2026 Manager's Budget Presentation
Cape May City

March 3, 2026

Paul Dietrich
City Manager

Budget Timeline

- Budget Workshops w/ Manager – November 2025
- Managers Office worked with CFO and Department Heads on requests for 2026
- CFO worked with our Auditor to assure the budget was within legal CAPs
- Anticipate meeting with each Councilperson to review budget before introduction
- Introduction March 17th (meets statutory timeframe)
- Adoption April 21st (meets statutory timeframe)

2026 Budget

- Current Fund Appropriations: $29,906,976.66
- Water/ Sewer Utility Appropriations: $8,509,179.00
- Beach Utility Appropriations: $4,675,840.00
- Tourism Utility Appropriations: $2,414,100.00
- Total Budget Appropriations: $45,506,095.66
- This results in a 2 cent increase in the tax rate

2025 Budget Comparison

- Current Fund Appropriations: $28.9M ($27.5M+5.5%)
  - Excluding grants
- Water/ Sewer Utility Appropriations: $8.5M ($7.7M+10%)
- Beach Utility Appropriations: $4.6M ($4.3M + 8%)
- Tourism Utility Appropriations: $2.4M ($1.6M + 51%)
- Total Budget Appropriations: $44.5M ($41.2M + 8%)

Current Fund
How do we get there?

- Current fund local revenues, which are items like occupancy, parking, mercantile, and other revenues that the city generates aside from taxes, we're projecting around $8.7M, an increase of $300,000 over prior year. This is supported specifically by strong occupancy, parking, and interest performance.
- Our surplus has grown to over $14M, and we're looking to use around $6.5M* of it to fund the budget this year. This includes the funding of capital projects so that we don't have to issue debt for them in the future. In the past three years we have generated an average of $6M in surplus each year. ***With $987,00 specifically designated to pay for upcoming capital projects.**
- For the <u>third</u> year in a row, we are funding historic bond ordinances in the budget. This means that we are able to pay for them using cash on hand as opposed to issuing new debt. We're looking at around $288,000 of funding this budget year.

Current Fund
How do we get there?

- On an appropriations side, our largest expense is salaries increased 10.8%. For 2026 we're currently budgeting a little over $10.5M which represents a base of 144 full time and approximately 65 seasonal/part time employees for Police and Public Works.
- Other direct costs tied to salaries include healthcare costs and pension payments.
- The City was successful in negotiating healthcare renewal rates less than 9%.
- Last year we completed negotiations with six of our collective bargaining units. The City had a goal to bring our employees as close to the 50 percentile in wages as compared to other Cape May County municipalities & county. This is important to retain and recruit a qualified workforce.
- Our next largest item is operating expenses, which we are currently budgeting at $7.2M, a $300,000 increase over last year.
- Total debt service this year is $5.3M which is in line with all of our bond payment schedules.

Water/ Sewer Utility
How do we get there?

- In our Water/Sewer utility we are projecting revenues of $7.2M, which is in line with the prior year
- Water/Sewer surplus has grown to $3.4M, of which we are using around $820K to fund the budget
- We are increasing our salary line by $100k to $1M to allocate various City departmental salaries based on work done for the Water/Sewer utility.
- 2026 Water/Sewer debt service is $1.7M
- We are almost complete the remove all lead (galvanized) pipe distribution mains, well ahead of the State's 2031 deadline. We have started a grant reimbursement process to assist residents in replacing their water service lines.

Beach Utility
How do we get there?

- In our Beach Utility we are anticipating $3.6M in revenue, up from $200,000 in the prior year based on strong beach tag sales.
- Beach utility surplus decreased slightly from $2.3M to $2.2M of which we are using $930,000 to fund the budget.
- From an expenditures side we're budgeting for increases that have taken place in lifeguard and beach tagger salaries based on both union negotiations and minimum wage increases. We are also increasing the allocation of expenses from City Departments to the Beach Utility to account for actual work done for the Beach Utility.
- 2025 Beach debt service is $540,000K

Tourism Utility
How do we get there?

- The tourism utility is projecting $1.6M in revenue generation, similar to last year.
- Tourism surplus has remained steady with a balance of $2.7M. We're using $818,000 to support this years budget.
- This year we are appropriating funds towards the Nation's 250th – City's 175th – National Historic District Landmark 50th anniversaries

Taxes
How does it affect me…

- The Tax Assessor added $12.3M in improvements from 2025 which allowed for $45k in spending in the 2026 budget with no effect on taxes
- We are anticipating $341,658k in State Aid
- The Local Purpose Tax Rate will increase to $0.381
- For an average assessed home in Cape May City is $750,000. In 2025 Local tax was $2,707.50 and in 2026 it will be $2,857.15. That is a total increase of $149.65 for the year.
- This does not include possible changes to the County and School tax rate

Revenues
Looking forward

- We had strong growth in revenue from Interest earned, Mercantile Licenses,
- Parking fees and Occupancy Tax
- Our interlocal agreements help cover Departmental costs
- EMS fees, Lease & Rent Contracts to supplement revenue to the budget
- We are looking to increase parking fees during this year to help reimburse the fund balance by $300,000

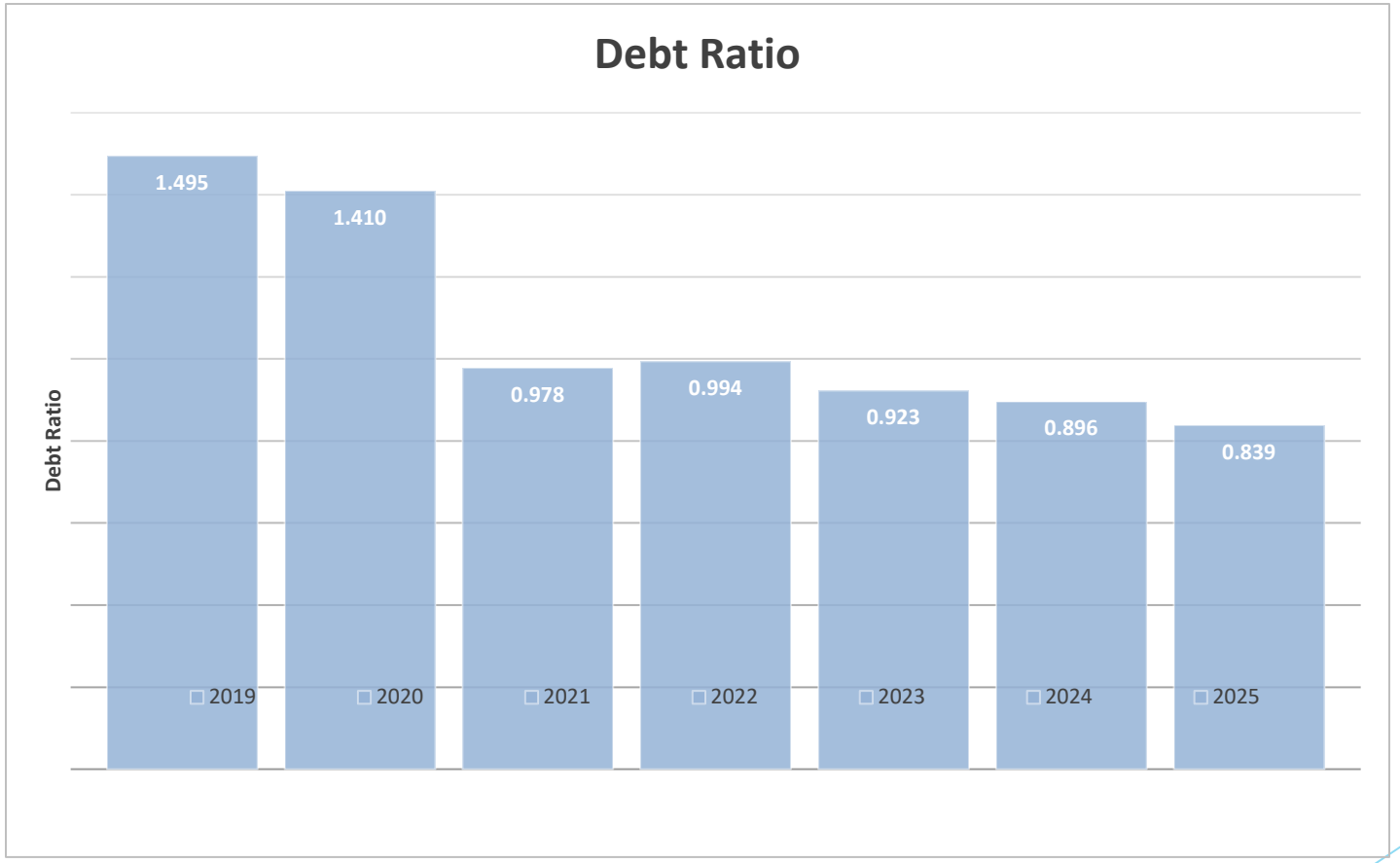
Revenue	2022 Actual	2023 Actual	2024 Actual	2025 Actual	
Interest	$70,000	$700,000	$793,000	$702,863	
Mercantile	$760,000	$860,000	$827,935	$896,500	
Parking	$2,180,000	$2,320,000	$2,625,711	$2,748,974	
Occupancy	$3,390,000	$3,965,000	$4,108,901	$4,159,286	
Surplus (Used)	$3,360,000	$3,400,000	$4,140,163	$6,000,000	

