

MINUTES

Mayor and Council Regular Meeting

March 12, 2026

7:00 P.M.

CALL TO ORDER –

A Regular Meeting of the Mayor and Council of the Borough of River Edge was held in person in Council Chambers of the River Edge Municipal Building located at 705 Kinderkamack Road, River Edge, NJ 07661 and virtually via Zoom on March 12, 2026. The meeting was called to order at 7:00 p.m. by Mayor Thomas Papaleo.

SILENT PRAYER – FLAG SALUTE

Mayor Papaleo asked for a moment of silence for those suffering from the impacts of war, especially those in Michigan and Virginia. Councilwoman Malellari then led those present in a salute to the flag.

STATEMENT OF COMPLIANCE -

Mayor Papaleo read the Statement of Compliance into the record as follows:

Statement of Compliance with Open Public Meeting Act: This meeting complies with the Open Public Meeting Act by notification on January 9, 2026 and January 16, 2026 of the location, date, time, and access information to the Town News and the Record and by posting of same on the municipal bulletin board and Borough website and filing a notice of the same with the Municipal Clerk.

ROLL CALL

PRESENT: Council President Kinsella, Councilwoman Malellari, Councilman Glass, Councilwoman Dhariwal (7:01 pm), Councilman Feffer and Mayor Papaleo.

ABSENT: Councilwoman Montisano-Koen

ALSO PRESENT: Borough Administrator Lissette Aportela
Borough Attorney John Shahdanian, Esq.

APPROVAL OF MINUTES –

On a motion by Councilwoman Dhariwal, seconded by Councilwoman Malellari, and all members present voting in favor, that the Minutes of the Mayor and Council Regular Meeting of February 26, 2026 are hereby approved.

PROCLAMATIONS & AWARDS –

Blackhawk Certificates

Mayor Papaleo commented on the outstanding volunteer coaching program in River Edge. He expressed that the governing body is very proud of all the players and excited to recognize their achievements.

Carla Rodriguez, River Dell Blackhawks Director of Operations, remarked that these two great

teams have won their flight. She commented that she is excited to recognize them this evening.

Annie Mapes, Coach of the River Dell U10 Girls Team, spoke to the team's record. She noted that they started in the H flight, and after only 5 years, will be promoted to the A flight in the spring. She commented on the team's sportsmanship, poise and hard work, noting that they also know how to have fun.

Ted Stein, Coach of the Blackhawk U15 Boys Team, acknowledged Frank Stramiello and Josh Ratner, Assistant Coaches. He spoke to the team's record, noting that this team is the first U15 team in A flight to ever win their flight in Blackhawk's history.

Mayor Papaleo then presented a Certificate of Recognition to the following players and coaches:

U10 Girls Team

Coaches

Annie Mapes, Coach

Angelica Cortes, Assistant Coach

John Dugan, 2nd Assistant Coach

Players

Mariana Sanchez

Harper Dugan

Helena Lopes

Madelyn Schweiger

Hadley Irving

Julia Daibes

Madeleine Giblin

Juliet Deitch

Kiera Thiffault

Lauren Donaghy

Rose Mapes

Tessa Pratt

Vasi Fikaris

U15 Boys Team

Coaches

Ted Stein

Frank Stramiello

Josh Ratner

Players

Gio Song

Lucas Lemma

Batu Kozan

Andrew Carballeda

Dante Stramiello

Daniil Alipov

Evan Calderone

James Melki

Jo Koyama

Arda Kozan

Cristian Guttilla
Riyaan Bovell
Rocco Renga
Mason Ratner
Benjamin Rizkalla
Jack Crawford
Daniel Yi
Vikram Sehgal

PRESENTATIONS –

Red Cross

John Felice, Government Operational Lead, and Andy Stone, Executive Director of Northern New Jersey, from the American Red Cross were present for this presentation. Mr. Felice provided a history on the organization and explained how they impact lives every day. He described the assistance that is provided to disaster survivors, noting that more people need help after a disaster than ever before due to climate change. He expressed that the Red Cross is here for every member of the community to help educate and prepare for times of distress.

Neal Carroll, Deputy OEM, advised that Mr. Felice is very active in the County as he is always called on to make presentations. He commented that any time you call him, he is there.

Mr. Stone noted that preparedness is almost as important as the emergency response. He advised that they run a home fire campaign and will be in Newark on April 18th installing fire alarms for those who need them.

Mr. Felice commented that they will install alarms in every home regardless of income.

PUBLIC COMMENTS –

On motion by Councilwoman Kinsella, seconded by Councilwoman Malellari, and all present voting in favor, to open for public comments.

Jyotsana Gaur, 337 Howland Ave, requested that the Mayor and Council grant permission to hold a lighting ceremony in Borough Hall in mid-October and explained the benefits of doing so.

Akhil Chawla, 325 Lexington Drive, requested that the governing body adopt a new tradition and hold an annual lighting ceremony. He explained the purpose of the event and expressed his desire to share Diwali's light with the governing body.

Benito Asuncion, 45 Richard Ct., and Dr. Park, 954 Kinderkamack Road, reported that last Friday at 11:30 p.m. someone hit the fence between their properties. They noted that this problem has been ongoing as patrons for the Oak House park their cars on Richard Court until 12 or 1 o'clock and requested that parking restrictions be implemented.

On a motion by Councilwoman Kinsella, seconded by Councilwoman Malellari, and all present voting in favor, to close public comments.

With respect to the request for parking restrictions, Mayor Papaleo advised that Mr. Asuncion and Mr. Park would need to make this request to the Traffic & Safety Committee, noting that the next meeting is March 31st.

In regard to the lighting ceremony request, Borough Attorney Shahdanian explained that, based on case law from the Supreme Court, the Borough has adopted a policy not to host any celebrations that are related to a religious event. He noted that if Borough Hall is opened to one group, it would need to be opened to everyone.

Councilman Feffer questioned what defines a religious group and inquired as to whether there have been any similar requests in the past three to five years.

It was confirmed that there have been requests within this timeframe and noted that the Borough has remained consistent in its stance. Borough Attorney Shahdanian noted that there a multitude of recognized religions and expressed his belief that there are certain parameters for a religious group to be recognized.

Borough Administrator Aportela is to recirculate the memo prepared by the Borough Attorney's office providing guidance on this matter.

APPOINTMENTS & PERSONNEL CHANGES –

On motion by Councilman Glass, seconded by Councilwoman Kinsella, and all members present voting in favor, to approve the following appointments and personnel changes:

- a. Approve the termination of Joseph Scotellaro, Laborer in the Department of Public Works effective February 26, 2026.

FIRST READING – ORDINANCES –

Ordinance #26-06

Motion by Councilwoman Malellari that the following ordinance be introduced and passed on first reading and setting March 26, 2026 at 7:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time and both Council Chambers as the place and Zoom as the virtual platform for the hearing on said ordinance. Second by Councilwoman Kinsella.

Mayor Papaleo read the title of the ordinance into the record:

ORDINANCE 26-06 - AN ORDINANCE TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY FOR THE YEAR 2026.

Borough Administrator Aportela explained that this ordinance creates the salary range for the dual title of Records Clerk/ Police Department Records Custodian.

On a roll call, the vote was recorded as follows:

Councilwoman Montisano-Koen:	absent	Councilman Glass:	aye
Council President Kinsella:	aye	Councilwoman Dhariwal:	aye
Councilwoman Malellari:	aye	Councilman Feffer:	aye

SECOND READING & HEARING ON ORDINANCES

Ordinance #26-03 – Ordinance #26-05

Tom Behrens, Borough Planner, explained that Ordinance #26-04 and #26-05 are part of the Borough's 4th round compliance process. He advised that the Borough adopted its Housing Element and Fair Share plan last year and received a challenge by Fair Share Housing Center. He noted that they reached a mediation agreement and there is a statutory deadline of March 15th to meet the Borough's affordable housing requirements. With respect to Ordinance #26-04, he explained that this ordinance creates two new overlay zones to permit inclusionary multifamily development for Block 1418 Lots 1,2, 3, 3.01, & 4 (Johnson Avenue) and inclusionary multifamily or mixed-use development on Block 203 Lots 2, 2.01, 3 and 4 (River Dell Filling Station/Verizon building), amends the existing New Bridge Land Redevelopment Plan to permit a maximum density of 36 dwelling units per acre, amends the existing AH-1 New Bridge Road Affordable Housing Overlay Zone to permit a maximum density of 25 units per acre, and amends the existing Multifamily and Senior Citizen Housing Conditional Use District to require a minimum affordable housing set-aside of 20%. He commented that there are no active development proposals and noted that the maximum height for a multi-family or mixed-use development at the River Dell Filling Station/Verizon site would not exceed what is currently in place. With respect to Ordinance #26-05, he explained that this ordinance

pertains to general affordable housing regulations and replaces the existing regulations to be consistent with new state regulations. He advised that it also includes an update to the mandatory set-aside to increase it to 20% and incorporates the Borough's development fee regulations. He commented that the reason for adopting both ordinances is to retain immunity from builder's remedy lawsuits and allow the Borough to maintain maximum control over zoning.

Mayor Papaleo read into the record:

The following ordinance published herewith was first read by title only on February 26, 2026 and posted on a bulletin board outside of the Clerk's office.

ORDINANCE #26-02 – AN ORDINANCE TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY FOR THE YEAR 2026

Public Comments on Ordinances #26-03 - #26-05

Motion by Councilman Glass, second by Councilwoman Dhariwal, and all members voting in favor, to open the floor to the public on Ordinance #26-03 through #26-05.

No one came forward.

Motion by Councilwoman Kinsella, second by Councilwoman Malellari, to close the floor to the public on Ordinance #26-03 through #26-05.

Borough Administrator Aportela advised that Ordinance #26-03 codifies the pickleball membership fees and provides a \$10 discount when registering for both annual tennis and pickleball memberships at the same time, Ordinance #26-04 adds two new overlay zones, and Ordinance #26-05 replaces Chapter 50 of the Affordable Housing of the Borough Code to comply with the state's amended affordable housing regulations.

On a roll call, the vote was recorded as follows:

Councilwoman Montisano-Koen:	absent	Councilman Glass:	aye
Council President Kinsella:	aye	Councilwoman Dhariwal:	aye
Councilwoman Malellari:	aye	Councilman Feffer:	aye

Motion by Councilman Glass, second by Councilwoman Kinsella, that Ordinance #26-04 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

On a roll call, the vote was recorded as follows:

Councilwoman Montisano-Koen:	absent	Councilman Glass:	aye
Council President Kinsella:	aye	Councilwoman Dhariwal:	aye
Councilwoman Malellari:	aye	Councilman Feffer:	aye

Motion by Councilwoman Kinsella, second by Councilwoman Malellari, that Ordinance #26-05 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

On a roll call, the vote was recorded as follows:

Councilwoman Montisano-Koen:	absent	Councilman Glass:	aye
Council President Kinsella:	aye	Councilwoman Dhariwal:	aye
Councilwoman Malellari:	aye	Councilman Feffer:	aye

RESOLUTIONS - By Consent

- a. **#26-95** Amend Approval for Additional Engineering Services – Borough Hall Entrance and Police Station Parking Lot Improvements Project
- b. **#26-96** Approve LOSAP Certification List – River Edge Volunteer Ambulance Service
- c. **#26-97** Transfer of Funds in Budget Appropriation Reserves
- d. **#26-98** Resolution Adopting Fourth Round Spending Plan
- e. **#26-99** Resolution Endorsing the Amended Housing Element and Fair Share Plan
- f. **#26-100** Resolution Adopting an “Affirmative Marketing Plan” For the Borough or River Edge, Bergen County, New Jersey
- g. **#26-101** Approve the Hire of a Full-time Laborer in the Department of Public Works
- h. **#26-102** Authorizing the Borough of River Edge to Appoint a Records Custodian for the River Edge Police Department
- i. **#26-103** Approve Job Description
- j. **#26-104** Approve Change Order #1 – 2025 Road Improvement Program – Riverside Cooperative
- k. **#26-105** Declare March 2026 as Women’s History Month

Motion by Councilwoman Malellari, second by Councilman Glass, that the Consent Agenda be approved.

Councilwoman Malellari read Resolution #26-105 into the record:

#26-105 Declare March 2026 as Women’s History Month

Councilwoman Malellari read Resolution #26-105 into the record:

WHEREAS, every day, without fame or fanfare, women inspire, support, and strengthen their families, communities, and our country. Women’s History Month presents a

great opportunity to celebrate the tremendous impact women continue to have on our great Nation; and

WHEREAS, the Borough of River Edge recognizes the month of March, as Women’s History Month, established in 1987 by Congress, to celebrate the contributions American women have made to strengthen the nation since its inception; and

WHEREAS, Women’s History Month honors women from all generations and backgrounds, women of every race, status and ethnicity who have challenged the social and legal structures that have kept women’s labor underappreciated and underrepresented throughout history; and

WHEREAS, American women have been leaders not only in securing their own rights and equal opportunity, but also at the forefront of every major social change movement in history, paving the way for future generations to enjoy the unalienable rights, duties and responsibilities afforded equally to all citizens of the United States of America; and

WHEREAS, each woman is extraordinary in her own way, proving that women working inside the home, or outside in academia, science, technology, business, labor, governance and more maintain a critical role in every sphere of society; and

WHEREAS, when women succeed, their communities prosper; and

WHEREAS, the Borough of River Edge is especially proud to acknowledge and celebrate the brilliant and talented female trailblazers in Borough Administration today.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge do hereby proclaim March 2026 as:

“WOMEN’S HISTORY MONTH”

and call upon all the residents of River Edge to celebrate the exceptional women in their lives and around our town, state and country.

On a roll call, the vote was recorded as follows:

Councilwoman Montisano-Koen:	absent	Councilman Glass:	aye
Council President Kinsella:	aye	Councilwoman Dhariwal:	aye
Councilwoman Malellari:	aye	Councilman Feffer:	aye

#26-106 Payment of Bills

Council President Kinsella read resolution #26-106 into the record:

At a Regular Meeting of the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, held on March 12, 2026.

BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge approve the following expenditures.

CURRENT FUND	\$	270,774.05
GENERAL CAPITAL FUND	\$	158,712.74
GRANT FUND	\$	1,570.00
TRUST OTHER	\$	1,290.61
PAYROLL	\$	24,836.08
DEVELOPER'S ESCROW	\$	4,745.00
SELF INSURANCE TRUST	\$	13,397.57

Motion by Councilwoman Malellari, second by Councilman Glass, that Resolution #26-106 be approved.

On a roll call, the vote was recorded as follows:

Councilwoman Montisano-Koen:	absent	Councilman Glass:	aye
Council President Kinsella:	aye	Councilwoman Dhariwal:	aye
Councilwoman Malellari:	aye	Councilman Feffer:	aye

NEW BUSINESS –

There was no New Business.

OLD BUSINESS –

Special Projects Engineer

Borough Administrator Aportela explained that the Borough solicited Request for Qualifications for Special Projects Engineer and there are projects for which this professional is needed. She noted that there are federal funding opportunities as well that the Borough would like to pursue.

