. Said tree shall be a minimum three inches caliper in a pervious area of at least 162 square feet.
- (4) Required green areas shall be landscaped with low ground cover and grass.

F. Lighting.

- (1) All off-street parking areas shall provide a minimum average 0.5 footcandle of illumination.
- (2) Building entrances shall be well lit.
- (3) Footcandles at the property line shall not exceed one footcandle, except where there are driveways.

G. Fences. Fences and walls shall comply with § 200-15A.

H. Architectural standards.

- (1) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (2) The maximum spacing between building wall offsets shall be 40 feet.
- (3) The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- (4) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (5) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
- (6) All rooftop mechanical equipment shall be screened from view from all vantage points at or below the level of the roof.

I. Trash.

- (1) Trash enclosures shall be located to the rear or side of the building.
- (2) All trash enclosures shall be screened by a solid masonry wall on three sides and a heavy-duty gate on the fourth.

J. Utilities. All utilities shall be underground.

K. Signage.

- (1) One wall sign per street frontage shall be permitted to identify the development.
- (2) Said sign shall be a maximum of 20 square feet.
- (3) The sign may be internally illuminated.

Section 200-19.2 – Residential Multifamily Inclusionary Overlay District

A. Purpose. It is the purpose of this overlay zone to provide opportunities for the creation of inclusionary housing developments which will provide a variety of housing types and affordability levels. Located on Block 302 Lots 1, 2, 3, 4, and 6, Block 602, Lots 1, 3, and 5, Block 603, Lots 1, 3, 4, and 5, Block 608, Lots 1 through 4, Block 915, Lots 1 through 6, Block 1011, Lots 1, 3, 5.02, 25, and 27, Block 1101, Lots 1 through 14, and Block 1102, Lots 1 through 12.

B. ~~Conditionally-Permitted~~ Principal Uses.

- (1) Multifamily dwelling unit buildings, subject to the following requirements:



- (a) Minimum lot area: ~~three acres~~ **22,000 square feet**
- (b) Maximum building height: 40 feet and three stories.
- (c) Maximum density: ~~14~~ **30** units per acre.
- (d) A minimum of ~~15%~~ **20%** of the residential units shall be reserved for affordable households if the tenure is rental. A minimum of 20% of the residential units shall be reserved for affordable households if the tenure is sale.

C. Permitted accessory uses.

- (1) Signs as regulated.
- (2) Private garages and off-street parking.
- (3) Garages under or incorporated into the building design.
- (4) Fences and walls.
- (5) Tenant amenities, including, but not limited to, recreational and fitness facilities, lobbies, leasing and management offices and mail rooms.
- (6) Roof -mounted solar energy systems are permitted provided that solar panels mounted on a sloped roof shall not exceed a height of 12 inches above the roof surface and that solar panels mounted on a flat roof shall be screened by a parapet or other screening measure so that the panels are not visible from any street or adjacent property. [Added 12-29-2020 by Ord. No. 1028-2020]

D. Area, bulk and yard requirements.

- (1) Minimum lot frontage: 100 feet.
- (2) Minimum front yard setback: ~~40~~ **5** feet.
- (3) Minimum side yard setback: ~~20~~ **10** feet.
- (4) Minimum rear yard setback: 30 feet.
- (5) Minimum landscape perimeter buffer: 15 feet.
- (6) Minimum green area: ~~30%~~ **10%**
- (7) Maximum lot coverage: ~~60%~~ **75%**
- (8) Accessory building setbacks:
 - (a) Minimum setback to principal building: 15 feet.
 - (b) Minimum setback to property line: 10 feet.
 - (c) All accessory buildings shall be located in the rear or side yard.

E. Parking. Off-street parking shall comply with the residential site improvements standards.

F. Affordable housing requirements.

- (1) Affordable units in the RMI Overlay District shall be deed-restricted affordable units complying with the Uniform Housing Affordability Controls and Article IX, Affordable Housing Regulations, of Chapter 200, Zoning.
- (2) The affordable units shall be deed restricted for at least 30 years.
- (3) The units shall be family affordable units.
- (4) The developer shall be responsible for the costs associated with marketing the units.