Capital Projects Looking forward

We have several capital projects that we need to continue to move forward

- New Police Station ($8.5M bond approved), anticipated to opening in Spring 2027
- Expand Lifeguard Station ($1.5M anticipated cost), anticipated opening May 2026
- ADA improvements at Tennis Club & Physick estate in Fall 2027
- Seawall Extension ($25M FEMA Mitigation Grant received), anticipate to break ground in Fall 2026 depending on Federal grant funding from FEMA
- Desalination Plant ($33M estimated cost, $12M Grants and applied for additional), anticipate to break ground in Fall 2026 for Phase 1a
- Road & Utility Projects
  - Harbor Lane
  - Virginia Lane (Pittsburg – Philadelphia Ave.s)
  - Reading Ave (Virginia – Ohio Ave.s)
  - Howard St
  - Wynona & Swan
- Promenade Repairs & Resiliency upgrade ($6.7M Grant, $10M project), completion spring 2026

Debt Ratio


Debt Ratio
Debt Ratio
1.495
1.410
0.978
0.994
0.923
0.896
0.839
2019
2020
2021
2022
2023
2024
2025

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NUMBER 600-2026

BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER UTILITY IMPROVEMENTS, BY AND IN THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING $17,220,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $17,220,000 BONDS OR NOTES OF THE CITY TO FINANCE THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Water-Sewer Utility of the City of Cape May, in the County of Cape May, State of New Jersey (the "City") as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the principal amount of $17,220,000. Pursuant to the provisions of N.J.S.A. 4 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Water-Sewer Utility of the City is self-liquidating. All or some of the improvements or purposes described in Section 3 of this bond ordinance may be funded by a loan from the New Jersey Infrastructure Bank.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Water-Sewer Utility of the City are hereby authorized to be issued in the aggregate principal amount not exceeding $17,220,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Water-Sewer Utility of the City in an aggregate principal amount not exceeding $17,220,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

Description	Appropriation	Authorization	Down Payment	Useful Life
(i) **Water Improvements** – Improvements To Water Treatment Plant, Including The Construction Of A Desalination Treatment Facility;	$14,000,000	$14,000,000	$0	30 years
(ii) **Sanitary Sewer Improvements** –	$3,220,000	$3,220,000	$0	40 years

Description	Appropriation	Authorization	Down Payment	Useful Life
Replacement Of Various Sanitary Sewer Mains And Sanitary Sewer Connections In And For The City, Along With Any Road Improvements Related Thereto, And Including All Work And Materials Necessary Therefor And Incidental Thereto.				
TOTALS	$17,220,000	$17,220,000	$0	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $17,220,000.

(c) The aggregate estimated cost of said improvements or purposes is $17,220,000.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, engineering, architectural and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration; and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May and/or a private entity make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial

Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the City may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 31.86 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $17,220,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $3,444,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all

the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission4 (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

_____
Erin C. Burke, City Clerk

BY:_____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 600-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on March 3, 2026 and will be further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on March 31, 2026 at 5:00 P.M. at which time a Public Hearing will be held.

_____
Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

Introduced: March 3, 2026
1st Online Publication: March 4, 2026
2nd Reading & Adoption: March 31, 2026
Final Online Publication: April 1, 2026
Effective Date: April 21, 2026

To be tabled to 3/13/2026 or 3/17/2026 with adequate noticing provided

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 591-2026

AN ORDINANCE AMENDING CHAPTER 525 OF THE CITY ZONING CODE TO PROMOTE AFFORDABLE HOUSING IN THE C-5 ZONING DISTRICT

WHEREAS, the C-5 Service Business–Light Industrial District includes certain areas fronting on Elmira Street and Bank Street and is located in proximity to Cape Island Creek; and

WHEREAS, pursuant to Section 525-26 of the City Code, the purposes of the C-5 District are to provide adequate space for service-oriented and light industrial businesses in designated areas, while ensuring compatibility among uses and accessibility to essential facilities; to maximize light and air through appropriate building height and spacing; and to safeguard these districts from incompatible intrusions. By promoting a well-planned pattern of land use, the City seeks to foster stable growth, protect the character and value of commercial and industrial zones, strengthen the economic base, and support municipal revenues. Additionally, these guidelines aim to preserve natural, historical, and physical resources, ensuring that permitted uses align with the long-term viability and overall economic well-being of the community; and

WHEREAS, consistent with the City's obligation to provide realistic opportunities for affordable housing, and in accordance with the Consent Order entered into with Fair Share Housing Center in the City's Fourth Round declaratory judgment case entitled In the Matter of the Application of the City of Cape May, Docket No. CPM-L-37-25, the City Council intends to promote affordable housing within the City of Cape May through the application of an overlay in the C-5 District where realistic development opportunities exist. For reference, the proposed overlay standards for bulk and density set forth below are similar to those that exist in the R-3 and R-S zones; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26, prior to the final adoption of this development regulation, the City Council has reviewed the report and any recommendation of the Planning Board.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May as follows:

Section 1. Section 525 of the Cape May City Code is hereby amended to include the following **NEW LANGUAGE**:

§ 525-26.1 C-5(O) - Service Business-Light Industrial Affordable Housing Overlay District.

A. Intent. In addition to the goals stated in § 525-2 of this chapter, this district is established in accordance with the planning policies as described in the City's Comprehensive Development Plan and are intended to achieve the following:

(1) Provide sufficient space in appropriate locations for various types of affordable housing uses anticipated by the City plan.

B. Use regulations.

(1) Conditional Uses by right. In any C-5(O) District, land, buildings, or premises may be used by right for the following purposes:

(a) Attached dwellings.

(b) Multifamily dwellings.

Subject to the following Conditions:

[1] Overall tract size must be at least 1 acre. Smaller lots may be created within the overall tract.

[2] Project must include an onsite inclusionary zoning component with a presumptive maximum affordable housing set-aside of twenty percent (20%) of the total number of units in the development. All affordable units in such projects will be constructed and occupied in compliance with the Fair Housing Act ("FHA"), the Uniform Housing Affordability Controls ("UHAC"), the City's Housing Element and Fair Share Plan, and the City's Affordable Housing Ordinance.

(2) Accessory uses. Only the following accessory uses may be permitted in any C-5(O) District:

(a) Customary accessory uses related to attached dwellings and multifamily dwellings.
(b) Off-street parking facilities.
(c) Private and semi-private recreation facilities subject to § 525-62.
(d) Residential accessory uses subject to § 525-55.
(e) Uses which are clearly incidental and accessory to the uses by right.

C. Area and bulk regulations.

(1) Minimum Requirements:

	Attached Dwelling/Multifamily Dwellings
Minimum lot size	12,500 sq. ft.
Min. lot size per dwelling unit	2,500 sq. ft.
Building setback line	20 feet
Lot width	100 feet
Lot frontage	100 feet*
Habitable floor area per dwelling unit	500 sq. ft.

	Attached Dwelling/Multifamily Dwellings
Rear yard	25 feet
Total	20 feet
Each side	10 feet

***For corner lots and lots fronting on a cul-de-sac, see definition of lot frontage.**

(2) Maximum regulations:

TABLE 1

	Building Height	Lot Coverage
Attached dwellings	35 feet	75%
Multifamily dwellings	35 feet	75%

(3) Building heights are subject to § 525-59D.