It was agreed that the Legal Review & Ordinance Subcommittee, with Councilman Glass sitting in for one member, is to review the RFQs and report back at either the next meeting or first meeting in April with a recommendation.

COUNCIL COMMENTS –

Councilwoman Dhariwal thanked the governing body for recognizing Women's History Month. She called upon all residents to celebrate the exceptional women in their lives.

Councilman Glass expressed that he is glad that the Borough is moving forward with the affordable housing requirements and recognized Mr. Behrens and the Land Use Board for their roles in the process. He also thanked Mayor Papaleo for the leadership that he has shown on the Land Use Board.

Mayor Papaleo announced that the River Edge Run is on April 25th.

Councilwoman Dhariwal reported that the River Edge @ USA 250 Committee is hosting an event, Celebrating River Edge, at the Library from 10:30 a.m. to 1 p.m.

Mayor Papaleo asked that the DPW Superintendent and Recreation Director also be included when reviewing the RFQs. He advised that the Borough is currently undergoing a reassessment which takes place over the course of 5 years where 20% of the Borough is done each year. He announced that he and the Tax Assessor will be in Council Chambers on March 21st from 11 a.m. to 1 p.m. to answer resident questions or address concerns. With respect to the 2026 budget, he thanked the Citizens Budget Committee, governing body, CFO, Borough Administrator, Finance Committee, and all who worked to draft the budget. He noted that the budget will be introduced at the next meeting and adopted at the second meeting in April. He explained the reasons that it was a difficult budget year and commended Council President Kinsella for working hard to present an essential budget. He advised that there is a 4.76% increase with which they are not happy but noted that it was the best that they could do.

Councilwoman Kinsella announced that the Annual Egg Hunt will take place on March 28th beginning at 12 p.m.

On motion by Councilwoman Dhariwal, seconded by Councilman Feffer, and all present voting in favor, to open for public comments.

Neal Carroll, 321 Wales Ave, advised that the Mayor and Council are being afforded the opportunity to learn about the incident command service process and all things related to the Office of Emergency Management in Rochelle Park next Thursday.

Mayor Papaleo noted that Mr. Carroll has served as the backbone in so many areas and his connections with the County OEM has afforded the Borough with many benefits. He thanked Mr. Carroll for his unwavering attention to detail.

Mayor Papaleo and Council President Kinsella relayed that they would attend this class.

On motion by Council President Kinsella, seconded by Councilwoman Malellari, and all present voting in favor, to close public comments.

ADJOURNMENT –

There being no further business to come before the Mayor and Council, on a motion by Councilwoman Dhariwal, second by Council President Kinsella, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:51 p.m.

Respectfully submitted,

Anne Dodd, RMC
Borough Clerk

BOROUGH OF RIVER EDGE
ORDINANCE #26-06

AN ORDINANCE TO FIX THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY FOR THE YEAR 2026

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

Section 1: The title and compensation for the full-time position of the Borough of River Edge for the year 2026 shall be amended as follows:

2026

POLICE
Records Clerk/Police Department Records Custodian \$40,000 - \$70,000

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.


Section 4. This Ordinance shall be effective to April 1, 2026, upon final passage and publication as required by law.

INTRODUCED: March 12, 2026

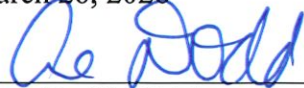
ADOPTED: March 26, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen		X	X			
Kinsella			X			
Maellari			X			
Glass	X		X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of River Edge on March 26, 2026



Thomas Papaleo, Mayor



Anne Dodd, RMC
Borough Clerk

BOROUGH OF RIVER EDGE
ORDINANCE #26-03

AN ORDINANCE TO AMEND CHAPTER 206 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, ENTITLED FEES.

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge that the following amendments to Subsection JJ, entitled "Recreation Department fees" of Section 206-2 entitled "Schedule of Fees" are hereby approved:

Section 1. Item 3 entitled "Tennis and Pickleball" of shall be replaced in its entirety by the following:

(3)

Tennis and Pickleball:

Tennis Annual Membership (Individual)	\$38
Tennis Annual Membership (Family)	\$58
Pickleball Annual Membership (Individual)	\$38
Pickleball Annual Membership (Family)	\$58

- A. Registration is required for use of the River Edge Tennis Courts located at Memorial Park.
- B. Registration is required for use of the River Edge Pickleball Courts located at Kenneth B. George Park.
- C. Tennis is not permitted at the KBG Park Pickleball Courts. Pickleball will no longer be permitted at the Memorial Park Tennis Courts once the construction of the KBG Park has been completed.
- D. The season is from April 1st through November 1st of each year weather permitting. The season dates are subject to adjustment and courts are subject to be opened and/or closed due to weather conditions at the discretion of the Recreation Director.
- E. The Memorial Park Tennis Courts are open for play to registered participants from 8am to dusk.
- F. The KBG Park Pickleball Courts are open for play to registered participants from 8am – 10pm.
- G. Registration for the programs listed in this Section entitled Tennis and Pickleball are open to River Edge residents only.
- H. Registered members are allowed one guest per day.
- I. The fees are approved for the 2026 season and future seasons until changed by the Mayor and Council.
- J. No refunds or prorated rates shall be given.
- K. For-profit vendors using the facilities shall pay \$40 to the Borough of River Edge for each participant of each program each season. Tennis lessons can only be held at the Memorial Park Tennis Courts. Pickleball lessons can only be held at the KBG Park

Pickleball Courts. A season is defined as one hour of court usage for up to six consecutive weeks or portion thereof.

- L. A \$10 discount may be deducted from the aforementioned program registration fees when registering for both annual tennis and pickleball memberships at the same time.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.


Section 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED: February 26, 2026

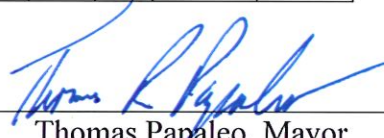
ADOPTED: March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Maellari		X	X			
Glass			X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of River Edge on March 12, 2026



Anne Dodd, RMC
Borough Clerk



Thomas Papaleo, Mayor

**BOROUGH OF RIVER EDGE
ORDINANCE 26-04**

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, BERGEN COUNTY, NEW JERSEY AMENDING CHAPTER 416, ZONING, OF THE BOROUGH CODE TO ADDRESS THE BOROUGH'S AFFORDABLE HOUSING OBLIGATION BY CREATING NEW OVERLAY ZONES FOR BLOCK 1418 LOTS 1, 2, 3, 3.01 AND 4 AND BLOCK 203 LOTS 2, 2.01, 3 AND 4 TO PERMIT INCLUSIONARY MULTIFAMILY DEVELOPMENT AND AMEND THE EXISTING AH-1 OVERLAY ZONE, MULTIFAMILY AND SENIOR CITIZEN HOUSING CONDITIONAL USE DISTRICT AND NEW BRIDGE LANDING STATION REDEVELOPMENT PLAN IN ACCORDANCE WITH THE BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, in accordance with the New Jersey Supreme Court's "Mount Laurel I" decision (*South Burlington County NAACP v. Mount Laurel*, 67 N.J. 151 (1975)) and progeny, as well as the 1985 New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 *et seq.*, River Edge (the "Borough") has a constitutional obligation to provide for its fair share of its region's need for low- and moderate-income housing; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act ("Amended FHA"); and

WHEREAS, in accordance with the requirements of the Amended FHA, the River Edge Land Use Board adopted a Housing Element and Fair Share Plan to address its Fourth Round affordable housing obligation adopted June 25, 2025; and

WHEREAS, it is anticipated that the River Edge Land Use Board will adopt the Borough's 2026 Amended Housing Element and Fair Share Plan on February 25, 2026 in accordance with the terms of the Borough's Fourth Round Mediation Agreement with Fair Share Housing Center; and

WHEREAS, the Borough's Amended 2026 Housing Element and Fair Share Plan includes as a plan mechanism to address a portion of the Borough's affordable housing obligation the creation of a new overlay zone to permit inclusionary multifamily development on Block 1418 Lots 1, 2, 3, 3.01 and 4; and

WHEREAS, the Borough's Amended 2026 Housing Element and Fair Share Plan includes as a plan mechanism to address a portion of the Borough's affordable housing obligation the creation of a new overlay zone to permit inclusionary multifamily or mixed-use development on Block 203 Lots 2, 2.01, 3 and 4; and

WHEREAS, the Borough's existing New Bridge Land Redevelopment Plan will be amended to permit a maximum density of 36 dwelling units per acre to address a portion of the Borough's affordable housing obligation; and

WHEREAS, the Borough's existing AH-1 New Bridge Road Affordable Housing Overlay Zone will be amended to permit a maximum density of 25 units per acre to address a portion of the Borough's affordable housing obligation; and

WHEREAS, the Borough's existing Multifamily and Senior Citizen Housing Conditional Use District will be amended to require a minimum affordable housing set-aside of 20%; and

WHEREAS, the Fair Housing Act as amended requires all municipalities to adopt their implementing affordable housing ordinance by March 15, 2026.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, Bergen County, New Jersey that Chapter 416, Zoning, of the Borough of River Edge Code is hereby amended and supplemented as follows:

Section 1. Article VIII, Conditional Uses, Overlay Zones and Planned Residential Developments, of Chapter 416, Zoning, of the Borough of River Edge Code shall be amended and supplemented by creating a new §416-36.4, AH-2 Affordable Housing Overlay Zone 2, for Block 1418 Lots 1, 2, 3, 3.01 and 4 as shown on Exhibit A attached hereto, which shall read as follows:

§416-36.4 AH-2 Affordable Housing Overlay Zone 2

- A. Purpose. The purpose of the AH-2 Affordable Housing Overlay Zone 2 is to create a realistic opportunity for multifamily inclusionary development on Block 1418 Lots 1, 2, 3, 3.01 and 4 in a suitable location in the Borough of River Edge to address a portion of the Borough's affordable housing obligation. The affordable units shall comply with UHAC requirements.
- B. Permitted principal uses.
 - (1) Multifamily
- C. Permitted accessory uses.
 - (1) Accessory uses customary and incidental to the permitted principal use in §416-36.2.B(1).
- D. Affordable housing requirement.
 - (1) Minimum 20% affordable housing set-aside for both sale and rental units in accordance with UHAC and other applicable requirements.
- E. Area and bulk requirements. The area and bulk requirements for development built in accordance with the AH-2 Overlay Zone standards are set forth below. All other development shall comply with the underlying zone's area and bulk regulations, which shall remain in full force and effect.
 - (1) Minimum Tract Area: 1.5 acres
 - (2) Maximum Density: 40 units per acre
 - (3) Minimum Front Yard Setback: 30 feet
 - (4) Minimum Side Yard Setback: 25 feet
 - (5) Minimum Rear Yard Setback: 50 feet
 - (6) Maximum Building Coverage: 40%
 - (7) Maximum Lot Coverage: 80%
 - (8) Maximum Building Height: 4 stories/45 feet

- (a) Appurtenances attached to the principal building including, but not limited to, antennas, chimneys, bulkheads, mechanical equipment, penthouses (not for human occupancy) and similar type features shall not exceed 12 feet in height and shall not occupy more than 15% of the total roof area. Pergolas for rooftop amenity spaces shall not exceed 12 feet in height. All roof mounted appurtenances shall have a minimum ten-foot setback from the parapet. Flat roofs shall have parapets of not less than 42 inches and not more than 48 inches or as may otherwise be required.

F. Supplemental Requirements.

- (1) The minimum number of off-street parking spaces shall be provided in accordance with Residential Site Improvement Standards requirements.
- (2) Surface parking areas shall have year-round screening with landscaping minimally three feet in height where visible from public streets and surrounding property. Parking areas within the building footprint and structured parking shall be architecturally screened with exterior materials and design consistent with the façade of the building.
- (3) All building sides shall be treated as front facades with consistent articulation, materials and fenestration. Building facades with expansive blank walls are prohibited.
- (4) Each façade visible from a public street or surrounding property shall be designed to have a delineated floor line between the lowest building level and upper floors.
- (5) Each building façade shall have elements of vertical articulation no greater than 50 feet apart minimally 1 foot deep.
- (6) Balconies may project a maximum of 5 feet into required yard areas.
- (7) Flat roof areas not occupied by appurtenances or amenity space shall be constructed as a “cool roof” with solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.
- (8) Fire escapes are prohibited on front building facades except where required by the Fire Official.
- (9) All roof mounted equipment shall be architecturally screened from public view. Ground mounted equipment visible to the public shall be screened with fencing and/or landscaping to provide year-round screening.
- (10) Landscaping shall include street trees along Johnson Avenue with spacing of no more than 40 feet on center and installation size of 2-1/2” caliper or greater. A comprehensive landscape plan prepared by a qualified professional shall be provided to include landscaping in the front yard area along Johnson Avenue, common areas and screening to

the south for the adjacent garden apartments. Landscaping shall provide year-round interest.

- (11) One freestanding sign shall be permitted in the front yard area facing Johnson Avenue with a minimum setback of 10 feet from lot lines and not to exceed a maximum height of 4 feet or sign area of 24 square feet. Two building identification signs shall be permitted, one on each the Johnson Avenue and Route 4 frontages, not to exceed a sign area of 20 square feet.

Section 2. Article VIII, Conditional Uses, Overlay Zones and Planned Residential Developments, of Chapter 416, Zoning, of the Borough of River Edge Code shall be amended and supplemented by creating a new §416-36.5, AH-3 Affordable Housing Overlay Zone 3, for Block 203 Lots 2, 2.01, 3 and 4 as shown on Exhibit B attached hereto, which shall read as follows:

§416-36.5 AH-3 Affordable Housing Overlay Zone 3

- A. Purpose. The purpose of the AH-3 Affordable Housing Overlay Zone 3 is to create a realistic opportunity for multifamily or mixed-use inclusionary development on Block 203 Lots 2, 2.01, 3 and 4 in a suitable location in the Borough of River Edge to address a portion of the Borough's affordable housing obligation. Development of the AH-3 Overlay Zone shall be designed to minimize impacts to surrounding residential development on Summit Avenue including preservation of the existing views to the east. The existing vegetated buffer on the western slope of the site shall be preserved to the maximum extent feasible. The affordable units shall comply with UHAC and other applicable requirements.
- B. Permitted principal uses.
- (1) Multifamily
 - (2) Mixed-use with commercial uses permitted in the C-1 Zone on the first floor and residential units above the first floor
- C. Permitted accessory uses.
- (1) Accessory uses customary and incidental to the permitted principal use in §416-36.5.B(1).
- D. Affordable housing requirement.
- (2) Minimum 20% affordable housing set-aside for both sale and rental units in accordance with UHAC and other applicable requirements.
- E. Area and bulk requirements. The area and bulk requirements for development built in accordance with the AH-3 Overlay Zone standards are set forth below. All other development shall comply with the underlying zone's area and bulk regulations, which shall remain in full force and effect.
- (1) Minimum Tract Area: 1 acre
 - (2) Maximum Density: 15 units per acre

- (3) Minimum Front Yard Setback: 30 feet
- (4) Minimum Side Yard Setback: 15 feet
- (5) Minimum Rear Yard Setback: 100 feet
- (6) Maximum Building Coverage: 40%
- (7) Maximum Lot Coverage: 70%
- (8) Maximum Building Height: 2.5 stories/35 feet

- (a) Building height in the AH-3 Overlay Zone shall be calculated from the existing elevation of the front lot line.
- (b) Appurtenances attached to the principal building including, but not limited to, antennas, chimneys, bulkheads, mechanical equipment, penthouses (not for human occupancy) and similar type features shall not exceed 12 feet in height and shall not occupy more than 15% of the total roof area. Pergolas for rooftop amenity spaces shall not exceed 12 feet in height. All roof mounted appurtenances shall have a minimum ten-foot setback from the parapet. Flat roofs shall have parapets of not less than 42 inches and not more than 48 inches or as may otherwise be required.

