



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #25-29**

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, EXTENDING AFFORDABILITY CONTROLS OF THE PROPERTY REFERRED TO AS RIVERBEND, LOCATED AT 45 PASSAIC AVENUE, OTHERWISE DESIGNATED AS BLOCK 4201, LOTS 26-27 ON THE BOROUGH'S OFFICIAL TAX MAP

WHEREAS, within the Borough of Florham Park (the "Borough") there exists a rental residential community hereinafter referred to as "Riverbend," located at 45 Passaic Avenue, otherwise designated as Block 4201, Lots 26-27 on the Borough's official tax map; and

WHEREAS, Riverbend is a rental residential community which includes fifty (50) affordable, family rental units; and

WHEREAS, a resolution of approval was granted for Riverbend for two-hundred (200) total units, with fifty (50) affordable units dated May 29, 1997, and the Borough records include an affirmative marketing plan for the units dated September 3, 1997; and

WHEREAS, pursuant to the Fair Housing Act, P.L. 1985, c.222 (the "FHA"), municipalities within the State of New Jersey are required to provide for their fair share of housing affordable to households of low- or moderate-income for an appropriate period of time; and

WHEREAS, pursuant to N.J.S.A. § 52:27D-321 of the FHA, in 1985 the Legislature delegated administrative authority and responsibility to the New Jersey Housing and Mortgage Finance Agency ("HMFA") to establish programs to assist municipalities in providing low-and moderate-income housing ("affordable housing"), and to establish requirements and controls to ensure that such housing continues to remain affordable and occupied by low-and moderate-income households as defined under the FHA; and

WHEREAS, pursuant to this delegated authority, in 2004 the HMFA adopted an updated comprehensive set of rules for the establishment and administration of uniform affordability controls on all affordable housing rental developments in this State, the most recent version of which is set forth at Title 5, Chapter 80, subchapter 26 of the New Jersey Administrative Code (N.J.A.C. §§ 5:80-26.1 thru -26.26), known as the Uniform Housing Affordability Control ("UHAC") regulations; and

WHEREAS, the FHA, the UHAC, and the Borough's Affordable Housing Ordinances now govern the control, use, sale and rental of restricted affordable housing units and affordable developments throughout this State created under the Act, and establishes uniform standards as to: (i) the minimum applicable period(s) of time in which the ownership, sale, use and rental of such affordable housing is to remain restricted to low and moderate income households, otherwise known as "Affordability Control Period(s)" or "Control Period(s)"; (ii) the rental amounts for such affordable units; and (iii) the method and manner in which a municipality is permitted to



exercise its right to release or extend the Control Period(s) on affordable housing in this State created pursuant to the FHA; and

WHEREAS, N.J.A.C. § 5:80-26.3 and -26.28 of the UHAC, in relevant part, govern the ability of a municipality to extend the Affordability Control Period(s) for restricted units; and

WHEREAS, the affordability controls on the Riverbend units were in effect prior to the effective date of the recent amendments to the FHA which were promulgated pursuant to P.L. 2024, c.2.; and

WHEREAS, N.J.A.C. § 5:80-26.5(a) provides that any unit which prior to the effective date of the amendments promulgated pursuant to P.L. 2024, c.2 was subject to a “contract with either the State or a political subdivision thereof, shall be subject to the regulations at this subchapter that were in effect prior the effective date of the amendments promulgated pursuant to P.L. 2024, c.2.”; and

WHEREAS, pursuant to the Borough’s powers to enact ordinances to regulate and control residential rental rates set forth under N.J.S.A. 40:48-2 of the Home Rule Act, and in accordance with the Borough’s authority under the FHA, and the UHAC the Mayor and Council find and declare that it is in the best interests of the Borough and its residents to extend the affordability controls for Riverbend at an amount of \$17,500 per affordable rental unit extension.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Florham Park, Morris County, New Jersey, as follows, that:

Section 1.

Extension of Controls. In accordance with the New Jersey Fair Housing Act, N.J.S.A. § 52:27D-301 et. seq. (“FHA”), Title 5, Chapter 80, subchapter 26 of the New Jersey Administrative Code (N.J.A.C. §§ 5:80-26.1 thru -26.26), known as the Uniform Housing Affordability Control (“UHAC”), the Boroughs’ Affordable Housing Ordinances, the affordability controls governing the fifty (50) affordable rental units in Riverbend be and hereby are extended for a period of thirty (30) years with a new release date of January 1, 2058.

Section 2.

Authority. The Mayor and Borough Clerk be and hereby are authorized to execute and attest, respectively, any agreement, document or instrument in connection with the extension of affordability controls authorized by this Ordinance.

Section 3.

Severability. If any article, section, subsection, sentence, or clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.



Inconsistencies. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the municipality, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

Section 4.

Referral to Planning Board. A copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

Section 5.

Effective Date and Scope. This Ordinance shall immediately take effect upon its passage and publication, and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire municipality upon final adoption and shall become part of the Code once completed and adopted.

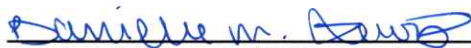
INTRODUCED: September 18, 2025

ADOPTED: October 16, 2025



Mark Taylor, Mayor

Attest:



Danielle M. Lewis, RMC, Municipal Clerk

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park, and adopted on October 16, 2025.



Danielle M. Lewis, RMC, Municipal Clerk