D. Supplemental regulations. As required by Articles IX, X and XI, inclusive.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 3. This ordinance shall take effect 20 days after passage and publication, according to law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

_____
Erin C. Burke, City Clerk

BY:_____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 591-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on February 3, 2026, tabled on March 3, 2026, and will be further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on **March 13, 2026 or March 17, 2026** at 5:00 P.M. at which time a Public Hearing will be held.

_____
Erin C. Burke, City Clerk

To be tabled to 3/13/2026 or 3/17/2026 with adequate noticing provided

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

Introduced: February 3, 2026
1st Publication: February 11, 2026
2nd Reading & Adoption: March 13 or March 17, 2026
Final Publication: TBD
Effective Date: TBD

cc: City Manager
Affordable Housing Counsel
City Solicitor
Planning Board

To be tabled to 3/13/2026 or 3/17/2026 with adequate noticing provided

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 592-2026

AN ORDINANCE REPEALING AND REPLACING CHAPTER 59, ARTICLE V ENTITLED "AFFORDABLE HOUSING" OF THE CITY CODE

WHEREAS, Chapter 59, Article V (Affordable Housing) of the General Ordinances of the City of Cape May has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls ("UHAC") regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this Ordinance establishes City wide regulations and standards to govern the development of very low, low and moderate-income affordable units for multifamily for-sale and rental residential developments that may be approved by the City or the City Planning Board, and is designed to regulate these very low, low- and moderate-income units in a manner consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (COAH) regulations; and

BE IT ORDAINED by the Mayor and Council of the City of Cape May, in the County of Union and State of New Jersey that Chapter 59, Article V (Affordable Housing) of the General Ordinances of the City of Cape May is hereby repealed and replaced as follows:

Section 1. Chapter 59, Article V, Affordable Housing, of the General Ordinances of the City of Cape May, shall be repealed and replaced as follows:

§ 59-40 Introduction & Applicability.

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

municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.

4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
   a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP, excluding those affordable housing units that were subject to a written agreement, rezoning or approval prior to the end of the Third Round on June 30, 2025.
   b. This Ordinance shall also apply to any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
   c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

§ 59-41 Definitions.

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

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

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

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

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

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

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

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

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

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

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

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

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

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

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

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

"Age-restricted housing" means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been

designated by the Secretary of HUD as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

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

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

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

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

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

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Compliance certification" means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a "judgment of compliance" or "judgment of repose." The term "compliance certification" shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

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

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

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

"Deficient housing unit" means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization,

roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

"Department" means the New Jersey Department of Community Affairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Mixed use development" means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities 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 80 percent of the regional median income.

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

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

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

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

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

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

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

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

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

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

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

"Non-residential development" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"State Development and Redevelopment Plan" or "State Plan" means the plan prepared pursuant to sections 1 through 12 of the "State Planning Act," P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited

to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

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

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

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

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

"Treasurer" means the Treasurer of the State of New Jersey.

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

"UHORP" means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

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

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

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

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

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

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

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

§ 59-42 Monitoring and Reporting Requirements.

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:

    a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml.

    b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.

    c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

To be tabled to 3/13/2026 or 3/17/2026 with adequate noticing provided

§ 59-43 Municipality-wide Mandatory Set-Aside.

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

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

§ 59-44 New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).

Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

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

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

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
    a. Design of 100 percent affordable developments:
        i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
        ii. Each bedroom in each restricted unit must have at least one window.
        iii. Restricted units must include adequate air conditioning and heating.
    b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
        i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
        ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
        iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and

supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.

iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.

vi. Each bedroom in each restricted unit must have at least one window.

vii. Restricted units must be of the same unit type as market-rate units within the same building.

viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:

i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.

iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.

iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).

vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

vii. Each bedroom in each restricted unit must have at least one window; and

viii. Restricted units must include adequate air conditioning and heating.

4. Utilities.

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

   b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).

5. Low/moderate split and bedroom distribution.

   a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.

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

   c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.

   d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:

      i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;

      ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;

      iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units.

      iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.

v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units.

vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.

e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

6. Accessibility requirements.

a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:

i. An adaptable toilet and bathing facility on the first floor;

ii. An adaptable kitchen on the first floor;

iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;

iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;

v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and

vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

(a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

(b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

(c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

(d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.

(e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.

vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

§ 59-45 Affordable Housing Programs/Compliance Techniques.

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
   a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
   b. Both ownership and rental units shall be eligible for rehabilitation funds.

c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.

d. The municipality shall dedicate a minimum average hard cost of $10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.

e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.

f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:

   i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.

   ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.

   iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.

   iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

3. Accessory Apartment Program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).

   a. Purpose and zoning districts. It is the purpose of this section to allow accessory apartments within the residential zoning districts within the City to provide for the development of affordable housing to meet the affordable housing needs of very low-, low- and moderate-income residents. This mechanism allows for the use of the City's existing and proposed dwellings and accessory buildings to be utilized for affordable housing opportunities. Accessory apartments shall also be permitted for all zoning districts that allow apartments over commercial uses.

   b. Accessory apartments shall be permitted within the new or existing principle dwelling building or within an existing accessory building that contains an existing dwelling unit.

   c. The minimum floor area for any accessory apartment shall be 350 square feet.

d. Floor area ratio requirements shall not apply to existing building conversions. Floor area ratio requirements shall apply to expansions or new construction.

e. Principal buildings shall have only one principal access entry orientated towards the street on which it fronts, and the accessory apartment access shall be provided so that it has a separate distinct entry which does not detract from the character of the principal building. It is the intent to provide accessory apartments while preserving the character of the neighborhood and principal building.

f. Parking shall be provided in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21-4.14).

g. Accessory apartments shall contain at minimum: Living/sleeping space, cooking facilities with kitchen sink and complete bathroom with shower and sanitary facilities.

h. Compliance with affordable housing regulations.

   i. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten (10) years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.

   ii. Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein.

   iii. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.

   iv. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.

   v. Compliance with all other applicable affordable housing requirements set forth herein is required.

i. Administration.

   i. The City of Cape May shall designate an administrative entity by municipal resolution to administrate the accessory apartment program.

   ii. Administration duties shall be in accordance with applicable requirements as set forth herein.

   iii. The municipality shall provide from its Affordable Housing Trust Fund or some other source, $25,000 to subsidize the creation of a moderate income accessory apartment unit, $40,000 to subsidize the creation of a low-income accessory apartment unit, or $70,000 to subsidize the creation of a very low-income accessory apartment unit. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

j. Review. Applicants for the creation of an accessory apartment shall submit plans of building(s) showing layout of accessory apartment and principal building, entry location, and elevations showing entry locations. A site development plan shall be provided to demonstrate compliance with zoning and parking regulations. Supplemental information demonstrating compliance with this section is required.

4. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
    a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
        i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
        ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
        iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
        iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
        v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
        vi. The deed restriction for the extended control period shall be filed with the County Clerk.
5. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
    a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
    b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
    c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
    d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
    e. Low- and moderate-income residents cannot be charged any upfront fees.
    f. The units shall comply with UHAC with the following exceptions:
        i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
        ii. The deed restriction may be on the facility, rather than individual apartments or rooms;

iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and

g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

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

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

i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.

iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.

iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.

v. Occupancy shall not be restricted to youth under 18 years of age.

vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.

vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:

(a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;

(b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).

viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities,

supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.

ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.

x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

(a) An Affirmative Marketing Plan in accordance with §59-48 above; and

(b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.

§ 59-46 Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

§ 59-47 Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.)

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

9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

§ 59-48 Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 6 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.

a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-,low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.

b. There shall be a regional preference for all households that live and/or work in Housing Region 6 comprising Atlantic, Cape May, Cumberland, and Salem Counties.

c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.

d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.

4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.

6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.

7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. The affirmative marketing plan shall include the following community and regional organizations: Fair Share Housing Center, New Jersey State Conference of the NAACP, the Latino Action Network, and the Cape May County, Mainland/Pleasantville, and Atlantic City Branches of the NAACP

8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
10. 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.

§ 59-49 Selection of Occupants of Affordable Housing Units.

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

§ 59-50 Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
   a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
   b. Provide a bedroom for every two adult occupants;
   c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
   d. Avoid placing a one-person household into a unit with more than one bedroom.

§ 59-51 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
   a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or

b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.

6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

§ 59-52 Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:

   a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.

   b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.

      i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.

      ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

   c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:

      i. those that render the unit suitable for a larger household or the addition of a bathroom.

      ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital

improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);

d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

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

§ 59-53 Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.

2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to

N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
    a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
    b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
    c. The household is currently in substandard or overcrowded living conditions;
    d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

§ 59-54 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

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

§ 59-55 Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each

restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.

3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
    a. Sublease or assignment of the lease of the unit;
    b. Sale or other voluntary transfer of the ownership of the unit;
    c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
    d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

§ 59-56 Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
    a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is

prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed $30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

§ 59-57 Tenant Income Eligibility.

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

e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

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

§ 59-58 Municipal Housing Liaison.

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

§ 59-59 Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.

2. The fees for administrative agents shall be paid as follows:
   a. Administrative agent fees related to rental units shall be paid by the developer/owner.
   b. Administrative agent fees related to initial sale of units shall be paid by the developer.
   c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
   d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
   a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
   b. Affirmative marketing:
      i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
      ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
   c. Household certification.
      i. Soliciting, scheduling, conducting and following up on interviews with interested households.
      ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
      iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
      iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the firm, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
      v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
      vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.

d. Affordability controls.

i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.

ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.

iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.

iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

e. Records retention.

i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.

ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.

f. Resales and re-rentals.

i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.

ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.

g. Processing requests from unit owners.

i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.

ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.

iii. Notifying the municipality of an owner's intent to sell a restricted unit.

iv. Making determinations on requests by owners of restricted units for hardship waivers.

h. Enforcement.

i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;

iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and

v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

§ 59-60 Responsibilities of The Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

   a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.

   b. The total number of units in the project and the number of affordable units.

   c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.

   d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.

   e. A projected construction schedule.

   f. The location of any common areas and elevators.

   g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

2. In addition to 1 above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
    a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
    b. Provide to the administrative agent a description of any applicable fees.
    c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
    d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
    e. Provide to the administrative agent a proposed form of lease for any rental units.
    f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive that the tenant selection criteria for applicants for non-restricted units.
    g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to 1, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
    a. Proposed pricing for all units, including any purchaser options and add-on items.
    b. Condominium or homeowner association fees and any other applicable fees.
    c. Estimated real property taxes.
    d. Sewer, water, trash disposal, and any other utility assessments.
    e. Flood insurance requirement, if applicable.
    f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§ 59-61 Enforcement of Affordable Housing Regulations.

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or

tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

   i. A fine of not more than $500 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

   ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;

   iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be $5,000, the fine for the second offense of noncompliance shall be $10,000, and the fine for each subsequent offense of noncompliance shall be $15,000.

4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

   a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality , including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

   b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall

be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.

e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.

f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided

for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

§ 59-62 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.

§ 59-63 through § 59-69. (Reserved).

Section 2. Chapter 59, Article VII, Accessory Apartments (§ 59-80 and 59-81), of the General Ordinances of the City of Cape May, shall be **repealed in its entirety**.

Section 3. Invalidity.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date.

This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Cape May County Planning Board; and

To be tabled to 3/13/2026 or 3/17/2026 with adequate noticing provided

2. Approval by the Court through the issuance of a Compliance Certification or other appropriate order.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

_____
Erin C. Burke, City Clerk

BY:_____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 592-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on February 3, 2026, tabled on March 3, 2026, and will be further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on **March 13, 2026 or March 17, 2026** at 5:00 P.M. at which time a Public Hearing will be held.

_____
Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

Introduced: February 3, 2026
1st Publication: February 11, 2026
2nd Reading & Adoption: March 13 or March 17, 2026
Final Publication: TBD
Effective Date: TBD

cc: City Manager
Affordable Housing Counsel
City Solicitor
Planning Board

To be tabled to 3/13/2026 or 3/17/2026 with adequate noticing provided

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 593-2026

AN ORDINANCE REPEALING AND REPLACING CHAPTER 59, ARTICLE VI ENTITLED "DEVELOPMENT FEE REQUIREMENTS" OF THE CITY CODE

WHEREAS, Chapter 59, Article VI (Development Fee Requirements) of the General Ordinances of the City of Cape May has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls ("UHAC") regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this chapter establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with regulations set forth in P.L. 2024, c. 2, N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:99-1 et seq. and as previously established in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing very-low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan;

BE IT ORDAINED by the Mayor and Council of the City of Cape May, in the County of Cape May and State of New Jersey that Chapter 59, Article VI (Development Fee Requirements) of the General Ordinances of the City of Cape May is hereby repealed and replaced as follows:

Section 1. Chapter 59, Article VI, Development Fee Requirements, of the General Ordinances of the City of Cape May, shall be repealed and replaced as follows:

§ 59-70 Purpose.

A. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§ 59-71 Basic Requirements.

A. The municipality previously adopted a Development Fee Ordinance, which established the Municipal Affordable Housing Trust Fund.

B. The municipality shall not spend development fees until the court has approved a Spending Plan for spending such fees.

§ 59-72 Definitions.

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

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

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

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

"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.

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

"Affordable Housing 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.

"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.

"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.).

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change

in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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

"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.

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

"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.

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

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

"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 80 percent of the regional median income.

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

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

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

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

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

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

"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.

"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 were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

"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.

"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.

"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.

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

"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 unit" means a restricted unit that is affordable to a very-low-income household.

§ 59-73 Residential Development Fees.

A. Imposed fees

1. 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.

2. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

   Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

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

1. 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.

2. 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.
3. 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.
4. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or a natural disaster.

§ 59-74 Non-Residential Development Fees.

A. Imposition of fees

1. 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.
2. 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.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for non-residential development

1. 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.

2. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

C. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

D. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

E. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

§ 59-75 Collection Procedures.

A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

C. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.

D. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.

E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.

F. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of

the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

G. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).

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

§ 59-76 Appeal of Development Fees.

A. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

B. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 59-77 Affordable Housing Trust Fund.

A. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. 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;

2. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

3. Rental income from municipally operated units;

4. Repayments from affordable housing program loans;
5. Recapture funds;
6. Proceeds from the sale of affordable units; and
7. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.

C. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.

D. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:

1. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
2. 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;
3. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
4. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
5. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
6. Revocation of compliance certification or a judgment of compliance and repose;
7. 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;
8. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.

E. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

§ 59-78 Use of Funds.

A. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national

or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

B. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.

C. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.

   1. 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.

   2. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

D. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

§ 59-79 Monitoring.

A. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds

collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

§ 59-80 Ongoing Collection of Fees.

A. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification, or a Judgment of Compliance and Repose, or the good faith effort to obtain either one.

B. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Compliance Certification or its Judgment of Compliance and Repose, 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).

§ 59-81 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. Invalidity.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date.

This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Cape May County Planning Board; and

2. Approval by the Court through the issuance of a Compliance Certification or other appropriate order.

To be tabled to 3/13/2026 or 3/17/2026 with adequate noticing provided

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

_____
Erin C. Burke, City Clerk

BY:_____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 593-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on February 3, 2026, tabled on March 3, 2026, and will be further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on **March 13, 2026 or March 17, 2026** at 5:00 P.M. at which time a Public Hearing will be held.

_____
Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

Introduced: February 3, 2026
1st Publication: February 11, 2026
2nd Reading & Adoption: March 13 or March 17, 2026
Final Publication: TBD
Effective Date: TBD

cc: City Manager
Affordable Housing Counsel
City Solicitor
Planning Board

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 594-2026

ORDINANCE AMENDING CHAPTER 7 OF THE CAPE MAY CITY CODE REGARDING METERED PARKING FEES AT THE CAPE ISLAND BAPTIST CHURCH PARKING LOT PURSUANT TO THE CITY USE AGREEMENT

WHEREAS, Chapter 7 of the Cape May Municipal Code governs vehicle and traffic regulations in the City of Cape May; and

WHEREAS, pursuant to Resolution No. 167-04-2025, the City of Cape May authorized a parking lot use agreement with Cape Island Baptist Church for the use of Cape Island's parking lot at 115 Gurney Street, Cape May for employees and events at the Cape May Convention Hall. In addition, the lot will be made available for public parking through the City's Park Mobile program subject to the right of use reserved to the City and Cape Island under the Agreement. Under the Agreement, the City reserves discretion and authority to determine the duration and cost for metered parking at the Lot; and

WHEREAS, Chapter 7-45.9 currently provides for three-hour metered parking April 1 through October 31, at $2.00 per hour with the following duration: 10 a.m. to 10 p.m. Monday through Saturday and on Sundays 12 noon to 10 p.m.; and

WHEREAS, after review and recommendation by the City Manager, the City Council desires to make amendments to parking meter fees and duration at the Cape Island Baptist Church Parking Lot eliminating the duration limitation and establishing minimum daily fees; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 7-45.9 of the Cape May City Code is hereby deleted and replaced with the following:

§ 7-45.9. Additional metered parking areas.