G. Landscaping.

- (1) Street trees shall be provided along the street frontage at an interval of 40 to 50 feet on center. Said trees shall be a minimum of three inches caliper at installation.
- (2) The front building wall foundation area shall be planted with a variety of shrubs with an installation height of at least three feet.
- (3) Surface parking areas shall be landscaped at a rate of one tree per 15 parking spaces. Said tree shall be a minimum three inches caliper in a pervious area of at least 162 square feet.
- (4) The minimum landscape perimeter buffer shall surround the site except where driveways and utilities cross the lot line. The following standards shall apply:



- (a) Plants shall consist of a combination of shade trees, evergreen trees and shrubs.
- (b) One shade tree shall be provided for every 50 linear feet. Said tree shall be a minimum of three inches caliper.
- (c) Two evergreen trees shall be provided for every 50 linear feet. Said trees shall be a minimum of six feet in height at installation.
- (d) Fifteen shrubs shall be provided for every 25 linear feet of buffer. Said shrubs shall be a minimum of three feet at installation.
- (e) Buffer plantings shall be arranged in a natural staggered pattern and shall not be lined up in straight, single rows.

(5) Pervious area shall be landscaped with low ground cover or grass.

H. Lighting.

- (1) All off-street parking areas shall provide a minimum average 0.5 footcandle of illumination.
- (2) Building entrances shall be well lit.
- (3) Footcandles at the property line shall not exceed one footcandle, except where there are driveways.

I. Fences. Fences and walls shall comply with § 200-15A.

J. Architectural standards.

- (1) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (2) The maximum spacing between building wall offsets shall be 40 feet.
- (3) The minimum projection or depth of any individual vertical offset shall be 1.5 feet.
- (4) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (5) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
- (6) All rooftop mechanical equipment shall be screened from view from all vantage points at or below the level of the roof.

K. Trash.

- (1) Trash enclosures shall be located to the rear or side of the building or they may be incorporated into the building design.
- (2) Freestanding trash enclosures shall be screened by a solid masonry wall on three sides and a heavy-duty gate on the fourth.

L. Utilities. All utilities shall be underground.

M. Signage.

- (1) One monument sign shall be permitted to identify the development.
- (2) Said sign shall be a maximum of 40 square feet.
- (3) The sign shall be a maximum of five feet above grade.
- (4) Said sign shall be set back a minimum of 10 feet from any property line.
- (5) The sign may be externally illuminated.

Section 2. This Ordinance shall take effect immediately upon passage.

Section 3. All prior ordinances that are inconsistent with this ordinance are repealed.



ROLL CALL

ORDINANCE #26-07

BOND ORDINANCE TO AUTHORIZE THE MAKING OF ROAD IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$325,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED, by the Borough Council of the Borough of Northvale, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Northvale, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make road improvements and to acquire a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:



SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the 2026 Road Improvement Program at various locations, as set forth on a list prepared by the Borough Engineer and placed or to be placed on file with the Borough Clerk. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$225,000
Down Payment Appropriated	\$ 11,000
Bonds and Notes Authorized	\$214,000
Period of Usefulness	10 years

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an SUV for the use of the Fire Department.

Appropriation and Estimated Cost	\$100,000
Down Payment Appropriated	\$ 5,000
Bonds and Notes Authorized	\$ 95,000
Period of Usefulness	5 years

Aggregate Appropriation and Estimated Cost	\$325,000
Aggregate Down Payment Appropriated	\$ 16,000
Aggregate Amount of Bonds and Notes Authorized	\$309,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$27,500 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$16,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$16,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$309,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$309,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.



Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 8.46 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$309,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ROLL CALL

OLD BUSINESS

NEW BUSINESS

MAYOR & COUNCIL REPORTS

BOROUGH ATTORNEY REPORT

BOROUGH ENGINEER REPORT

OPEN MEETING TO THE PUBLIC



ADJOURNMENT

DRAFT - SUBJECT TO CHANGE