F. Supplemental requirements.

- (1) The minimum number of off-street parking spaces shall be provided in accordance with Residential Site Improvement Standards requirements and as required in Chapter 350, Site Plan Review, for nonresidential uses. There shall be no more than two curb cuts on Kinderkamack Road providing vehicular access to the site.
- (2) Surface parking areas shall have year-round screening with landscaping minimally three feet in height where visible from public streets and surrounding property. Parking areas within the building footprint and structured parking shall be architecturally screened with exterior materials and design consistent with the façade of the building.
- (3) All building sides shall be treated as front facades with consistent articulation, materials and fenestration. Building facades with expansive blank walls are prohibited.
- (4) Each façade visible from a public street or surrounding property shall be designed to have a delineated floor line between the lowest building level and upper floors.
- (5) Each building façade shall have elements of vertical articulation no greater than 30 feet apart minimally 1 foot deep.
- (6) Balconies may project a maximum of 5 feet into required yard areas.
- (7) Flat roof areas not occupied by appurtenances or amenity space shall be constructed as a "cool roof" with solar reflectivity of 50% or greater as certified by the Cool Roof Rating Council.

- (8) Fire escapes are prohibited on front building facades except where required by the Fire Official.
- (9) All roof mounted equipment shall be architecturally screened from public view. Ground mounted equipment visible to the public shall be screened with fencing and/or landscaping to provide year-round screening.
- (10) Landscaping shall include street trees along Kinderkamack Road with spacing of no more than 40 feet on center and installation size of 2-1/2" caliper or greater. A comprehensive landscape plan prepared by a qualified professional shall be provided to include landscaping in the front yard area, common areas and screening for adjacent properties. The developer shall install streetscape improvements including paving, lighting and tree installation in accordance with Borough streetscape standards at the discretion of the Borough Engineer.

Section 3. §416-36.2.E(2) of §416-36.2, AH-1 New Bridge Road Affordable Housing Overlay Zone, of Article VIII, Conditional Uses, Overlay Zones and Planned Residential Developments, of Chapter 416, Zoning, of the Borough of River Edge Code shall be amended to read as indicated below (underlines indicate additions thus; deletions indicated with strikethroughs ~~thus~~). The AH-1 Overlay Zone Map is attached hereto as Exhibit C for reference:

§416-36.2.E(2) Maximum density: ~~20~~ 25 units per acre.

Section 4. §416-36.1.D(9)(a) of §416-36.1, Multifamily and Senior Citizen Housing Conditional Use District, of Article VIII, Conditional Uses, Overlay Zones and Planned Residential Developments, of Chapter 416, Zoning, of the Borough of River Edge Code shall be amended to read as indicated below (underlines indicate additions thus; deletions indicated with strikethroughs ~~thus~~). The Multifamily and Senior Housing Conditional Use District Map is attached hereto as Exhibit E:

§416-36.1.D(9)(a)

~~Any development pursuant to this ordinance shall provide a presumptive ten-percent set-aside of affordable units on site or equal to the number of such units as may be determinable under COAH regulations for inclusionary development at the time of approval by the approving authority. These units shall be used to satisfy the set-aside requirements of Subsection C(1) of this ordinance. Any development pursuant to this section shall require a minimum 20% affordable housing set-aside in accordance with UHAC requirements.~~

Section 5. Section 3.9.C. on page 19 of the Borough's adopted New Bridge Landing Station Redevelopment Plan dated September 17, 2020 shall be amended to increase the permitted maximum gross density of the RA-1 New Bridge Landing Station Redevelopment Area from 25 dwelling units per acre to 36 units per acre. The New Bridge Land Station Redevelopment Area map is attached hereto as Exhibit D for reference.

Section 6. §416-5, District designations, of Chapter 416, Zoning, of the Borough Code shall be amended and supplemented to read as follows:

§416-5 District designations.

The Borough of River Edge, for purposes of this chapter is hereby divided into the following districts, differentiated according to use, area and bulk regulations, and which shall be known and designated as follows (additions underlined thus; deletions indicated with strikethroughs ~~thus~~):

R-1	Residential: Single-Family
R-2	Residential: Two-Family
R-3	Residential: Garden Apartment
PRD-1	Planned Residential Development
C-1	Commercial: Neighborhood Business
C-2	Commercial: Office
P-1	Conservation
M-1	Public
AH-1	New Bridge Road Affordable Housing Overlay Zone
AH-2	Affordable Housing Overlay Zone 2
AH-3	Affordable Housing Overlay Zone 3
RA-1	New Bridge Landing Station Redevelopment Area
RA-2	Kinderkamack Road Redevelopment Area

Section 7. Attachment 4 – Zoning Map of Chapter 416, Zoning, shall be amended and supplemented to incorporate the overlay zones and redevelopment areas previously established by ordinance and established by this Ordinance as listed in Section 6 above.

Section 8. All other provisions of Chapter 416, Zoning, of the Borough Code shall remain unchanged.

Section 9. Pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, after introduction of this Ordinance, it shall be referred to the Borough of River Edge Land Use Board for the review required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., prior to the public hearing on adoption of this Ordinance.

Section 10. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

Section 11. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 12. This Ordinance shall be part of the Code of the Borough of River Edge as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

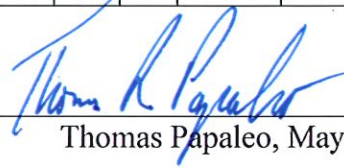
Section 13. This ordinance shall take effect 20 days after its final passage in accordance with N.J.S.A. 40:69A-181 and upon filing with the Bergen County Planning Board.

INTRODUCED: February 26, 2026

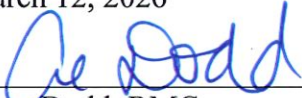
ADOPTED: March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella		X	X			
Malbellari			X			
Glass	X		X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify the above to
be a true copy of an Ordinance
adopted by the Governing Body
of the Borough of River Edge on
March 12, 2026



Thomas Papaleo, Mayor



Anne Dodd, RMC
Borough Clerk

**BOROUGH OF RIVER EDGE
ORDINANCE #26-05**

**AN ORDINANCE OF THE BOROUGH OF RIVER EDGE, BERGEN COUNTY, NEW JERSEY
REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 50, AFFORDABLE HOUSING,
OF THE BOROUGH CODE CONSISTENT WITH THE STATE'S AMENDED AFFORDABLE
HOUSING REGULATIONS**

WHEREAS, in accordance with the New Jersey Supreme Court's "Mount Laurel I" decision (*South Burlington County NAACP v. Mount Laurel*, 67 N.J. 151 (1975)) and progeny, as well as the 1985 New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 *et seq.*, River Edge (the "Borough") has a constitutional obligation to provide for its fair share of its region's need for low- and moderate-income housing; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act ("Amended FHA"); and

WHEREAS, in accordance with the requirements of the Amended FHA, the River Edge Planning Board adopted a Housing Element and Fair Share Plan to address its Fourth Round affordable housing obligation adopted June 25, 2025; and

WHEREAS, it is anticipated that the River Edge Planning Board will adopt the Borough's 2026 Amended Housing Element and Fair Share Plan on February 25, 2026 in accordance with the terms of the Borough's Fourth Round Mediation Agreement with Fair Share Housing Center; and

WHEREAS, the Borough intends to update its existing affordable housing regulations, mandatory affordable housing set-aside requirements and development fee provisions contained in Chapter 50, Affordable Housing, of the Borough Code consistent with the State's amended affordable housing regulations; and

WHEREAS, the Fair Housing Act as amended requires all municipalities to adopt their implementing affordable housing ordinance by March 15, 2026.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, Bergen County, New Jersey that Chapter 50, Affordable Housing, of the Borough of River Edge Code is hereby repealed and replaced in its entirety to read as follows:

Section 1. Chapter 50, Affordable Housing, of the Code of the Borough of River Edge is hereby repealed and replaced in its entirety which shall read as follows:

Chapter 50 Affordable Housing

§ 50-1 Purpose.

- A. This Chapter sets forth regulations regarding the creation, use, occupancy, administration and preservation of very low-, low- and moderate-income affordable housing units in the Borough of River Edge consistent with the Mount Laurel doctrine; the New Jersey Fair Housing Act, as amended by P.L. 2024, c.2, N.J.S.A. 52:27D-301 *et seq.*, (hereinafter the "Act," "FHA" or "FHA-2"); the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 *et seq.*, ("Affordable

Housing Rules”), and the Housing and Mortgage Finance Agency’s (HMFA) Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; and the municipality’s Fourth Round Housing Element and Fair Share Plan (“HEFSP”).

- B. This Article 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 in accordance with applicable statutory and regulatory requirements. This Chapter 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.
- C. The Borough of River Edge 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.
- D. This Article implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of the Mt. Laurel doctrine, 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, et seq., as may be amended and supplemented.

§ 50-2 Applicability.

- A. Except where specifically exempted hereinafter, the provisions of this Chapter 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. Except where specifically exempted hereinafter, this Chapter shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, as well as any unanticipated future development or redevelopment projects that will include, are proposed to provide or required by the municipality to provide very low-, low- and moderate-income housing units.
- C. Projects receiving federal Low Income Housing Tax Credit financing shall be required to follow the UHAC unless exempt pursuant to N.J.A.C. 5:80-26.1, including but not limited to developments with anticipated funding from the Federal Low-Income Housing Tax Credit (LIHTC) pursuant to Section 42 of the Internal Revenue Code. Developers, landlords and program sponsors shall be required to comply with administration and affirmative marketing of the affordable units within such developments.
- D. A waiver from any provision of this Chapter may be granted by the County-level Mount Laurel Judge, the Program or any trial court if it would advance the interests of low-and moderate-income households or if strict compliance would cause an unreasonable result.

§ 50-3 Interpretation.

- A. In the event of any ambiguity, the provisions of this Chapter shall be interpreted and liberally construed in favor of the Municipality.
- B. For any subject matter that is not otherwise addressed hereinafter, or is not otherwise covered by the Act, the Affordable Housing Rules or the UHAC, the Municipality may rely upon the provisions of COAH's prior round regulations at N.J.A.C. 5:93 and 5:97 that were deemed valid by binding Court precedent and that are most favorable to the municipality.
- C. The provisions of the Mount Laurel doctrine; the Act; the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, LPS; the Affordable Housing Rules; the HMFA Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; and the municipality's Fourth Round HEFSP, as set forth in Subsection A 1 above, shall supersede and take precedence over the provisions of this Chapter.

§ 50-4 Reservation of Rights.

- A. The Borough of River Edge reserves the right at any time to add to, remove from, or modify any provision of this Chapter provided that such addition, removal or modification is not inconsistent with the Mount Laurel doctrine; the Act; the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, LPS; the Affordable Housing Rules; the HMFA Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; or the municipality's Fourth Round HEFSP, as set forth in Subsection A 1 above.

§ 50-5 Definitions.

As used in this Chapter 50, 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 P.L. 2024, c. 2.

“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 delivery mechanisms” means any of the methods of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, as permitted by the Act.

“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.

“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 in accordance with N.J.S.A. 52:27D-304.

“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 issued to a municipality by the Program pursuant to section 3 of P.L.2024, c. 2, that provides a municipality immunity 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” resulting in an “order for repose.”

“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).

“Compliant municipality” means a municipality that is in the process of seeking compliance certification pursuant to the directives issued by the Administrative Office of the Courts, has obtained compliance certification, or who has filed for, or has obtained, a Judgment of Compliance, Order for Repose, or other court approval pursuant to the Act.

“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 application” means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, a site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or 40:55D-36.

“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.

“Excess RCA funds” means unspent money transferred prior to July 17, 2008, pursuant to a regional contribution agreement whose terms have been fulfilled.

“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 as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

"Fair share plan" means the plan or proposal, which may readily be adopted with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) by which a municipality proposes to satisfy its 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 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.

"Firm and binding obligation" means a demonstration by a municipality, evidenced by documentation substantiating a legally enforceable agreement entered into by the municipality with a third party, sufficient proof of building or other permits, efforts concerning land acquisition or project development, or other documentation that demonstrates a commitment to spend trust fund monies in a manner consistent with the Act, the municipality's fair share plan, the Act, an approved spending plan, and all applicable regulations.

"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 project" means a project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities,

and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

"Housing region" means a geographic area established pursuant to N.J.S.A. 52:27D-304.2 for each round of low- and moderate-income housing obligations pursuant to the Act.

"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 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 50 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.

"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 maybe 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 or equal to 80 percent of the regional median income.

"Moderate-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 more than 50 percent

but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

“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 responsible for oversight and/or administration of the affordable units created within the municipality and oversight of the authorization of individuals being provided access to the AHMS.

“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, 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. As used in this chapter, "municipal affordable housing trust fund" shall also mean a "municipal development trust fund" and a "municipal development fee Trust fund."

“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 are not produced on a site zoned for an inclusionary development.

“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 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.

"Sending municipality" means, for purposes of an RCA, a municipality that has contractually agreed to transfer a portion of its fair share obligation to another willing municipality.

"Senior center" means any recreational facility or community center with activities and services oriented towards serving senior citizens.

“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.

§ 50-6 Monitoring and Report Requirements.

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.

§ 50-7 Municipality-wide Mandatory Set-Aside.

- A. 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%.
- B. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
- C. 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.
- D. 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.
- E. 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.

- F. 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.
- G. 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 round the set-aside upward to construct a whole additional affordable unit.

§ 50-8 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.

- A. 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.
- B. 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

- C. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - (1) Design of 100 percent affordable developments:
 - (a) 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.
 - (b) Each bedroom in each restricted unit must have at least one window.
 - (c) Restricted units must include adequate air conditioning and heating.

- (2) Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
- (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) Each bedroom in each restricted unit must have at least one window.
 - (g) Restricted units must be of the same unit type as market-rate units within the same building.
 - (h) 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.
- (3) 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:
- (a) 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.
 - (b) 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.

- (c) 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 townhomes shall 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.
- (d) 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.
- (e) 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).
- (f) 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.
- (g) Each bedroom in each restricted unit must have at least one window; and
- (h) Restricted units must include adequate air conditioning and heating.

D. Utilities.

- (1) Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
- (2) 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).

E. Low/moderate split and bedroom distribution.

- (1) 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.
- (2) In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
- (3) 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.