Metered Parking April 1 to December 31
Monday through Saturday 10:00 a.m. – 10:00 p.m.;
Sunday 12:00 p.m. – 10:00 p.m.
Daily Minimum Fee $20.00 Regardless of Duration.
The daily minimum fee does not constitute a day pass. Any vehicle that leaves the parking area and later returns on the same day begins a new parking session subject to the daily minimum fee.

NO OVERNIGHT PARKING PERMITTED AT ANY TIME

Name of Parking Area	Description and Location
Cape Island Baptist Church Parking Lot	Block 1063, Lots 4-7 and located in the rear of the Cape Island Baptist Church with access from Stockton Place. Any vehicle parked in this location displaying a City-approved parking pass or CIBC-issued parking pass is exempt from metered parking at this location.

Metered Parking April 1 to December 31 Monday through Saturday 10:00 a.m. – 10:00 p.m.; Sunday 12:00 p.m. – 10:00 p.m. Daily Minimum Fee $20.00 Regardless of Duration. The daily minimum fee does not constitute a day pass. Any vehicle that leaves the parking area and later returns on the same day begins a new parking session subject to the daily minimum fee. NO OVERNIGHT PARKING PERMITTED AT ANY TIME	
Name of Parking Area	**Description and Location**
	(Note: As of the date of adoption of this subsection, a Use Agreement is in effect authorizing the City to implement metered parking at this location (Resolution No. 167-04-2025). The provisions herein are subject to the continuing effect of a Use Agreement between the City and Cape Island).

SECTION 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective 20 days after final passage and publication, according to law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

_____
Erin C. Burke, City Clerk

BY:_____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 594-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on February 3, 2026 and was further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on March 3, 2026 at 5:00 P.M. at which time a Public Hearing was held.

_____
Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

Introduced: February 3, 2026
1st Publication: February 11, 2026
2nd Reading & Adoption: March 3, 2026
Final Online Publication: March 4, 2026
Effective Date: March 24, 2026

cc: Outside Operations Manager
PD
DPW

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 595-2026

ORDINANCE OF THE CITY OF CAPE MAY AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF CAPE MAY TO PROVIDE FOR RESTRICTED HANDICAPPED PARKING SPACE AT OR ADJACENT TO 212 STOCKTON PLACE FOR REBECCA WALDER

WHEREAS, Section 7-37.5 the Revised General Ordinances of the City of Cape May currently permits handicapped parking by specific individuals at certain designated parking spaces within the City of Cape May; and

WHEREAS, N.J.S.A. 39:4-197.6, *et seq.* allows a municipality to issue a permit to a handicapped property owner, allowing for restricted parking for one motor vehicle at a space designated for the sole benefit of such property owner at or adjacent to the property owner's residence; and

WHEREAS, N.J.S.A. 39:4-197.6, *et seq.* further requires that such designations be rescinded or removed when the handicapped person no longer resides at the property; and

WHEREAS, Rebecca Walder, the occupant of 212 Stockton Place, has requested that the City Council designate a handicapped parking space in front of the residence; and

WHEREAS, the applicant has presented proof that they are a handicapped person, within the meaning of the statute, entitled to a designated, restricted parking space under its terms; and

WHEREAS, the Chief of Police has reviewed the application and has determined that the requested location does not conflict with any traffic patterns or pedestrian walkways and therefore designation as a restricted space would not interfere with the normal flow of traffic; and

WHEREAS, the City Council desires to amend the Revised General Ordinances of the City of Cape May to permit handicapped parking at all times at designated parking spaces located at or near 212 Stockton Place in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Cape May, County of Cape May, State of New Jersey that:

1. Section 7-37.5 of the Revised General Ordinances of the City of Cape May is amended by adding the following designated handicapped parking space (**additions bolded and underlined,** ~~deletions struck through~~):

A. In accordance with N.J.S.A. 39:4-197.7, the following on-street location(s) is (are) designated as Reserved Handicapped Parking Spaces for use by the person named below until such time as that person no longer resides at the property adjacent to the designated parking space:

Name of Street	Sides	Location	Name of Person
Clay Street	West	80 feet north on Clay Street to 102 feet from the northwest corner of Clay Street and Lafayette Street	Joan Hurd
Perry Street	West	51' 2" north of the NW corner of Beach and Perry Street to a point 22' 6" north thereof	George Tsiartsionis
Washington Street	West	Beginning 160 feet north from the northerly curbline of Madison Avenue to a point 20 feet north therefrom	Carol M. Boyd
Windsor Avenue	South	273 feet from the apex of the Windsor Avenue and Park Boulevard intersection	Rocco Senatore
Washington Street	West	835 feet west from the North/West corner of Washington Street at Sydney Street west on Washington Street 22 feet to a point	Craig Gras
Stockton Place	**North**	**138' East from the intersection of Columbia Ave. and Stockton Pl. and 86' West from the intersection of Hughes St. and Stockton Pl.**	**Rebecca Walder**

B. Such spaces are for use only by the person so designated provided such persons have been issued a special vehicle identification card or plates or placards by the New

Jersey Motor Vehicle Commission, or a temporary placard by the Chief of Police. No other person shall be permitted to park in these spaces. In addition, such designated person shall provide the City Clerk ~~and the Chief of Police~~ with a copy of the vehicle registration of the vehicle to be parked at the designated location, and no other vehicle shall be permitted to park in the designated space. Each designated person shall also notify the City Clerk and Chief of Police of any change in the vehicle and shall provide a copy of the vehicle registration for any replacement vehicle. The designated person shall only be permitted to register one vehicle with the City for such purpose. At the beginning of each calendar year, the designated person shall provide written confirmation to the City Clerk of their intent to continue use of the space in accordance with this section. Such designated parking place shall terminate automatically and without further ordinance either: (i) upon the death of the designated person; or (ii) at such time that the designated person no longer resides at the property adjacent to the designated location.

C. Such designated parking place shall not be permitted unless there is no off-street parking available to the designated person at the designated person's residence. A survey of the property showing current conditions must be provided with the application. For the purposes of this section, the availability of a driveway parking permit pursuant to § 7-54 shall constitute off-street parking. Any one homeowner or building or property cannot hold both an on-street parking permit and an on-street reserved handicapped parking permit simultaneously.

D. All determinations as to the availability of off-street parking shall be made by the Chief of Police, ~~in the Chief's sole discretion~~. **Zoning Officer, and Superintendent of Public Works (or designee).**

2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

4. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of the State of New Jersey

_____
Erin C. Burke, City Clerk

BY:_____
Zachary M. Mullock, Mayor

NOTICE

Ordinance 595-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on February 3, 2026 and was further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on March 3, 2026 at 5:00 P.M. at which time a Public Hearing was held.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

Introduced: February 3, 2026
1st Publication: February 11, 2026
2nd Reading & Adoption: March 3, 2026
Final Online Publication: March 4, 2026
Effective Date: March 24, 2026

cc: PD
DPW
Zoning Officer
City Clerk's Office

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 122-03-2026

RESOLUTION FOR TRANSFERS OF APPROPRIATIONS – 2025 BUDGET

BE IT RESOLVED by the City Council of the City of Cape May, pursuant to N.J.S.A. 40A:4-59, that the following listed amounts be transferred from the appropriations deemed to be in excess, to such appropriations as are deemed to be insufficient:

CURRENT FUND - FUND 01

FROM:	5-01-20-110-100	Council	S&W	$	3,500.00
	5-01-20-120-200	Clerk	OE	$	4,000.00
	5-01-23-210-277	Liability	OE	$	8,100.00
	5-01-25-265-100	Fire	S&W	$	4,000.00
	5-01-25-266-200	Uniform Fire	OE	$	2,000.00
	5-01-26-290-200	Roads	OE	$	2,000.00
	5-01-31-345-200	Street Ltg	OE	$	5,000.00
	5-01-31-345-200	Gas Parts	OE	$	4,000.00
	5-01-31-345-200	Gas Street Ltg.	OE	$	5,000.00
	5-01-30-420-200	Public Events	OE	$	10,000.00
				$	**47,600.00**

TO:	5-01-20-110-200	Council	OE	$	1,300.00
	5-01-20-165-200	Engineering	OE	$	19,000.00
	5-01-22-195-200	Construction	OE	$	2,000.00
	5-01-25-240-200	Police	OE	$	4,000.00
	5-01-25-265-200	Fire	OE	$	5,100.00
	5-01-26-305-200	Recycling	OE	$	6,500.00
	5-01-26-310-200	B&G	OE	$	8,200.00
	5-01-28-370-261	Civic Affairs	OE	$	1,500.00
				$	**47,600.00**

BEACH UTILITY FUND - FUND 30

FROM:	5-30-26-305-200	$	3,100.00
		$	**3,100.00**

TO:	5-30-20-165-227		3,100.00
		$	**3,100.00**

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: CFO

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 123-03-2026

RESOLUTION INCREASING AN EXISTING CHANGE FUND

WHEREAS, N.J.S.A 40A: 5-21 authorizes the establishment of a Petty Cash or Change Fund in any county or municipality by resolution; and

WHEREAS, at the request of the Director of Civic Affairs, Recreation, Tourism and Marketing it is recommended that the existing change funds be increased for the upcoming summer season as follows:

	FROM	**TO**
Convention Hall	$750	$1,450
Community Center	$100	$ 250

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, in the County of Cape May and State of New Jersey, that such action to increase the existing change funds is hereby authorized.

BE IT FURTHER RESOLVED, that the custodian for this change fund is Kacie Rattigan, Director of Civic Affairs, Recreation, Tourism and Marketing.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: Solicitor
City Manager
CFO
Accounts Payable

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO 124-03-2026

REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR STORM RECOVERY TRUST (P.L. 2013, C.271 and N.J.S. 40A: 4-62.1)

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the City of Cape May, County of Cape May, State of New Jersey provides for the receipt of Reserve for Storm Recovery by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A: 4-39 provides for the dedication revenues anticipated from the Storm Recovery Reserve are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, in the County of Cape May and State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Storm Recovery Trust (P.L. 2013 c. 271 and N.J.S.A. 40A:4-62.1).
2. The City of Cape May, County of Cape May is hereby directed to forward a copy of this Resolution to the Director of the Division of Local Government Services through the Financial Automation Submission Tracking system.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: CFO

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO 125-03-2026

RESOLUTION AMENDING THE 2026 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 was amended by Section 6 of P.L. 2025, c.185 to increase the maximum total appropriations for the temporary budget from 26.25% to 35%; and

WHEREAS, the total appropriations of the 2025 Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of **$25,911,254** for the Current Fund, **$7,732,500** for the Water and Sewer Utility Fund, **$4,312,850** for the Beach Utility Fund and **$1,600,000** for the Tourism Utility Fund; and

WHEREAS, 35% of the total appropriations in the 2025 Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in the said 2025 Budget is the sum of **$9,068,939** for the Current Fund; **$2,706,375** for the Water and Sewer Utility Fund, **$1,509,497.5** for the Beach Utility Fund and **$560,000** for the Tourism Utility Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, in the County of Cape May and State of New Jersey, that resolution #35-01-2026 is hereby amended to reflect the increased amounts authorized for the 2026 Temporary Budget and that a certified copy of this Resolution is transmitted to the Chief Financial Officer.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: CFO

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 126-03-2026

RESOLUTION FOR GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq*., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Cape May, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: CFO
Auditor

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 127-03-2026

RESOLUTION AUTHORIZING AN AUCTION BID FOR LEASE OF CITY-OWNED PROPERTY KNOWN AS A PORTION OF THE CANNING HOUSE LANE WATER TOWER LOCATED AT 830 CANNING HOUSE LANE, CAPE MAY, NEW JERSEY, BLOCK 1061, LOT 137 AND 139

WHEREAS, the City of Cape May currently owns the real property and improvements designed as Block 1061, Lots 137 and 139 located at 830 Canning House Lane, Cape May, New Jersey and upon which is located the City owned water tower (the "Tower"); and

WHEREAS, on June 12, 2001, the City entered a Lease Agreement for approximately two-hundred sixty-four (264) square feet of space on the Tower (the "Property") to Sprint Spectrum L.P. (n/k/a T Mobile) for purposes of installing wireless telecommunications equipment after a public auction process conducted on May 3, 2001 in accordance with N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the current lease for the space is set to expire June 12, 2026; and

WHEREAS, City Council has determined that it is in the City's best interest to authorize an auction for the property on the tower not needed for public use, so that the City may award a successor lease of the property; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cape May as follows:

1. Pursuant to N.J.S.A. 40A:12-1 et seq., City Council authorizes a lease of the property described herein to the highest responsible bidder at a sealed or public auction to be conducted at the City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, subject to the required newspaper advertisements and in compliance with a Bid Information Packet to be developed by City Administration.

2. The term of the lease shall be for five (5) years, with the option for four (4) five-year renewal terms (total 25 years). The minimum bid for the first year of the term shall be $75,100.00.

3. Pursuant to N.J.S.A. 40A:12-14, the City reserves the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the lease and public notice shall be given of the time of the auction. Upon the completion of the bidding, the highest responsible bid may be accepted, or all of the bids may be rejected. Any recommended award shall be subject to final review and approval by Resolution of City Council.

4. The City Manager and all other appropriate city officials are authorized and directed to take all actions necessary to effectuate the terms and conditions of this resolution.

5. This resolution shall take effect immediately, according to law.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: City Manager
W/S

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 128-03-2026

A RESOLUTION AUTHORIZING THE PAYMENT OF ACCRUED BENEFITS TO RETIRING EMPLOYEE- POLICE CAPTAIN JOHN BOBIK

WHEREAS, Police Captain John Bobik is governed under the Superior Officers Association Agreement (SOA) Local 59; and

WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to any City employee that is not specified in the salary ordinance; and

WHEREAS, it has been determined by the City's Chief Financial Officer, sufficient funds have been appropriated and are available within the current municipal budget for the purpose of accrued benefit payouts including accrued vacation, accrued sick pay, and terminal leave to **Captain John Bobik** in the aggregate amount of **$88,969.70**.

THEREFORE BE IT RESOLVED by Mayor & City Council of the City of Cape May, that employee, Police Captain John Bobik has retired from the City effective 3/1/2026 and is entitled to payment for terminal leave, accumulated vacation, sick, and contracted compensatory time.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: City Manager
CFO
Payroll
HR/Personnel File

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 129-03-2026

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF CAPE MAY AND THE GOVERNMENT WORKERS UNION, MIDDLE MANAGEMENT UNIT, AND AUTHORIZING THE EXECUTION OF A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES COVERING THE PERIOD JANUARY 1, 2025 THROUGH DECEMBER 31, 2027

WHEREAS, the City of Cape May (the City) and Government Workers Union (the GWU) were parties to a collective bargaining agreement covering Middle Management employees employed by the City of Cape May, which expired December 31, 2024; and

WHEREAS, the City and GWU engaged in negotiations for an collective negotiations agreement; and

WHEREAS, the City and the GWU were able to reach a tentative Memorandum of Agreement (MOA) subject to City Council approval, a copy of which is attached hereto as EXHIBIT A and incorporated herein by reference; and

WHEREAS, the GWU has already approved the tentative agreement; and

WHEREAS, the Mayor and City Council reviewed and discussed the MOA between the City and the GWU at a closed session held on Tuesday, March 3, 2026; and

WHEREAS, the City Council desires to approve the MOA and incorporate the terms in a new collective bargaining agreement between the City of Cape May and Government Workers Union;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, County of Cape May, State of New Jersey, with the foregoing recital paragraphs incorporated herein, as follows:

1. The Recital paragraphs are incorporated as if fully set forth.

2. The City Council hereby approves the Memorandum of Agreement between the City of Cape May and Government Workers Union, representing Middle Management employees of the City of Cape May covering the period January 1, 2025 through December 31, 2027, a copy of which is attached hereto as EXHIBIT A and the Mayor and City Clerk are hereby authorized, directed and empowered to execute said Agreement on behalf of the City of Cape May as well as a final collective bargaining agreement incorporating such changes, subject to final editing as may be approved by City Manager and Labor Counsel.