- (4) Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - (b) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - (c) The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded up, of the total number of low- and moderate-income units.
 - (d) At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.
 - (e) At least 20% of all low- and moderate-income units, rounded down shall be three-bedroom units.
 - (f) The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
- (5) 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.

F. Accessibility requirements.

- (1) 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.
- (2) 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:

- (a) An adaptable toilet and bathing facility on the first floor;
- (b) An adaptable kitchen on the first floor;
- (c) An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
- (d) 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;
- (e) If not all of the foregoing requirements established above can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
- (f) 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:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.
- (g) 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.

A. 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.

B. Assisted Living Residence (per N.J.A.C. 5:97-6.11).

- (1) An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregating 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.
- (2) 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.
- (3) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
- (4) 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.
- (5) Low- and moderate-income residents cannot be charged any upfront fees.
- (6) The units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - (b) The deed restriction may be on the facility, rather than individual apartments or rooms;
 - (c) 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
- (7) 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.

C. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).

- (1) The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - (a) 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).

- (b) 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.
- (c) 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.
- (d) Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
- (e) Occupancy shall not be restricted to youth under 18 years of age.
- (f) 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.
- (g) The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (i) 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;
 - (ii) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- (h) 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.
- (i) 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.
- (j) The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

- (i) An Affirmative Marketing Plan in accordance with the regulations set forth herein; and
 - (ii) 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.
- (k) The sponsor/owner shall complete annual monitoring as directed by the MHL.

§ 50-10 Regional Income Limits.

- A. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
- B. 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.
- C. 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.

§ 50-11 Maximum Initial Rents and Sales Prices.

- A. 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.
- B. 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.
- C. 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
- D. 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.
- E. 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.

- F. 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.
- G. 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:
- (1) A studio or efficiency unit shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (3) A two-bedroom unit shall be affordable to a three-person household;
 - (4) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (5) A four-bedroom unit shall be affordable to a six-person household.
- H. 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:
- (1) A studio or efficiency unit shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (3) 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.
- I. 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.
- (1) 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.

- (2) 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.

§ 50-12 Affirmative Marketing.

- A. 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.
- B. 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.

- (1) 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, Hudson, Passaic, 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.

- (2) 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.

- (3) 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.
- (4) 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.
- (5) 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. The affirmative marketing shall include the following community and regional organizations: Fair Share Housing Center; the Latino Action Network; NAACP; State Chapter, NAACP; the Supportive Housing Association; and NAACP, NAACP of Bergen County.
- (6) 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.
- (7) The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- (8) The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

§ 50-13 Selection of Occupants of Affordable Housing Units.

- A. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
- B. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

§ 50-14 Occupancy Standards.

- A. 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:
 - (1) Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;

- (2) Provide a bedroom for every two adult occupants;
- (3) 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
- (4) Avoid placing a one-person household into a unit with more than one bedroom.

§ 50-15 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. 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.
- B. 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).
- C. 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.
- D. 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.
- E. 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:
 - (1) 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
 - (2) If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
- F. 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.
- G. 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.
- H. 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.

- I. 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.

§ 50-16 Price Restrictions for Restricted Ownership Units and Resale Prices.

- A. 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:

- (1) The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
- (2) 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.
 - (a) 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.
 - (b) 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
- (3) 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:
 - (a) Those that render the unit suitable for a larger household or the addition of a bathroom.
 - (b) 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);
- (4) 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.

- B. 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.

§ 50-17 Buyer Income Eligibility.

- A. 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.
- B. 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.
- C. 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.
- D. 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:

- (1) 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;
- (2) 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
- (3) The household is currently in substandard or overcrowded living conditions;
- (4) The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments.

§ 50-18 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- A. 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.
- B. 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).

§ 50-19 Control Periods for Restricted Rental Units.

- A. 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.
- B. 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.
- C. 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.
- D. 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.

- E. 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.
- F. 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.
- G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit;
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - (4) 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.

§ 50-20 Rent Restrictions for Rental Units; Leases and Fees.

- A. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
- B. 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.
- C. 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.
 - (1) 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.
- D. 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.
- E. 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.

- F. 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.
- G. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
- H. 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.

§ 50-21 Tenant Income Eligibility.

- A. 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:
 - (1) 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.
 - (2) 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.
 - (3) 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.
- B. 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:
 - (1) 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;
 - (2) 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;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) 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.
- C. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in B.1 through B.5 above with the Administrative Agent, who shall counsel the household on budgeting.

§ 50-22 Municipal Housing Liaison.

- A. The Municipal Housing Liaison shall be approved by municipal resolution.
- B. 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 in N.J.A.C. 5:99-1 et seq.
- C. 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:
 - (1) 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.
 - (2) The oversight of the Affirmative Marketing Plan and affordability controls.
 - (3) When applicable, overseeing and monitoring any contracting Administrative Agent.
 - (4) Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - (5) Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - (6) Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - (7) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - (8) 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.
 - (9) Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required as set forth herein has been duly recorded.
 - (10) Listing on the municipal website contact information for the MHL and Administrative Agents.

§ 50-23 Administrative Agent.

- A. 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.
- B. The fees for administrative agents shall be paid as follows:
 - (1) Administrative agent fees related to rental units shall be paid by the developer/owner.
 - (2) Administrative agent fees related to initial sale of units shall be paid by the developer.

- (3) Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - (4) Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
- C. 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.
- D. 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:
- (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - (2) Affirmative marketing:
 - (a) 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.
 - (b) 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.
 - (3) Household certification.
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households.
 - (b) 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;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - (d) 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.
 - (e) 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.
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
 - (4) Affordability controls.

- (a) 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.
 - (b) 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.
 - (c) Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - (d) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- (5) Records retention.
- (a) 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.
 - (b) 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.
- (6) Resales and re-rentals.
- (a) 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.
 - (b) 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.
- (7) Processing requests from unit owners.
- (a) 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.
 - (b) 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.
 - (c) Notifying the municipality of an owner's intent to sell a restricted unit.
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (8) Enforcement.

- (a) 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;
 - (b) 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;
 - (c) 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;
 - (d) Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - (e) 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.
- (9) 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.

§ 50-24 Responsibilities of The Owner of a development containing affordable units.

- A. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
- (1) 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.
 - (2) The total number of units in the project and the number of affordable units.
 - (3) 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.
 - (4) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - (5) A projected construction schedule.
 - (6) The location of any common areas and elevators.
 - (7) 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.

- B. 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:
- (1) 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.
 - (2) Provide to the administrative agent a description of any applicable fees.
 - (3) Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - (4) 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.
 - (5) Provide to the administrative agent a proposed form of lease for any rental units.
 - (6) 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.
 - (7) Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
- C. 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:
- (1) Proposed pricing for all units, including any purchaser options and add-on items.
 - (2) Condominium or homeowner association fees and any other applicable fees.
 - (3) Estimated real property taxes.
 - (4) Sewer, water, trash disposal, and any other utility assessments.
 - (5) Flood insurance requirement, if applicable.
 - (6) The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§ 50-25 Enforcement of Affordable Housing Regulations.

- A. 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.
- B. 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:

(1) 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:

- (a) A fine of not more than \$1,250.00 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;
- (b) 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;
- (c) 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.

(2) 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.

C. 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.

(1) 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.

(2) 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.

- (3) 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.
 - (4) 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.
 - (5) 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.
 - (6) 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.
- D. 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.

- E. 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.
- F. 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.

G. Appeals

- (1) 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.

§ 50-26 Development Fees.

A. Purpose

- (1) 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.

B. Basic Requirements

- (1) The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
- (2) The municipality shall not spend development fees until the court has approved a plan for spending such fees.

C. Residential Development Fees

(1) Imposed fees

- (a) 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.

- (b) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d, 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.

(2) Eligible exactions, ineligible exactions and exemptions for residential development

- (a) 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.
- (b) 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.
- (c) 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.
- (d) No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

D. Non-Residential Development Fees

(1) Imposition of fees

- (a) 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.
- (b) 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.
- (c) 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.

(2) Eligible exactions, ineligible exactions and exemptions for non-residential development

- (a) 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.
- (b) 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.

(3) 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.

(4) 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.

(5) 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.

E. Collection Procedures

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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).
- (8) 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.

F. Appeal of development fees

- (1) 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.
- (2) 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.

G. Affordable Housing Trust Fund

- (1) 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.
- (2) 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:
 - (a) 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;
 - (b) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- (3) 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.
- (4) 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:
 - (a) Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - (b) 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;
 - (c) Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;

- (d) Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - (e) Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - (f) Revocation of compliance certification or a judgment of compliance and repose;
 - (g) 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;
 - (h) Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- (5) All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

H. Use of Funds

- (1) 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.
- (2) Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- (3) 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.
- (a) 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.
 - (b) 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.

- (4) 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.

I. Monitoring

- (1) 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.

J. Ongoing Collection of Fees

- (1) 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.
- (2) 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).

- K. 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.

Section 2. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence, or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 3. Inconsistent Ordinances Repealed.

All other ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date

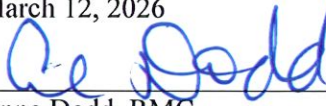
This Ordinance shall take effect immediately upon final passage and publication as provided by law.

INTRODUCED: February 26, 2026

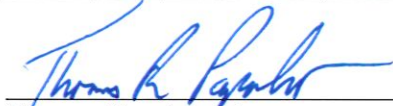
ADOPTED: March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Maellari		X	X			
Glass			X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of River Edge on March 12, 2026



Anne Dodd, RMC
Borough Clerk



Thomas Papaleo, Mayor

BOROUGH OF RIVER EDGE
RESOLUTION #26-95

Amend Approval for Additional Engineering Services –
Borough Hall Entrance and Police Station Parking Lot Improvements Project

WHEREAS, additional professional engineering services associated with surveying, design, bid services, project management and inspection services for the Borough Hall Entrance and Police Station Parking Lot Improvements Project for a cost not to exceed \$85,00.00 had been approved via Resolution #24-290 on September 23, 2024 and amended for a cost not to exceed \$115,000 via Resolution #25-172 on June 12, 2025; and

WHEREAS, due to the need for additional project management and inspection services as well as project closeout, additional engineering services are required in the amount of \$30,000; and

WHEREAS, Chief Financial Officer Chris Battaglia has advised that funding is available.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of River Edge hereby accepts the amended proposal dated February 27, 2026, from Borough Engineer, Robert Costa of Costa Engineering Corporation for additional professional engineering services associated with project management and inspection services for the Borough Hall Entrance and Police Station Parking Lot Improvements Project for a cost not to exceed \$30,000.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026.



Anne Dodd, Borough Clerk

Certification of Availability of Funds
NJAC 5:30-5

Date: March 12, 2026

For Resolution #R26-95

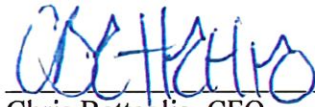
To: Mayor and Council

I hereby certify to the availability of public funds for the following specific purpose:

Purpose: Amend authorized professional engineering services associated with project management and inspection services for the Borough Hall Entrance and Police Station Parking Lot Improvements Project for an additional cost not to exceed \$30,000 to Costa Corporation

Line Item (or Ordinance) to be Charged:

C-04-25-013-100 - \$30,000



Chris Battaglia, CFO

BOROUGH OF RIVER EDGE
RESOLUTION #26-96

Approve LOSAP Certification List – River Edge Volunteer Ambulance Service

WHEREAS, the LOSAP plan for the Borough of River Edge was adopted on May 1, 2000 via Ordinance #1289 (Ord. No. 99-38); and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, the River Edge Volunteer Ambulance Service has prepared and submitted a certification list based on records maintained by the River Edge Volunteer Ambulance Service; and

WHEREAS, the Borough has reviewed the certification list as submitted by the River Edge Volunteer Ambulance Service, a copy of which is attached hereto and made a part hereof; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge, that it does hereby approve the 2025 LOSAP certification list submitted by the River Edge Volunteer Ambulance Service; and

BE IT FURTHER RESOLVED that a certified copy of this resolution and the certification list shall be returned to the River Edge Volunteer Ambulance Service for posting for a period of thirty (30) days to allow sufficient time for membership review; and

BE IT FURTHER RESOLVED that a certified copy of this resolution and the certification list shall be posted at the Office of the Borough Clerk for a period of thirty (30) days; and

BE IT FURTHER RESOLVED that appeals to the certification list must be in writing and shall be mailed to the Borough Clerk and must be received within thirty (30) days of the posting date of the certification list; and

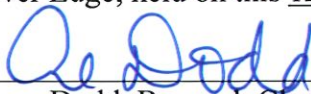
BE IT FURTHER RESOLVED that following the thirty (30) day period for filing an appeal, and subject to holding payment of any members being appealed, payment shall be made by the Borough of River Edge to Lincoln National Life Insurance Company and Lincoln Financial Advisors, its agent, for deposit into the LOSAP account in the deferred income program; and

BE IT FINALLY RESOLVED that funds for this purpose are available in the 2026 local municipal budget.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 2 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026.



 Anne Dodd, Borough Clerk

2/3/2026

Borough of River Edge

705 Kinderkamack Rd
River Edge, NJ 07661

Re: REVAS LOSAP 2025

This letter is to certify that the following members of The River Edge Volunteer Ambulance Service have qualified for LOSAP for the year 2025.

- Bethann Kiely
- Audrius Juskelis
- Carol Miller
- Cathy O'Donnell
- Eileen O'Donnell
- Sangita (San) Sheth
- Lisbelt Torres
- Andrea Samson
- Bakchun Kotung
- Lois Hernandez
- Gyuchang Sim
- Patrick McShane
- Al Ruhlmann
- Luis Torres
- Venu Pothula
- Donna Sanders
- Mary Baker
- Joan Daly
- Mary Davis
- Joshua Koen
- Agatha Shaikhutdinova
- Steven Lotosky

Regards,



Nicole Grecco, Captain
River Edge Volunteer Ambulance Service

BOROUGH OF RIVER EDGE
RESOLUTION #26-97

Transfer of Funds in Budget Appropriation Reserves

WHEREAS, various 2025 bills have been presented for payment this year, which bills were not covered by a purchase order number and/or recorded in the time of transfer between the 2025 Budget Appropriation Reserve in the last two months of 2025; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months on the succeeding year.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge that the list of transfers herein and below be and they are authorized to be made upon records of appropriations in the keeping of the CFO as per the amounts listed herein, provided this resolution is adopted by not less than 2/3 vote of the full membership of the Governing Body as required by Statute.

IN:

5-01-26-305-300 – Recycling Tax OE \$150.00

Total \$150.00

OUT:

5-01-26-303-100 – Garbage & Trash Removal -Contractual \$150.00

Total \$150.00

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 2 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026.



Anne Dodd, Borough Clerk

BOROUGH OF RIVER EDGE
RESOLUTION #26-98

RESOLUTION ADOPTING FOURTH ROUND SPENDING PLAN

WHEREAS, the Borough of River Edge (the “Borough” or “River Edge”) filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action on January 24, 2025; and

WHEREAS, the Court entered an order on May 13, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of 33 units and a Prospective Need of 159 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, on June 25, 2025, the Borough of River Edge Municipal Land Use Board adopted the “Housing Element and Fair Share Plan, Borough of River Edge, Bergen County, New Jersey”, prepared by Burgis Associates, Inc., dated June 12, 2025 (“2025 HEFSP”), to address the Borough’s Fourth Round affordable housing obligations; and

WHEREAS, the Borough filed its 2025 HEFSP on June 27, 2025 on eCourts; and

WHEREAS, Fair Share Housing Center (“FSHC”) filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s 2025 HEFSP on August 29, 2025; and

WHEREAS, representatives of the Borough and FSHC entered into a Mediation Agreement dated February 2, 2026 that resolved the issues raised in the challenge subject to, among other requirements, the adoption of a Spending Plan; and

WHEREAS, the Borough has prepared an updated Fourth Round Spending Plan entitled “Borough of River Edge Affordable Housing Trust Fund Spending Plan”, dated June 12, 2025 and Revised March 6, 2026 (“Fourth Round Spending Plan”) that is consistent with the applicable statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, County of Bergen, State of New Jersey as follows:

1. The Borough of River Edge ("Borough") does hereby adopt the Fourth Round Spending Plan attached hereto.

2. This Resolution shall take effect immediately.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 2 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026.



Anne Dodd, Borough Clerk

Borough of River Edge
DRAFT Affordable Housing Trust Fund Spending Plan
June 12, 2025 revised March 6, 2026

INTRODUCTION

The Borough of River Edge (hereinafter the "Borough"), Bergen County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (FHA-2) (N.J.S.A. 52:27D-301) and the new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs ("DCA") (N.J.A.C. 5:99). The Borough established an affordable housing trust fund in 2009 and adopted an affordable housing ordinance containing development fee requirements in 2020 creating a revenue source for the trust fund and allocated accordingly.

As of June 2, 2025, River Edge had a balance of \$54,524.47 in its Affordable Housing Trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that during the period of June 12, 2025 through June 30, 2035, which encompasses the period that the Borough will have a Fourth Round Judgment of compliance and Repose ("Fourth Round JOR"), the Borough will add an additional \$185,171 to its Affordable Housing Trust Fund as detailed below.

(a) Development fees: The Borough anticipates collection of development fees to be generated between June 12, 2025 through June 30, 2035. This figure is based on the following assumptions:

1. *Residential Development Fees*: Based on development fee collection trends in River Edge, the Borough anticipates that approximately \$181,740 in development fees will be generated between June 12, 2025 through June 30, 2035. This figure assumes that, on average, the Borough will collect approximately \$18,174 in development fees per year during the Fourth Round.

2. *Non-Residential Development Fees:* The Borough does not anticipate any significant non-residential development over the next 10 years.

- (b) Payment in lieu (PIL): While River Edge does not currently anticipate the contribution of any payments in lieu toward the municipal Affordable Housing Trust Fund during the Fourth Round, any such payments received will be deposited into the Borough's Affordable Housing Trust Fund.
- (c) Other funds: The Borough does not currently anticipate the contribution of any other funds toward the municipal Affordable Housing Trust Fund during the Fourth Round. However, if any such funds are collected during the Fourth Round, said funds will be deposited in the Borough's Affordable Housing Trust Fund.
- (d) Projected interest: It is estimated that River Edge will collect approximately \$3,431 in interest between June 12, 2025 through June 30, 2035. This figure assumes that, on average, the Borough will collect approximately \$343 in interest per year during the Fourth Round.

SOURCE OF FUNDS	PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND											Total
	6/12/25 to 12/31/26	2027	2028	2029	2030	2031	2032	2033	2034	1/1/35 to 6/30/35		
(a) Development Fees	\$27,261	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$18,174	\$9,087		\$181,740
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		\$0
(c) Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		\$0
(d) Interest	\$515	\$343	\$343	\$343	\$343	\$343	\$343	\$343	\$343	\$172		\$3,431
Total	\$27,776	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$18,517	\$9,259		\$185,171
Total Available	\$82,300	\$100,817	\$119,334	\$137,851	\$156,368	\$174,885	\$193,402	\$211,919	\$230,436	\$239,695		-

River Edge projects a total of \$185,171 in revenue to be collected between June 12, 2025 and June 30, 2035. This projected amount, when added to River Edge's current trust fund balance of \$54,524, results in a total anticipated trust fund balance of \$239,695 available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough:

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with River Edge's Development Fee Ordinance ("DFO") for both residential and non-residential developments in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (FHA-2) (N.J.S.A. 52:27D-301) and the new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99).
- (b) Distribution of development fee revenues: The Land Use Board adopts and forwards a resolution to the Borough Council recommending the expenditure of development fee revenues as set forth in this spending plan. The Borough Council reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the Borough's Affordable Housing Trust Fund for the specific use approved in the Borough Council's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Rehabilitation. As set forth in the Borough's Fourth Round Housing Element & Fair Share Plan, River Edge has a Present Need (rehabilitation) obligation for Round Four of 7 units. As such, the Borough has allocated \$12,000 per unit totaling \$84,000 from its trust fund for its Present Need obligation.
- (b) Affordability Assistance. Pursuant to N.J.A.C. 5:99-2.5, the Borough is required to set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to very low-, low- and moderate-income households in affordable units included in the Borough's Fourth Round Housing Element and Fair Share Plan. Affordability assistance means the use of funds to render housing units more affordable to very low-, 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. This may also include offering a subsidy to developers of inclusionary or one hundred percent (100%) affordable

housing developments or buying down the cost of low- or moderate-income units in the Borough's fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities. The Borough will set aside \$23,670 from the Affordable Housing Trust Fund for this purpose through June 30, 2035.

- (c) Administrative Expenses. Per N.J.A.C. 5:99-2.4(a), no more than twenty percent (20%) of all affordable housing trust funds shall be expended on administration. River Edge projects that a maximum of \$47,339 will be available from the affordable housing trust fund to be used for administrative purposes through June 30, 2035. Projected administrative expenditures, subject to the twenty percent (20%) cap, include payment for the salaries and benefits for municipal employees and consultant fees related to costs as set forth at N.J.A.C. 5:99-2.4(b), (c) and (d).
- (d) Other Emergent Housing Opportunities. The Borough will reserve the remaining trust fund balance, projected at \$81,695 for other emergent opportunities to create affordable housing opportunities that may arise during the Fourth Round. The Borough shall seek approval for any emergent affordable housing opportunities not included in the Borough's fair share plan in accordance with N.J.A.C. 5:99-4.1.

Actual development fees + interest through 6/12/25		\$54,524
Development fees + interest projected 2025-2035	+	\$185,171
Total	=	\$236,695
20 percent requirement	x 0.20 =	\$47,339
Less administrative expenses through 6/12/2025	-	\$0
PROJECTED Maximum Administrative Expenses Requirement 6/12/25 – 6/30/35	=	\$47,339

4. EXPENDITURE SCHEDULE

River Edge intends to use affordable housing trust fund revenues for accessory apartments, affordability assistance, administration, and any emergent affordable housing opportunities that may arise during the Fourth Round. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

PROJECTS/ PROGRAMS	PROJECTED EXPENDITURES – AFFORDABLE HOUSING TRUST FUND											Total
	6/12/25 to 12/31/26	2027	2028	2029	2030	2031	2032	2033	2034	1/1/35 to 6/30/35		
Rehabilitation	\$0	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$0	\$0	\$84,000
Affordability Assistance	\$2,367	\$2,367	\$2,367	\$2,367	\$2,367	\$2,367	\$2,367	\$2,367	\$2,367	\$2,367	\$2,367	\$23,670
Administration	\$4,733	\$4,733	\$4,733	\$4,733	\$4,733	\$4,733	\$4,733	\$4,733	\$4,733	\$4,733	\$4,733	\$47,330
Other Emergent Opportunities	\$8,174	\$8,169	\$8,169	\$8,169	\$8,169	\$8,169	\$8,169	\$8,169	\$8,169	\$8,169	\$8,169	\$81,695
Total	\$15,274	\$27,269	\$27,269	\$27,269	\$27,269	\$27,269	\$27,269	\$27,269	\$27,269	\$15,269	\$15,269	\$236,695

5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall of funds necessary to implement the Fair Share Plan, the Borough of River Edge will handle the shortfall of funds through an alternative funding source to be identified by the Borough and/or by adopting a resolution with an intent to bond. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward additional affordability assistance and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance and in accordance with applicable regulations. A process describing the collection and distribution procedures for barrier free escrow is detailed within the Borough's Affordable Housing Ordinance.

7. SUMMARY

River Edge intends to spend Affordable Housing Trust Fund revenues pursuant to N.J.A.C. 5:99 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

River Edge had a balance of \$54,524.47 as of June 12, 2025 and anticipates an additional \$185,171 in revenues through June 30, 2035 for a total of \$236,695. During the period of the Borough's Fourth Round JOR through June 30, 2035, the Borough agrees to fund \$84,000 towards its rehabilitation obligation, \$23,670 toward its affordability assistance, \$47,330 towards administrative expenses, and \$81,695 towards other emergent affordable housing opportunities that may arise during the Fourth Round, totaling \$236,695 in anticipated expenditures.

Any shortfall of funds will be offset by an alternative funding source to be identified by the Borough and/or, the Borough of River Edge will bond to provide the necessary funding. The Borough will dedicate any excess funds or balance toward additional affordability assistance, and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

SPENDING PLAN SUMMARY	
Balance as of June 2, 2025	\$54,524
PROJECTED REVENUE THROUGH 6/30/35	
Development fees	+ \$181,740
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$3,431
SUBTOTAL REVENUE	= \$185,171
TOTAL REVENUE = \$236,695	
EXPENDITURES	
Rehabilitation Obligation	- \$84,000
Affordability Assistance	- \$23,670
Administration	- \$47,330
Other Emergent Opportunities	- \$81,695
TOTAL PROJECTED EXPENDITURES	= \$236,695
REMAINING BALANCE	= \$0

BOROUGH OF RIVER EDGE
RESOLUTION #26-99

**RESOLUTION ENDORSING THE AMENDED HOUSING ELEMENT
AND FAIR SHARE PLAN**

WHEREAS, the Borough of River Edge, County of Bergen, State of New Jersey, (hereinafter, “River Edge”) has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter “Amended FHA” or “Act”); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to the Act and to Directive #14-24 issued by the Director on December 13, 2024, a municipality desiring to participate in the Program was obligated to take the following actions by January 31, 2025: (1) adopt a “binding resolution” determining its present and prospective need affordable housing obligations and (2) to file an action in the form of a declaratory judgment complaint in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution; and

WHEREAS, River Edge adopted a binding resolution on its present and prospective need affordable housing obligations and filed the required declaratory judgment action in a timely manner; and

WHEREAS, the Act also required that a Housing Element and Fair Share Plan (hereinafter, “HEFSP”) be prepared and adopted by the Borough of River Edge Municipal Land Use Board, and endorsed by the Borough of River Edge Governing Body (hereinafter, “Governing Body”), by June 30, 2025; and

WHEREAS, on June 25, 2025, the Borough of River Edge Municipal Land Use Board adopted the “Housing Element and Fair Share Plan, Borough of River Edge, Bergen County, New Jersey”, prepared by Burgis Associates, Inc., dated June 12, 2025 (“2025 HEFSP”), to address the Borough’s Fourth Round affordable housing obligations; and

WHEREAS, the Governing Body endorsed 2025 HEFSP adopted by the Borough of River Edge Municipal Land Use Board on June 26, 2025; and

WHEREAS, the Borough filed its 2025 HEFSP on June 27, 2025 on eCourts; and

WHEREAS, Fair Share Housing Center (“FSHC”) filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s 2025 HEFSP on August 29, 2025; and

WHEREAS, representatives of the Borough and FSHC entered into a Mediation Agreement dated February 2, 2026 that resolved the issues raised in the challenge subject to, among other requirements, the adoption of an Amended Housing Element and Fair Share Plan consistent with the Mediation Agreement; and

WHEREAS, Burgis Associates, Inc. prepared an “2026 Amended Housing Element and Fair Share Plan, Borough of River Edge, Bergen County, New Jersey”, dated February 12, 2026 (“Amended HEFSP”), which is consistent with the Mediation Agreement; and

WHEREAS, the Borough of River Edge Municipal Land Use Board adopted the Amended HEFSP as an amendment to River Edge’s Master Plan on February 25, 2026; and

WHEREAS, the Governing Body desires to endorse Amended HEFSP adopted by the Borough of River Edge Municipal Land Use Board on February 25, 2026.

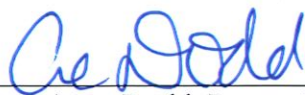
NOW, THEREFORE, BE IT RESOLVED by the Borough of River Edge, County of Bergen, State of New Jersey as follows:

1. The Governing Body does hereby endorse the Amended HEFSP adopted by the Borough of River Edge Municipal Land Use Board on February 25, 2026.
2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Amended HEFSP adopted by the Borough of River Edge Municipal Land Use Board on eCourts for review by the Court.
3. The Mayor and Clerk, together with other appropriate officers and employees of River Edge, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 3 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026



Anne Dodd, Borough Clerk

**BOROUGH OF RIVER EDGE
RESOLUTION #26-100**

**RESOLUTION ADOPTING AN “AFFIRMATIVE MARKETING PLAN” FOR THE
BOROUGH OF RIVER EDGE, BERGEN COUNTY, NEW JERSEY**

WHEREAS, in accordance with P.L. 2024, Chapter 2 and the New Jersey Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 *et seq.*), the Borough of River Edge is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 1, the Housing Region encompassing the Borough of River Edge.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. 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, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also 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 the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of River Edge is located in Housing Region 1, consisting of Bergen, Hudson, Passaic, and Sussex Counties.
- B. The Borough of River Edge has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality’s Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of River Edge, or the Administrative Agent of any specific developer approved by the municipality.
- D. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

- E. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days prior to expected occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- F. The Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period of affordability restrictions. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Borough of River Edge or on behalf of a specific developer, shall meet the following requirements at a minimum:
1. The primary marketing and advertising must be employed at the start of the marketing program and continue until all units are leased or sold or until the number of applications received is at least three times the number of units. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 2. The advertisements shall, at a minimum, include:
 - a. The name and location of the housing project;
 - b. An address sufficient to find directions to the housing units;
 - c. A range of prices or rents for the affordable housing units;
 - d. The sizes, as measured in number of bedrooms of the affordable housing units;
 - e. The types (that is, family, age-restricted, or supportive) and number of affordable units available;
 - f. The number of units available to very low-, low-, and moderate-income households;
 - g. The accessibility features, if any, of the affordable housing units;
 - h. The maximum income permitted to qualify for the affordable housing units;
 - i. The population(s), if any, given preference in the selection process pursuant to N.J.A.C. 5:80-26.17(k)2;
 - j. Where applications (paper and online) for the affordable housing units may be found;
 - k. The expected lease-up/closing date(s) for the affordable housing units;

- l. The expected date of the random selection;
 - m. The business hours when interested households may obtain paper applications for the affordable housing units;
 - n. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
 - o. The name of the sales agent and/or rental manager; and
 - p. Application fees, if any.
3. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in UHAC at N.J.A.C. 5:80-26.16 in all media and outlets required by the rules.
 4. Each affordable housing development must complete worksheet substantially in the form of the model affirmative marketing worksheet published by the state.
 5. Affordable units must be listed on the New Jersey Housing Resource Center's website (www.njhrc.gov) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.
 6. Applications, or notices thereof, used as part of the affirmative marketing program must be available in the following locations:
 - a. Bergen County Administration Building, Hudson County Administration Building, Passaic County Administration Building and Sussex County Administrative Center
 - b. Johnson Free Public Library, Hudson County Library, Danforth Memorial Library, Sussex County Main Library and River Edge Public Library
 7. The affirmative marketing shall include the following community and regional organizations: Fair Share Housing Center; the Latino Action Network; NAACP; State Chapter, NAACP; the Supportive Housing Association; and NAACP, NAACP of Bergen County
 8. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.
- G. The municipality's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
- H. The municipality's Administrative Agent shall develop, maintain and update a list of major employers in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program.