3. The City Clerk is further authorized, directed and empowered to seal said Agreement with the seal of the City of Cape May.

4. This Resolution shall take effect immediately upon passage, according to law.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Bodnar						
Baldwin						
Meier						
McDade						
Mullock						

cc: City Manager
Labor Counsel

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 130-03-2026

RESOLUTION AUTHORIZING CHANGE ORDERS #3 AND #4 TO CONTRACT FOR THE PROMENADE PRESERVATION PROJECT

WHEREAS, pursuant to Resolution No. 93-02-2025 and after public bidding, the City Council authorized an award of contract to Fred M. Schiavone Construction Inc. for construction of the Promenade Preservation project; and

WHEREAS, on October 22, 2025, the contractor proposed a change order to address additional time necessary to complete the project and relocate existing overhead electrical service for Lifeguard Headquarters, Beach Tag/Mermaids, and the Beach Shack and Comfort Station Pavilion pursuant to the Change Order #3 attached as EXHIBIT A and incorporated herein by reference; and

WHEREAS, on February 26, 2026, the contractor proposed a change order to address additional Cumaru Decking at Convention Hall and install additional curbing along a portion of the promenade pursuant to the Change Order #4 attached as EXHIBIT B and incorporated herein by reference; and

WHEREAS, the Special Project Engineer has reviewed and concurred with the proposed change orders in scope and amount; and

WHEREAS, City Council has determined that the proposed change orders and reasonable and necessary for completion of this important public project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, County of Cape May, State of New Jersey, as follows:

1. The averments of the preamble are hereby incorporated.

2. City Council hereby authorizes the Change Order to the contract for construction of the Promenade Preservation project with Fred M. Schiavone Construction Inc. in accordance with the terms and conditions of the contract specifications, and in accordance with EXHIBIT A and EXHIBIT B attached hereto and incorporated herein by reference. The Contract shall be amended as follows:

Original Award Amount:	$5,864,590.50
Net Change including all Change Order(s) (18.62%):	$1,092,275.72
Total Contract including Change Order(s):	**$6,956,866.22**

3. The Mayor and all other appropriate City officials are authorized to execute the change orders and further authorized and directed to take all other steps necessary to effectuate this Resolution.

4. The City Chief Financial Officer has certified the availability of adequate funds to pay this contract.

5. This resolution shall take effect immediately, according to law.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: City Engineer
Deblasio & Assoc
CFO/Accounts Payable

Resolution: 130-03-2026
Change Order numbers 3 & 4 to Promenade Preservation project
Amount: $388,512.59 increase

TREASURER'S CERTIFICATION

The undersigned, Treasurer of the City of Cape May, does hereby certify to the Mayor and Council that sufficient funds are appropriated from the B-08-55-925-101 account, to satisfy any and all obligations regarding the award of the referenced contract and further, that all expenses on account of the aforesaid contract shall be charged to that account and shall be encumbered on same.

Lauren Read, CFO/Treasurer

DEBLASIO & ASSOCIATES
ENGINEERS, SURVEYORS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260 PHONE: 609-854-3311 • FAX: 609-854-4323

October 22, 2025 VIA EMAIL

Erin Burke, City Clerk
City of Cape May
643 Washington Street
Cape May, NJ 08204

Re: City of Cape May
Boardwalk Preservation Fund Program
Cape May Promenade Improvements – Phase 1
D&A File #: CCM-C-023

Dear Ms. Burke:

Enclosed please find the executed copy of **CHANGE ORDER NO. 3** regarding the above referenced project for review and approval. Upon execution, please return via email to our office.

Please note that this change order reflects the following items requested by the City:

1. Contract Time Extension – 150 Days.
2. Relocate existing overhead electrical service for Life Guard Headquarters, Beach Tags/Mermaids, Beach Shack and Comfort Station/Pavilion.

Please note that this change order will result in an increase of **$286,209.59** to the amended contract amount of **$6,568,353.63** for an amended contract amount of **$6,854,563.22**. Also, the contract length will be increased by 150 calendar days from the previous contract length of 309 calendar days or January 13, 2026 to an amended contract length of 459 calendar days or June 12, 2026.

Should you have any questions or require additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates, P.C.

Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

cc: Mayor Zachary Mullock (via email)
Paul Dietrich, P.E., City Manager (via email)
Kevin Hanie, CFO (via email)
Fred M. Schiavone Construction (via email)
Cody Stanford (via email)

DEBLASIO & ASSOCIATES
ENGINEERS, SURVEYORS AND PLANNERS

Change Order #3

Client: City of Cape May
Date: October 17, 2025
Project Name: Boardwalk Preservation Fund Program
Cape May Promenade Improvements - Phase 1
D&A Project #: CCM-C-023

Contractor: Fred Schiavone Construction
2057 Tuckahoe Road
Franklinville, NJ 08322

A. Contract Time Extension - 150 Days

B. Supplemental Items

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
S7	ELECTRICAL IMPROVEMENTS	LUMP SUM	1	$286,209.59	$286,209.59
				Subtotal:	$286,209.59

Net Contract Change	**$286,209.59**
Original Contract Amount:	$5,864,590.50
Amended Contract Amount:	$6,568,353.63
Contract Percentage Change (%):	4.88
Total Contract Percentage Change (%):	16.88
Amended Contract Amount:	**$6,854,563.22**

Approved and Accepted by:

Marc DeBlasio, P.E., Project Engineer — Date: 10/22/25

Fred Schiavone Construction — Date: 10/20/25

City of Cape May — Date

FM Schiavone

P.O. Box 416
Malaga, NJ 08328
Ph: 856-697-4558, Fax 856-697-9612

September 3 2025

DeBlasio and Associates
4701 New Jersey Ave
Wildwood, NJ 08260

COP #5

Attn: Cody Stanford
RE: Cape May Promenade Phase 1

Change Order Proposal #5	QUANTITY	UNIT	UNIT PRICE	EXTENSION
City of Cape May - Electrical Improvements				
	Quantity	**Unit**	**Price**	**Total**
Labor				
Laborer	24	MH	$122.00	$2,928.00
Operator	8	MH	$132.00	$1,056.00
Equipment				
Mini Excavator	1	Day	$750.00	$750.00
Materials				
Asphalt	8	TN	$115.00	$920.00
Subcontractor				
GM White - See attached Proposal	1	LS	$266,065.00	$266,065.00

SUBTOTAL	**$5,654.00**
10% OH	**$565.40**
SUBTOTAL	**$6,219.40**
10% PROFIT	**$621.94**
Schiavone	**$6,841.34**
Subcontracto	**$266,065.00**
5%	**$13,303.25**
TOTAL	**$286,209.59**

Fred M Schiavone Jr.
Fred M Schiavone Construction, Inc.

G.M. White
Electrical Contractor, Inc.
Bus. Permit & NJ Lic. #13077

2554 North Delsea Dr.
Vineland, NJ 08360
P-(856) 691-4499
F-(856) 691-9401

PROPOSAL

Project Name: Service Relocations Beach Ave
Project #:
Project Address: City of Cape May

Date: 8/28/2025
Submitted To: Schiavone Construction
Att: John/Fred
Fax#:

Plans furnished are as follows: None

We propose to furnish all Materials, Tools and Labor in accordance with the specifications supplied to us, and as indicated per the scope below:

SCOPE:

Life Guard Headquarters - Relocate existing 300 amp service to underground utilizing existing under roadway Conduits and pull boxes. Service to existing Comfort Station will be connected to this service.

$94,450.00

Beach Tags/Mermaids - Relocate existing overhead service to underground utilizing existing under roadway conduits and pull boxes. Remote Pedestal Service to be located at Sidewalk area.

$72,035.00

Beach Shack - Relocate existing overhead service to underground utilizing existing under roadway conduits and pull boxes. Service for Street Lights will also be provide from Beach Shack service.

$47,300.00

Comfort Station/Pavillion - Relocate existing over head service to comfort Station to underground utilizing existing under roadway conduits and pull boxes. Service to Pavillion will come from this service.

$52,280.00

OUR TOTAL QUOTE: ---------- **$266,065.00**

EXCLUSIONS:

Permit Fees
Utility Fees
Performance or Payment Bond
Special Insurances
Overtime hours
Sales Tax
Utility Charges if any.
Road crossings of any kind.
Saw Cutting and asphalt removal and replacement of any kind

ACCEPTANCE OF PROPOSAL:

Signature: _____
Date: _____

Proposal prepared by
Mike Vizzard
President
G.M.White Electrical Contractors, Inc.