- I. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the municipality's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16(d). This Affirmative Marketing Plan provides a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 1, which is comprised of Bergen, Hudson, Passaic, and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.]
- J. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the municipality's Administrative Agent.

BE IT FURTHER RESOLVED that the appropriate municipal officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 4 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026.

Anne Dodd, Borough Clerk

AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in the Borough of River Edge (REGION 1)

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

Administrative Agent Name, Address, Phone Number		Development or Program Name, Address	
Number of:		Affordable Rental Units	Affordable For-Sale Units
Affordable Units Total			
Affordable Age Restricted Units			
Affordable Non-Age Restricted Units			
Affordable Supportive Housing Units			
Price or Rental Range	Approximate Starting Dates		
From:	Advertising:		Occupancy:
To:			
Counties: Bergen, Hudson, Passaic, Sussex	Preferences, if any: (veteran, regional, NJ) VETERANS' PREFERENCE: Where the municipality has entered into an agreement with a developer, a preference may be given to veterans who served, pursuant to N.J.S.A. 52:27D-311.j, for up to 50% of the restricted units. REGIONAL PREFERENCE: There will be a preference for applicants who live and/or work in Housing Region 1 (Bergen, Hudson, Passaic and Sussex Counties). STATE PREFERENCE: Subordinate to regional preference, there shall be a preference for households that live and/or work in New Jersey.		
Accessibility Features, if any:			
Managing/Sales Agent's Name, Address, Phone Number			
Application Fees (if any): No fees will be charged for the affordable housing application.			

Attach a copy of the pricing calculator and a spreadsheet with information about all units, including number of bedrooms, income level, accessibility features, and square footage to this plan.

(Sections II through V should be consistent for all affordable housing developments and programs within the municipality and with the municipal Affordable Housing Ordinance. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

Describe the random selection process that will be used once applications are received.
RENTAL PROCESS

- A. An initial deadline date, no less than 45 days after the start of the marketing process (90 days for properties with a Veterans' Preference), will be established. A lottery may not take place prior to 60 days from the start of marketing. All online preliminary applications received by the Borough's affordable housing administrative agent, on or before the initial deadline date, shall be deemed received on that date.
- B. Households that apply for very low-, low- and moderate-income housing will prescreen themselves for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). Households will also prescreen themselves for all preferences pursuant to state regulations and local ordinance. All households are notified as to their preliminary status at the time an application is submitted.
- C. A drawing (using a web-based randomizer) will be held under the direction of the Borough's affordable housing administrative agent to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low- and moderate-income unit available, or until all of the affordable units within the development have been rented.
- E. Final applications will be emailed by the Borough's affordable housing administrative agent to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate- income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- F. Completed final applications will be forwarded to the Borough's affordable housing administrative agent. The Borough's affordable housing administrative agent will make a determination as to their eligibility for a very low-, low- or moderate-income unit. Applicants will receive a notification from the Borough's affordable housing administrative agent with respect to the status of their application each time a review is performed.
- G. At the same time, applicants will also be subject to any criteria set forth by the Owner, such as credit worthiness, recommendations from former landlords, etc. The criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants in the leasing office. The Owner will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by the Administrative Agent.
- H. Subsequent to initial rent-up period, a list of pre-qualified applicants will be maintained by the Borough's affordable housing administrative agent on a rental waiting list.

NEW SALE PROCESS:

- A. An initial deadline date, no less than 45 days after the start of the marketing process, will be established. A lottery may not take place prior to 60 days from the start of marketing. All online preliminary applications received by the Borough's affordable housing administrative agent on or before the initial deadline date, shall be deemed received on that date.
- B. Households that apply for low- and moderate-income housing will be prescreen themselves for preliminary income eligibility by comparing their total income and household size to the low- and moderate- income limits adopted by NJDCA, pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). All households will be notified as to their preliminary status at the time an application is submitted.
- C. No less than 15 days after the deadline, a drawing (using a web-based randomizer) will be held under the direction of the Borough's affordable housing administrative agent to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each low- and moderate-income unit available, or until all of the low- and moderate-income units within the development have been sold.

- E. Final applications will be emailed by the Borough's affordable housing administrative agent to an adequate number of pre-qualified applicants, in priority order, for each available low- and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- F. Completed final applications will be forwarded to the Borough's affordable housing administrative agent. The Borough's affordable housing administrative agent will make a determination as to their eligibility for a low- or moderate-income unit. Applicants will receive a notification from the Borough's affordable housing administrative agent with respect to the status of their application each time a review is performed.
- G. When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
- H. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
- I. The sales agreement may also limit closing to a reasonable time to be approved by the Borough's affordable housing administrative agent in advance of the process.

RESALE PROCESS:

- A. The Seller submits a Preliminary Notice with a copy of their recorded deed in order to determine the maximum resale price.
- B. We will respond to the Seller in writing, explaining some of the details of the process and informing the Seller of the Maximum Sales Price (based on the change in median income as set forth by the New Jersey Dept. of Community Affairs) as well as the Maximum Income allowed for potential purchasers, as adjusted for family size.
- C. The Seller submits a final "Notice of Intent to Sell" to the Borough's affordable housing administrative agent.
- D. We will email a "Notice of Availability" to households on our waiting list for an affordable home of the same size and income category. At the same time, we will email the seller a copy of a QR code, which directs applicants to an address-specific online application. The Notice will ask interested households to contact the Seller or their agent, directly, to make an appointment to see the affordable home within a two-week time frame. The Seller may want to prepare a flyer for us to distribute with our notice of availability. We reserve the right to limit the number of notices that are mailed, based on the chronological order in which the pre-qualified applications were received. If the notices are limited in this way, applicants receiving notices will have a priority over those who do not. Once the home is marketed, the price may not be increased unless a new marketing period is initiated.
- E. We automatically place a notification of the availability on NJHRC.gov. The Seller or their agent may also want to advertise. Ads should include the "Equal Housing Opportunity" logo and should be sent to our office for review prior to distribution.
- F. The Seller or their agent, upon showing the home, provides potential buyers with a copy of the QR code. All interested parties must submit the online Preliminary Application, whether or not they have already submitted an application to our office or are on our waiting list. Also, the Seller or their agent must keep a record of the name, address and telephone number of everyone who viewed the home.
- G. At the end of the two-week time period, our office reviews all of the Preliminary Applications submitted for a particular home. These applications are prioritized on the basis of a blind selection process or lottery. Preference may be given to households that can utilize all of the bedrooms, as well as handicap accommodations, when applicable.
- H. The first two applicants on the prioritized list are emailed a letter which requires them to complete a final application within fourteen days. When an applicant is approved as a buyer, a copy of the approval letter is sent to the Seller and their agent, as applicable.
- I. The Seller and the certified interested household (now Buyer) execute a "Contract of Sale". The Borough's affordable housing administrative agent ensures the Deed, Recapture Mortgage, Recapture Mortgage Note, and Disclosure Statement (Appendix J) are submitted as part of the closing packet to the attorney responsible for the closing or other closing agent.

- J. The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event the potential buyer is not able and/or willing to purchase the affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.
- K. When an applicant is in second priority position to purchase an affordable home (the *original* home), and another home of the same size and type in the same municipality (the *next* home) becomes available within 90 days of the lottery date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unable or unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.
- L. The Seller must sell the affordable home with the same or comparable appliances and amenities that were in the home when it was first sold as an affordable home.
- M. The Seller may NOT charge more than the Maximum Selling Price for any reason, except the addition of a room, the installation of central air conditioning (where there was none before) or comparable upgrade, but ONLY with prior written approval from us. For the most part, condominiums in this program are NOT eligible for such upgrades and/or adjustments to the selling price. The cost of broker fees; municipal inspections and required repairs that may be necessary to receive a Certificate of Occupancy; new appliances, carpeting or other flooring upgrades; and decorating and remodeling projects are NOT eligible costs for an increase in the Maximum Sales Price.
- N. A copy of the Sales Contract must be submitted to our office prior to closing.
- O. During the final stages of the process, it will be necessary for the Buyer to make arrangement for the Affordable Housing Agreement and Mortgage Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer. The filing and recording of documents is the responsibility of the seller's or buyer's attorney. Once all documents are filed, recorded and returned to the Borough's affordable housing administrative agent we will process a release of the original documents.
- P. A copy of the HUD Closing Statement or Closing Disclosure form required by the TILA-RESPA Integrated Disclosure Rule, as appropriate, must be submitted to our office after the sale of the home.
- Q. Note: We do not guarantee that the Buyer can sell an affordable home for the Maximum Sales Price. An affordable home is also susceptible to market conditions, and the Fair Market Value of an affordable home may be lower than the Maximum Selling Price. In this case, the Seller may not be able to sell the home for more than its Fair Market Value
- R. The Borough's affordable housing administrative agent's office is available to both the Seller and the Buyer throughout the process to answer any questions they may have.

III. MARKETING

Direction of Marketing Activity: Based on demographic data from the 2020 census, this table provides a comparison of race and ethnic origin between Housing Region 1 and the Borough of River Edge. The most significant negative differences point to the greatest need for affirmative marketing. In this case, African Americans (-5.7%) and Hispanic (-20.3%) represent the clearest differences between the municipality and the region at large.

The U. S. Census Data 2020:

Subject	RACE		HISPANIC OR LATINO
	Total population	Race alone or in combination with one or more other races: [1]	Total population

		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Hispanic or Latino (of any race)	Not Hispanic or Latino
Bergen	955,732	543,849	54,831	4,535	158,630	217	96,383	204,683	751,049
Sussex	144,221	121,879	3,088	336	3,002	20	4,469	14,310	129,911
Hudson	724,854	248,561	79,498	7,388	124,555	417	159,950	293,019	431,835
Passaic	524,118	229,573	57,809	6,383	30,852	195	134,687	224,030	300,088
Region 1	2,346,925	1,143,862	195,226	18,642	317,039	849	395,489	736,042	1,612,883
% Region 1	100%	48.7%	8.3%	0.8%	13.5%	0.0%	16.9%	31.4%	68.6%
River Edge	12,049	6,901	315	25	3,455	0	393	1,339	10,710
% River Edge	100%	57.3%	2.6%	0.2%	28.7%	0.0%	3.3%	11.1%	88.9%

Difference

8.6%	-5.7%	-0.6%	15.2%	0.0%	-13.6%	-20.3%	-20.3%
------	-------	-------	-------	------	--------	--------	--------

[1] In combination with one or more of the other races listed, the six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race.

- White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group

REQUIRED

5:80-26.16(g)1 requires you to advertise your project on the New Jersey Housing Resource Center for at least sixty days before conducting the random selection.

HOUSING RESOURCE CENTER (www.NJHRC.gov) A free, online listing of affordable housing

Regional Newspapers (Developer)

5:80-26.16(g)3 requires you to advertise your project in at least one regional newspaper (either online or in print). You may also select several papers with partial regional coverage, as long as all counties in the region are covered.

TARGETS ENTIRE HOUSING REGION 1				D-Digital or ND-Non-Digital
<input checked="" type="checkbox"/>	The Record	https://www.northjersey.com/	Bergen, Hudson, Passaic	
<input checked="" type="checkbox"/>	Herald News	https://www.njherald.com/	Passaic	
<input checked="" type="checkbox"/>	New Jersey Herald	https://www.njherald.com/	Sussex	

TARGETS PARTIAL HOUSING REGION 1

<input type="checkbox"/>	Bergen County Review	https://www.bergenreview.com/bergen-county-blog	Bergen	
<input type="checkbox"/>	Hudson County View	https://hudsoncountyview.com/	Northern Bergen	
<input type="checkbox"/>	Jersey City Times	https://jcitytimes.com/	Hudson	
<input type="checkbox"/>	The Observer	https://www.theobserver.com/	Hudson	
<input type="checkbox"/>	RLS Media	https://www.rlsmedia.com/	Passaic	
<input type="checkbox"/>	Township Journal	https://www.townshipjournal.com/	Hudson/Sussex	

Housing Search Websites – D – Digital

5:80-26.16(g)4 requires you to advertise your project on at least one housing search website in addition to the NJHRC. "Housing search website" means any publicly accessible internet-based platform used to advertise residential dwelling units to the general public, including but not limited to:

- Online real estate sections of newspapers or news organizations;
- Internet websites operated or maintained by a municipal AA or affordable housing service provider that advertise affordable units in one or more municipalities;
- Commercial real estate listing platforms; and
- Other comparable online platforms customarily used to market rental or ownership housing.

List below all housing search websites to be used:

www.housingquest.com

ELECTIVES

If you selected a print newspaper(s) as your regional paper above, select TWO additional strategies below with AT LEAST ONE NON-DIGITAL MARKETING STRATEGY.

If you selected a digital newspaper(s) as your regional paper above, select AT LEAST TWO NON-DIGITAL MARKETING STRATEGIES below.

Specific Radio and Television Stations – ND – Non-Digital

5:80-26.16(e)1 lists specific radio stations, and television stations throughout the housing region as marketing opportunities. If choosing this option, make sure your proposed stations cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.

<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

AND Paid Targeted Digital Advertising (must be selected in addition to stations above) – D – Digital

5:80-26.16(e)1 offers paid targeted digital advertising as an option. Some common platforms are listed below.

<input type="checkbox"/>	Google Ads
<input type="checkbox"/>	Microsoft Ads
<input type="checkbox"/>	Bing Ads
<input type="checkbox"/>	Other (please list)

Specific Newspapers and Other Publications (Developer)

5:80-26.16(e)2 lists "specific newspapers and other publications circulated within the housing region" as an option, including neighborhood-oriented weekly papers, religious publications, and organizational newsletters. If choosing this option, make sure your proposed publications cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.

		D-Digital or ND-Non-Digital
<input type="checkbox"/>	Jewish Link NJ https://www.jewishlinknj.com/	
<input type="checkbox"/>	Jewish Voice and Opinion https://thejewishvoiceandopinion.com/	
<input type="checkbox"/>	News India Times http://www.newsindiatimes.com	
<input type="checkbox"/>	PLUS - New Jersey & Pennsylvania http://www.tygodnikplus.com/	
<input type="checkbox"/>	Zaman Amerika http://zamanamerika.com	
<input type="checkbox"/>	Jewish Standard http://jewishstandard.timesofisrael.com	
<input type="checkbox"/>	Arab Voice http://arabvoice.com	

<input type="checkbox"/>	Catholic Beacon, The https://rcdop.org/the-beacon	
<input type="checkbox"/>	Ahora News http://ahoranews.net	
<input type="checkbox"/>	Tri-State Voice https://www.tristatevoice.com/	
<input checked="" type="checkbox"/>	El Especial/El Especialito http://www.elespecialitomk.com / http://elespecial.com	
<input type="checkbox"/>	La Tribuna NJ — Decano de la Prensa Hispana http://latribunanj.com	
<input checked="" type="checkbox"/> Employers Throughout the Housing Region – ND – Non-Digital		
<i>5:80-26-16(e)3 offers outreach to regional employers as an option. A comprehensive and regularly updated list of employers is available in the Marketing Outreach Tool. Please reach out to each listed employer in the region; you may add more if desired. If an employer no longer exists or has moved, please inform DCA.</i>		
<input checked="" type="checkbox"/> Community Organizations Throughout the Housing Region – ND – Non-Digital		
<i>5:80-26-16(e)4 offers community and regional organizations as an option, including nonprofit, religious, governmental, fraternal, civic, and other organizations. A comprehensive and regularly updated list of organizations is available in the Marketing Outreach Tool. Please reach out to each listed organization in the region. You may add more if desired. If an organization no longer exists or has moved, please inform DCA.</i>		
<input checked="" type="checkbox"/> Municipal and County Websites – D – Digital		
<i>5:80-26-16(e)5 offers municipal and county website advertising as an option. Insert the URL for the municipality. To ensure regional outreach, advertise in all county websites listed below.</i>		
Municipality: https://www.riveredgenj.org/		
https://www.hcnj.us/		
https://bergencountynj.gov/		
https://www.passaiccountynj.org/		
https://sussex.nj.us/		
<input checked="" type="checkbox"/> Social Media – D – Digital		
<i>5:80-26.16(e)6 offers social media as an option. Some common platforms are listed below. You may place ads on these platforms or market for free on your own page.</i>		
<input checked="" type="checkbox"/>	Facebook	
<input type="checkbox"/>	TikTok	
<input checked="" type="checkbox"/>	Instagram	
<input type="checkbox"/>	Reddit	
<input type="checkbox"/>	YouTube	
<input type="checkbox"/>	Snapchat	
<input checked="" type="checkbox"/>	HousingQuest.com Newsletter (email blast) -90,000+ Recipients	
<input type="checkbox"/> Public Transit Stops – ND – Non-Digital		
A comprehensive and regularly updated list of NJ Transit stops is available at https://www.nj.gov/dca/hmfa/about/has/ , or in map form at njogis-newjersey.opendata.arcgis.com . Note that you must get permission from NJ Transit to post flyers.		
<input type="checkbox"/> Other Advertising Efforts to Groups Least Likely to be Reached		

--

IV. SUMMARY

Non-Digital Outreach	Digital Outreach

V. APPLICATIONS

Applications for affordable housing or notices thereof, if offered online, for the above units will be available in all County Administration Buildings and Libraries for all counties in the housing region	
BUILDING	LOCATION
X Sussex County Administration Building	1 Spring Street, Newton, NJ 07860 (973)579-0200
X Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860 (973)948-3660
X Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306 (201) 795-6000
X Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
X Passaic County Library	195 Gregory Avenue, Passaic, NJ 07055 (973) 779-0474
X Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
X Bergen County	21-00 Route 208 South, Suite 130, Fair Lawn, NJ 07410 bccls@bccls.org
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Borough of River Edge 705 Kinderkamack Road River Edge, NJ 07661 (201) 599-6304 laportela@riveredgenj.org	
River Edge Public Library 685 Elm Avenue River Edge, NJ 07661 (201) 261-1663 rivecirc@bccls.org	
4c. Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).

Name (Type or Print)

Administrative Agent, Borough of River Edge
Title/Municipality

Signature

Date

Company Name	Address	City	ZIP Code
Academic Achievement Inc	246 Fairmount Ave	Glen Rock	07452
Advance Digital Inc	3100 Plaza Five	Jersey City	07311
American Microloan LLC	2115 Linwood Ave # 308	Fort Lee	07024
Arrow Fastener Co LLC	271 Mayhill St	Saddle Brook	07663
BAE Systems	164 Totowa Rd # 1	Wayne	07470
BAE Systems Info & Elect Syst	150 Parish Dr	Wayne	07470
Bayer Healthcare Phrmctcls	6 Westbelt	Wayne	07470
Becton Dickinson & Co	1 Becton Dr	Franklin Lakes	07417
Bergen County Admin Dept	1 Bergen County Plz # 580	Hackensack	07601
Bergen County Parks Dept	1 Bergen County Plz	Hackensack	07601
Bergen New Bridge Medical Ctr	230 E Ridgewood Ave	Paramus	07652
Bergenfield Board Of Education	225 W Clinton Ave	Bergenfield	07621
Best Foods	800 Sylvan Ave	Englewood Cliffs	07632
Bioreference	481 Edward H Ross Dr	Elmwood Park	07407
Bioreference Laboratories LLC	481 Edward H Ross Dr	Elmwood Park	07407
Bmw Of North America LLC	300 Bmw Dr	Woodcliff Lake	07677
Burns & Roe	800 Kinderkamack Rd # 1	Oradell	07649
CA Ferolie	2 Van Riper Rd	Montvale	07645
Careevolve	200 Riverfront Blvd	Elmwood Park	07407
Carepoint Health-Bayonne Med	29 E 29th St	Bayonne	07002
Children's Place Inc	500 Plaza Dr # 400	Secaucus	07094
Christ Hospital	176 Palisade Ave	Jersey City	07306
Color Street	922 Riverview Dr	Totowa	07512
Coronet Inc	55 Shepherds Ln	Totowa	07512
County Of Hudson	595 Newark Ave # 1	Jersey City	07306
Dial America Marketing Inc	960 Macarthur Blvd	Mahwah	07430
Diversified Global Graphics	100 Burma Rd	Jersey City	07305
Dwight-Englewood School	315 E Palisade Ave	Englewood	07631
E Trade Financial	501 Plaza Two	Jersey City	07311
Englewood Hospital & Med Ctr	350 Engle St	Englewood	07631
Englewood Hospital Med Ctr SRG	350 Engle St # 4503	Englewood	07631
Ey	200 Plaza Dr # 2222	Secaucus	07094
Geoffrey Inc	1 Geoffrey Way	Wayne	07470
Georgeson	480 Washington Blvd # 28	Jersey City	07310
Getinge	45 Barbour Pond Dr	Wayne	07470
Giant Tire Svc	100 Wagaraw Rd	Hawthorne	07506
Goya Foods Inc	350 County Rd	Jersey City	07307
Gucci America Inc	150 Totowa Rd	Wayne	07470
Haband Co LLC	1 International Blvd # 800	Mahwah	07495
Hackensack Meridian Health	7600 River Rd	North Bergen	07047
Hackensack University Med Ctr	30 Prospect Ave	Hackensack	07601
HARMAN Professional Inc	85 Challenger Rd # 6	Ridgefield Park	07660
Hoboken University Medical Ctr	308 Willow Ave	Hoboken	07030

Holy Name Medical Ctr	718 Teaneck Rd	Teaneck	07666
Home Services At Home Depot	450 Hackensack Ave # 18	Hackensack	07601
Hudson County Correctional Ctr	30-35 S Hackensack Ave # 1	Kearny	07032
Hudson News	1 Meadowlands Plz # 902	East Rutherford	07073
Hudson Regional Hospital	55 Meadowlands Pkwy	Secaucus	07094
Insurance Services Office Inc	545 Washington Blvd	Jersey City	07310
IPC Systems Inc	3 2nd St # 1500	Jersey City	07311
Jersey City Fire Dept	465 Marin Blvd	Jersey City	07302
Jersey City Medical Ctr	355 Grand St	Jersey City	07302
John Wiley & Sons Inc	111 River St # 2000	Hoboken	07030
Knights Of Columbus	194 River Rd	North Arlington	07031
KPMG	3 Chestnut Ridge Rd # 200	Montvale	07645
KPMG	300 Tice Blvd # 102	Woodcliff Lake	07677
KPMG LLP	3 Chestnut Ridge Rd	Montvale	07645
Kulite Semiconductor Prod Inc	1 Willow Tree Rd	Leonia	07605
Livewell Counseling A	301 Sicomac Ave	Wyckoff	07481
Macy's	100 Paramus Park Mall	Paramus	07652
Macy's Logistics & Operations	100 Venture Way	Secaucus	07094
Mahwah Bergen Retail Group Inc	933 Macarthur Blvd	Mahwah	07430
Michael Shetler SFR	74 Godwin Ave # 231	Ridgewood	07450
Mountain Creek Resort	200 State Rt 94	Vernon	07462
Myron Corp	205 Maywood Ave	Maywood	07607
National Retail Transportation	2820 16th St	North Bergen	07047
Newton Medical Ctr	175 High St	Newton	07860
NJ Garage Inc	13-17 River Rd	Fair Lawn	07410
Normanoch Association Inc	E Shore Culver Rd	Branchville	07826
Northern NJ Cancer Assoc	92 2nd St	Hackensack	07601
Northstar Travel Group	301 State Rt 17 # 1150	Rutherford	07070
Nus Consulting Group	1 Maynard Dr	Park Ridge	07656
Orkin-Residential	95 Lackawanna Ave	Woodland Park	07424
Pacific Global Inc	401 Hackensack Ave # 905	Hackensack	07601
Passaic Co Sheriffs Office	77 Hamilton St # 1	Paterson	07505
Passaic County Social Svc	80 Hamilton St # 1	Paterson	07505
Paterson Police Dept	111 Broadway # 1	Paterson	07505
Paterson Public Works Dept	155 Market St	Paterson	07505
Pearson Inc	221 River St # 2	Hoboken	07030
Pershing LLC	1 Pershing Plz	Jersey City	07399
Police Benevolent Assn	30 S Hackensack Ave	Kearny	07032
Preakness Healthcare Ctr	305 Oldham Rd	Wayne	07470
Preferred Building Svc	772 Kearny Ave	Kearny	07032
Remington-Vernick & Arango	1 Harmon Plz # 600	Secaucus	07094
Respiratory Dept St Joseph	703 Main St	Paterson	07503
Samsung Electronics Amer Inc	85 Challenger Rd # 6	Ridgefield Park	07660
Selective Insurance Co Of Amer	40 Wantage Ave	Branchville	07826

Selective Insurance Group Inc	40 Wantage Ave	Branchville	07890
Shoprite Liquors Of Paramus	224 Route 4 E At Forest Ave	Paramus	07652
Shoprite Of Oakland	14 Post Rd	Oakland	07436
SJP Properties	95 Greene St	Jersey City	07302
Sony Electronics Inc	1 Sony Dr	Park Ridge	07656
Soundview Paper Co	1 Market St	Elmwood Park	07407
St Joseph's Wayne Medical Ctr	224 Hamburg Tpke	Wayne	07470
St Mary's General Hospital	350 Boulevard	Passaic	07055
St Peter's University	2641 John F Kennedy Blvd	Jersey City	07306
Stryker Orthopaedics	325 Corporate Dr	Mahwah	07430
Superior Court	77 Hamilton St # 1	Paterson	07505
Sussex County Office	1 Spring St # 1	Newton	07860
Symrise Inc	300 North St	Teterboro	07608
Sysco Metro Ny-Food Distr	20 Theodore Conrad Dr	Jersey City	07305
Thor Labs	56 Sparta Ave	Newton	07860
UBS Financial Svc	1000 Harbor Blvd # 400	Weehawken	07086
Unilever Food Solutions	700 Sylvan Ave # 4	Englewood Cliffs	07632
Unilever Home & Personal Care	800 Sylvan Ave	Englewood Cliffs	07632
United States Postal Svc	69 Montgomery St	Jersey City	07302
Valley Health System	223 N Van Dien Ave	Ridgewood	07450
Valley Hospital	223 N Van Dien Ave	Ridgewood	07450
Verisk Analytics Inc	545 Washington Blvd	Jersey City	07310
Vitamin Shoppe Inc	300 Harmon Meadow Blvd # 2	Secaucus	07094
William Paterson University	300 Pompton Rd	Wayne	07470
Worldwide Alliance	80 Washington St	Hoboken	07030

Agency Name	Address1	City/State/Zip
American Legion Dept. of New Jersey	171 Jersey Street Bldg. #5, 2nd Floor	Trenton, NJ 08611
Bergen County Administration Building	1 Bergen County Plaza, #580	Hackensack, NJ 07601
Bergen County Board of Social Services	216 Route 17 N.	Rochelle Park, NJ 07662-3300
Bergen County Cooperative Library System	810 Main St.	Hackensack, NJ 07601
Bergen County Department of Veterans Services	One Bergen County Plaza (2nd Floor)	Hackensack, NJ 07601
Bergen County Div. of Senior Services	One Bergen County Plaza, 2nd Floor	Hackensack, NJ 07601
Bergen County Housing Coalition	329 Main St.	Hackensack, NJ 07601
Bergen County United Way	6 Forest Avenue	Paramus, NJ 07652
Bergen County NAACP	PO Box 1136	Englewood, NJ 07631
Catholic Charities (Diocese of Newark)	321 Central Ave	Newark, NJ 07103
Catholic Family & Community Services	24 DeGrasse Street	Paterson, NJ 07505-2001
County of Sussex	One Spring Street	Newton, NJ 07860
Danforth Memorial Library	250 Broadway	Paterson, NJ 07501
DCA Field Office – Bergen County	100 First Street, Suite 207	Hackensack, NJ 07601
DCA Field Office – Hudson County	438 Summit Avenue, 3rd Floor	Jersey City, NJ 07306-3179
DCA Field Office – Passaic County	100 Hamilton Plaza, Suite 600	Paterson, NJ 07505
DCA Field Office – Sussex County	350 U.S. Highway 46, Suite 105	Rockaway, NJ 07866
NCBW-Chair Economic Empowerment	703 Cedar Lane	Teaneck, NJ 07666
Department of Community Affairs	100 First St., Suite 207 1st flr	Hackensack, NJ 07601
Episcopal Community Development	31 Mulberry St.	Newark, NJ 07102
Fair Share Housing Center	510 Park Blvd.	Cherry Hill, NJ 08002
Fairmount Housing Corp.	270 Fairmount Ave.	Jersey City, NJ 07306
Greater Bergen Assoc. of Realtors	411 Rte. 17 South, 5th Floor	Hasbrouck Heights, NJ 07604
Habitat for Humanity	10 Banta Place	Hackensack, NJ 07601
Housing Authority of Bergen County	1 Bergen County Plz., 2nd Fl	Hackensack, NJ 07601
Hudson County Administration Building	595 Newark Avenue	Jersey City, NJ 07306
Hudson County Board of Realtors	110a Meadowlands Parkway, Ste. 103	Secaucus, NJ 07094
Hudson County Dept. of Family Services	257 Cornelison Ave.	Jersey City, NJ 07302
Hudson County Library	25 Journal Sq.	Jersey City, NJ 07306
Hudson County Office on Aging	595 County Avenue, Bldg. 2	Secaucus, NJ 07094
Interreligious Fellowship for the Homeless of Bergen County	479 Maitland Avenue	Teaneck, NJ 07666

Jersey City Episcopal CDC	514 Newark Ave.	Jersey City, NJ 07306
Jersey City Housing Authority	400 US Highway #1	Jersey City, NJ 07306
Jersey City NAACP	153 Martin Luther King Drive, #B	Jersey City, NJ 07305
Latin Action Network	2560 U.S. Highway 22, Suite 322	Scotch Plains, NJ 07076
Lutheran Ministries of New Jersey	1056 Stuyvesant Ave.	Trenton, NJ 08618
Monticello Community Development Corp.	99 Monticello Ave.	Jersey City, NJ 07304
NAACP Bayonne	PO Box 1764, 1195 E. 21st St.	Bayonne, NJ 07002
NAACP Hoboken	MPO 1219	Hoboken, NJ 07030
NAACP Paterson	PO Box AQ	Paterson, NJ 07509
NAACP Teaneck	PO Box 1136	Teaneck, NJ 07666
NAACP-Passaic Branch	114 Prospect Street	Passaic, NJ 07055
New Jersey Citizen Action	744 Broad Street #2060	Newark, NJ 07102
New Jersey Community Development Corporation	32 Spruce Street	Paterson, New Jersey 07501
New Jersey Tenant Organization	389 Main Street	Hackensack, NJ 07601
New Jersey Tenant Organization	96 Linwood Plz #233	Fort Lee, NJ 07024
NJ State Conference of the NAACP	4326 Harbor Beach Blvd., #775	Brigantine, NJ 08203
Northwest New Jersey Community Action Program, Inc.	350 Marshall St	Phillipsburg, NJ 08865-3273
Passaic Board of Realtors	204 Berdan Ave.	Wayne, NJ 07470
Passaic Board of Realtors	204 Berdan Ave.	Wayne, NJ 07470
Passaic County Administration Building	401 Grand Street	Paterson, NJ 07505
Passaic County Board of Social Services	80 Hamilton Street #1	Paterson, NJ 07505
Passaic County Dept. of Senior Services, Disabilities	930 Riverview Dr., Suite 200	Totowa, NJ 07512
Passaic County Public Housing Agency	100 Hamilton St., #510	Paterson, NJ 07505
Passaic Housing Authority	52 Aspen Place	Passaic, NJ 07055
Paterson Habitat for Humanity	146 North 1st Street, PO Box 2585	Paterson, NJ 07509
SEED Corp.	333 Dodd Street, Ste. 3	East Orange, NJ 07017
Senior Housing Services	300 Teaneck Rd.	Teaneck, NJ 07666
SERV Behavioral Health	20 Scotch Rd.	West Trenton, NJ 08628
SonRise Development Corp.	351 Englewood Ave.	Englewood, NJ 07631
St. Joseph House	81 York Street	Jersey City, NJ 07302
St. Paul's Community Development Corp.	451 Van Houten St.	Paterson, NJ 07501

Supportive Housing Association of New Jersey	185 Valley Street	South Orange, NJ 07079
Sussex County Board of Realtors	115 DeMarest Rd.	Sparta, NJ 07871
Sussex County Div. of Social Services	83 Spring Street, Suite 203	Newton, NJ 07860
Sussex County Division of Senior Services	1 Spring Street, 2nd Floor	Newton, NJ 07860
Sussex County Main Library	125 Morris Tpke.	Newton, NJ 07860
Urban League of Bergen County	96 Engle Street	Englewood, NJ 07631
Urban League of Hudson County	253 Martin Luther King Dr.	Jersey City, NJ 07305
US Postal Service	69 Montgomery St.	Jersey City, NJ 07302
V.F.W. Department of New Jersey	171 Jersey Street Bldg. #5, 2nd Floor	Trenton, NJ 08611
Warren/Sussex County NAACP	PO Box 229	Washington, NJ 07882

NON-PROFIT	COUNTY	WEBSITE
4Cs of Passaic County, Inc.	Passaic	https://www.4cspassaic.org/
A Partnership for Change	Bergen	https://www.apartnershipforchange.org/
Alpine Learning Group, Inc.	Bergen	https://www.alpinelearninggroup.org/
Association for Special Children & Families	Passaic	https://ascfamily.org/
Bergen New Bridge Health Medical Center Foundation	Bergen	https://www.newbridgehealth.org/about/foundation/
Bergen Volunteers	Bergen	https://www.bergenvolunteers.org/
Boys & Girls Clubs in New Jersey	Passaic	https://bgcnj.org/
Boys & Girls Clubs of Lower Bergen County	Bergen	https://bgclbergen.org/
Child Focus	Passaic	https://www.childfocusnj.org/
Circle of Care	Passaic	https://circleofcarecmo.org/
Community Chest of Eastern Bergen County, The	Bergen	https://thecommunitychestebc.org/
Family Promise of Sussex County	Sussex	https://familypromisesussex.org/
First Friends of NJ & NY Corp.	Hudson	https://firstfriendsnjny.org/
Friends of the New Jersey School of Conservation	Sussex	https://njsoc.org/brief-history/
Habitat for Humanity of Bergen County	Bergen	https://www.habitatbergen.org
Hamilton Partnership for Paterson	Passaic	https://www.hamiltonpartnership.org/
Hudson County Workforce Development Board	Hudson	https://hcjcwdb.org/
IACO Immigration & American Citizenship Org., Inc.	Passaic	https://iacoimmigration.org/
MarbleJam Kids, Inc.	Bergen	https://marblejam.org
New Jersey Community Development Corporation	Passaic	https://www.njcdc.org/
New Jersey Consortium for Immigrant Children	Hudson	https://njcic.org
Northern New Jersey Community Foundation	Bergen	https://www.nnjcf.org/
Partners in Prevention	Hudson	https://pipnj.org/
Paterson Alliance	Passaic	https://patersonalliance.org/
Project Self-Sufficiency	Sussex	https://www.projectselfsufficiency.org/
Table To Table Inc	Bergen	https://tabletotable.org/
Women Rising	Hudson	https://www.womenrising.org/
Women's Rights Information Center	Bergen	https://www.womensrights.org/
YWCA Northern New Jersey	Bergen	https://www.ywcanj.org/

BOROUGH OF RIVER EDGE
RESOLUTION #26-101

Approve the Hire of a Full-time Laborer in the Department of Public Works

BE IT RESOLVED by the Governing Body of the Borough of River Edge that Justin Fierro is hereby hired as a full-time Laborer in the Department of Public Works at an annual Laborer, Step 1 salary of \$47,761.00 with a one (1) year probationary period, effective March 12, 2026.

BE IT FURTHER RESOLVED, that the appointment date is predicated on passing a physical examination and all background checks.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026.



Anne Dodd, Borough Clerk

BOROUGH OF RIVER EDGE
RESOLUTION #26-102

**Authorizing the Borough of River Edge to Appoint a Records Custodian
for the River Edge Police Department**

WHEREAS, the Borough Clerk/Assistant Borough Administrator currently serves as the custodian of records for every Borough of River Edge ("Borough") department; and

WHEREAS, the Borough has received an increasingly voluminous number of Open Public Records Act ("OPRA") requests during each of the past several years; and

WHEREAS, the Borough is legally required to respond to all OPRA requests submitted in accordance with the New Jersey Open Public Records Act, N.J.S.A. § 47:1A-1, et seq.; and

WHEREAS, the Borough Clerk's Office does not possess sufficient resources to process and respond to OPRA requests on behalf of every Borough department; and

WHEREAS, a significant amount of the OPRA requests submitted to the Borough seek records that are solely within the possession of the River Edge Police Department; and

WHEREAS, the Governing Body believes that creating a separate records custodian of records within the River Edge Police Department to process and respond to OPRA requests seeking police records will serve the Borough's best interests.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge, County of Bergen, New Jersey as follows:

- 1) The Police Department's Records Clerk shall be considered the custodian of records for the River Edge Police Department, and is hereby authorized to respond to all OPRA requests submitted to the Borough that seek records within the possession of the River Edge Police Department; and
- 2) The Borough will take any steps necessary to achieve the transition of OPRA request processing with respect to police records from the Borough Clerk's Office to the River Edge Police Department; and
- 3) This resolution shall take effect immediately.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Maellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 2 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026

Anne Dodd, Borough Clerk

BOROUGH OF RIVER EDGE
RESOLUTION #26-103

Approve Job Description

BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that the attached job description is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby directed to submit the job description to the Records Clerk/Police Department Records Custodian for her signature to include in her respective personnel file and provide a copy to the Police Chief.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026



Anne Dodd, Borough Clerk



JOB DESCRIPTION:

Records Clerk/Police Department Records Custodian

GENERAL PURPOSE

Performs a variety of routine clerical work including filing and answering phones, and maintenance of records of the Police Department.

SUPERVISION RECEIVED:

Works under the general supervision of the Police Chief.

SUPERVISION EXERCISED: N/A

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Report, Code and File Computer Entries and Reports
- U.C.R. Reports - Monthly
- Monthly Reports - In-house
- Open Public Records Act Requests – Processing of new requests seeking law enforcement records, conduct requisite searches for potentially responsive materials, and administration of Police Department responses
- Discovery Requests - Correspondence - Criminal and Non-Criminal for Attorneys and Prosecutor
- DWI - Make file and Report papers for Attorneys and Prosecutor
- Domestic Violence - file and record reports
- Stolen Bike Records
- Bias Incidents
- Sent out MVA Requests
- Send out MVA's to County and State
- Detective Bureau -
 - Correspondence
 - Prepare Reports for Case Jackets
 - File Criminal Cases
 - Keep Evidence Log for State
- Security Check Letters for Residents
- All Records for Operation of the River Edge Police Department

PERIPHERAL DUTIES

- Provides clerical support to other Police Department staff as required.
- Composes, types, and edits a variety of correspondence, reports, memoranda, and other material requiring judgment as to content, accuracy, and completeness.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- (A) Graduation from a high school or GED equivalent with specialized course work in general office practices such as typing, accounting, data processing and
- (B) Two (2) years of increasingly responsible related experience, or
- (C) Any equivalent combination of education and experience.

Necessary Knowledge, Skills and Abilities:

- (A) Working knowledge of computers and electronic data processing
- (B) Working knowledge of modern office practices and procedures
- (C) Working knowledge of governmental accounting principles and practices.
- (D) Skill in operating listed tools and equipment.
- (E) Ability to perform arithmetic computations accurately and quickly
- (F) Ability to communicate effectively verbally and in writing
- (G) Ability to establish successful working relationships
- (H) Ability to work under pressure and/or frequent interruptions
- (I) Ability to work independently with a high degree of accuracy
- (J) Time management skills.
- (K) Ability to understand and follow oral and written direction and keep accurate records.
- (L) Ability to organize technical data and material logically and conduct analysis regarding such data and material.

SPECIAL REQUIREMENTS

Must be Bondable.

TOOLS AND EQUIPMENT USED

Desktop computer with Microsoft Office; central financial computer; 10-key calculator; phone; switchboard; fax and copy machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to walk; use hands to operate, finger, handle or feel objects, tools, or controls; and reach with hands and arms.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions

The noise level in the work environment is usually moderately quiet.

SELECTION GUIDELINES

Formal application, rating of education and experience; interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position of the work is similarly related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

PRINT NAME _____

SIGNATURE _____

DATE _____

BOROUGH OF RIVER EDGE
RESOLUTION #26-104

Approve Change Order #1 –
2025 Road Improvement Program – Riverside Cooperative

WHEREAS, via resolution #R25-178, adopted June 12, 2025, the Mayor and Council awarded a contract for the 2025 Road Improvement Program – Riverside Cooperative to DLS Contracting, Inc., in the amount of \$236,750.89; and

WHEREAS, N.J.A.C. 5:34-4.7 permits change orders for construction, reconstruction and major repair contracts; and

WHEREAS, there is a need to consider Change Order No 1 due to a decrease in quantities which resulted in a decrease of \$14,801.65; and

WHEREAS, the total amount of change orders approved to date including this change order do not exceed the originally awarded contract price by more than 20 percent; and

WHEREAS, Change Order No. 1 had been reviewed and approved by the Borough Engineer.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that it does hereby authorize Change Order No. 1, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute Change Order #1.

BE IT FURTHER RESOLVED that this Change Order shall decrease the final contract price from \$236,750.89 to \$221,949.24.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026



Anne Dodd, Borough Clerk

BOROUGH OF RIVER EDGE
RESOLUTION #26-105

Declare March 2026 as Women's History Month

WHEREAS, every day, without fame or fanfare, women inspire, support, and strengthen their families, communities, and our country. Women's History Month presents a great opportunity to celebrate the tremendous impact women continue to have on our great Nation; and

WHEREAS, the Borough of River Edge recognizes the month of March, as Women's History Month, established in 1987 by Congress, to celebrate the contributions American women have made to strengthen the nation since its inception; and

WHEREAS, Women's History Month honors women from all generations and backgrounds, women of every race, status and ethnicity who have challenged the social and legal structures that have kept women's labor underappreciated and underrepresented throughout history; and

WHEREAS, American women have been leaders not only in securing their own rights and equal opportunity, but also at the forefront of every major social change movement in history, paving the way for future generations to enjoy the unalienable rights, duties and responsibilities afforded equally to all citizens of the United States of America; and

WHEREAS, each woman is extraordinary in her own way, proving that women working inside the home, or outside in academia, science, technology, business, labor, governance and more maintain a critical role in every sphere of society; and

WHEREAS, when women succeed, their communities prosper; and

WHEREAS, the Borough of River Edge is especially proud to acknowledge and celebrate the brilliant and talented female trailblazers in Borough Administration today.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge do hereby proclaim March 2026 as:

"WOMEN'S HISTORY MONTH"

and call upon all the residents of River Edge to celebrate the exceptional women in their lives and around our town, state and country.

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 2 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026

Anne Dodd, Borough Clerk

BOROUGH OF RIVER EDGE
RESOLUTION #26-106

Payment of Bills

At a Regular Meeting of the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, held on March 12, 2026.

BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge approve the following expenditures.

CURRENT FUND	\$	270,774.05
GENERAL CAPITAL FUND	\$	158,712.74
GRANT FUND	\$	1,570.00
TRUST OTHER	\$	1,290.61
PAYROLL	\$	24,836.08
DEVELOPER'S ESCROW	\$	4,745.00
SELF INSURANCE TRUST	\$	13,397.57

March 12, 2026

	Motion	Second	Yes	No	Abstain	Absent
Montisano-Koen						X
Kinsella	X		X			
Malellari			X			
Glass		X	X			
Dhariwal			X			
Feffer			X			
Mayor Papaleo						

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 12th day of March, 2026



Anne Dodd, Borough Clerk