DEBLASIO & ASSOCIATES
ENGINEERS, SURVEYORS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260 PHONE: 609-854-3311 • FAX: 609-854-4323

February 26, 2026 VIA EMAIL

Erin Burke, City Clerk
City of Cape May
643 Washington Street
Cape May, NJ 08204

Re: City of Cape May
Boardwalk Preservation Fund Program
Cape May Promenade Improvements – Phase 1
D&A File #: CCM-C-023

Dear Ms. Burke:

Enclosed please find the executed copy of **CHANGE ORDER NO. 4** regarding the above referenced project for review and approval. Upon execution, please return via email to our office.

Please note that this change order reflects the following items requested by the City:

1. Additional Cumaru Decking at Convention Hall.
2. Install 24" Curbing along a Portion of the Promenade in Lieu of 12" Curbing Height.

Please note that this change order will result in an increase of **$102,303.00** to the amended contract amount of **$6,854,563.22.** for an amended contract amount of **$6,956,866.22.**

Should you have any questions or require additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates, P.C.

Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

cc: Mayor Zachary Mullock (via email)
Paul Dietrich, P.E., City Manager (via email)
Lauren Read, CFO (via email)
Fred M. Schiavone Construction (via email)
Cody Stanford (via email)

DEBLASIO & ASSOCIATES
ENGINEERS, SURVEYORS AND PLANNERS

Change Order #4

Client: City of Cape May
Date: February 12, 2025
Project Name: Boardwalk Preservation Fund Program
Cape May Promenade Improvements - Phase 1
D&A Project #: CCM-C-023

Contractor: Fred Schiavone Construction
2057 Tuckahoe Road
Franklinville, NJ 08322

A. Extra Items

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
A1	CUMARU DECKING & STAINLESS STEEL FASTENERS AT CONVENTION HALL, FURNISH AND INSTALL	S.F.	375	$42.00	$15,750.00
				Subtotal:	$15,750.00

B. Reductions

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
D2	DETAIL 2 - CURB REPAIR	L.F.	-2,950	$151.75	-$447,662.50
				Subtotal:	-$447,662.50

C. Supplemental Items

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
S8	CURB REPAIR - 24" HEIGHT	L.F.	2,950	$181.09	$534,215.50
				Subtotal:	$534,215.50

Net Contract Change	**$102,303.00**
Original Contract Amount:	$5,864,590.50
Amended Contract Amount:	$6,854,563.22
Contract Percentage Change (%):	1.74
Total Contract Percentage Change (%):	18.62
Amended Contract Amount:	**$6,956,866.22**

Approved and Accepted by:

Marc DeBlasio, P.E., Project Engineer — Date: 2/26/26

Fred Schiavone Construction — Date: 2/12/26

City of Cape May — Date

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 131-03-2026

RESOLUTION ESTABLISHING A POLICY FOR THE RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE (AI) BY MUNICIPALITIES IN THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND (ACMJIF)

WHEREAS, Artificial Intelligence (AI) technologies have the potential to enhance municipal operations, improve public services, and address community needs; and

WHEREAS, the use of AI must be guided by ethical principles, transparency, accountability, fairness, and respect for individual rights to ensure public trust and prevent harm; and

WHEREAS, municipalities in the ACM JIF recognize the importance of adopting a policy to govern the responsible use of AI in alignment with federal, state, and local laws, including the New Jersey Open Public Records Act (OPRA) and relevant cybersecurity standards; and

WHEREAS, this policy establishes guidelines for ethical use, transparency, accountability, fairness, data privacy, public engagement, procurement, risk assessment, and continuous monitoring of AI systems within municipal operations; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Cape May, County of Cape May, State of New Jersey, that the following policy for the responsible use of AI is hereby adopted:

Responsible Use of AI Policy:

The City of Cape May shall use AI technologies to enhance public services, improve operational efficiency, and address community needs without causing harm or discrimination. AI systems must not infringe on individual privacy, civil liberties, or constitutional rights. Transparency and accountability shall be prioritized, requiring disclosure of AI use in public-facing services.

To ensure fairness and non-discrimination, AI systems must be designed and implemented to avoid bias based on race, gender, age, religion, disability, or other protected characteristics.

AI systems must comply with all applicable data privacy laws, including the New Jersey Open Public Records Act (OPRA), and adhere to cybersecurity standards. No personal data shall be used in AI systems, without it being anonymized, encrypted, and securely stored to prevent unauthorized access or misuse. Data collection shall be limited to what is necessary for the intended purpose, and individuals must be informed about how their data is being used. The data stored in AI systems may be subject to OPRA.

The City of Cape May may engage with residents to educate them about the use of AI in public services and gather feedback to address concerns. Public forums, workshops, or online resources are encouraged to ensure transparency and foster trust in AI initiatives.

When procuring AI systems, municipalities shall prioritize vendors that demonstrate commitment to ethical AI practices, transparency, and compliance with relevant laws. AI systems shall conform to the NIST AI Risk Management Framework. Contracts with third-party vendors

must include provisions for regular audits, data security, and accountability for AI system performance.

Before deploying AI systems, the City of Cape May shall conduct a thorough risk assessment and impact analysis to evaluate potential ethical, social, and legal implications. High-risk AI applications, such as those involving law enforcement or public safety, shall undergo additional scrutiny and approval processes.

AI systems shall be regularly monitored to ensure they operate as intended and adapt to changing community needs. Feedback mechanisms shall be established to allow residents and employees to report issues or concerns related to AI use. The City of Cape May shall commit to continuous improvement by staying informed about advancements in AI technology and updating policies accordingly.

Prohibited uses of AI include mass surveillance, predictive policing, or any activity that violates individual rights or fosters inequity. The use of AI for decision-making in critical areas such as housing, employment, or public benefits shall be carefully regulated to prevent unfair outcomes.

All municipal employees and contractors must adhere to this policy. Non-compliance may result in disciplinary action, termination of contracts, or other legal consequences.

This policy shall be reviewed annually to ensure it remains relevant and effective in addressing the evolving landscape of AI technologies and their impact on municipal operations.

BE IT FURTHER RESOLVED, that by adopting this Responsible Use of AI Policy, the City of Cape May commits to leveraging AI technologies in a manner that promotes public trust, safeguards individual rights, and enhances the quality of life for all residents.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: ACMJIF
All Depts.

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 132-03-2026

RESOLUTION REGARDING TEMPORARY OPEN CONTAINER AND PUBLIC CONSUMPTION IN CONNECTION WITH CARNEY'S CARES ST. PATRICK'S DAY PLUNGE AND THE WAIVER OF SPECIAL EVENT FEES

WHEREAS, Section 134-8 of the Cape May City Code prohibits, among other things, the consumption of alcoholic beverages in public spaces in the City of Cape May; and

WHEREAS, Carney's Cares sponsors an annual event referred to as "Carney's Cares St. Patrick's Day Plunge" which includes a 1-mile walk; 5k run; and polar plunge event, involving local non-profits and local businesses; and

WHEREAS, the applicant has submitted a Special Event permit for the 2026 Carney's Cares St. Patrick's Day Plunge attached hereto as EXHIBIT A and incorporated herein by reference. The event is scheduled to occur on Saturday March 14, 2026 from 9:00AM through 5:00PM with no rain date selected. The event requests street closing on Beach Avenue from Perry Street to Decatur Street, with open consumption and portability of alcohol requested within the confined space of Jackson Street to Decatur Street; and

WHEREAS, the applicant intends to offer food and beverage service to attendees in these designated areas and will not permit outside alcohol to brought within the event area; and

WHEREAS, pursuant to Section 440-23 of the City Code, the City Manager is "empowered and authorized to close streets, or portions thereof, for any events that are scheduled from time to time within the City in accordance with all applicable laws in the event that the City Manager determines, after consultation with the Chiefs of the Police and Fire Departments, that such closure is necessary for the preservation of public health, safety or welfare, which shall include, without limitation, parades, concerts and other recreational and civic events that are scheduled to take place within the City from time to time." The City Manager has consulted with the appropriate public safety officials and received their comments prior to recommending closure of streets; and

WHEREAS, the applicant's request for limited and temporary relief from the prohibition on public consumption in connection with the event requires approval from City Council; and

WHEREAS, City Council has reviewed the plan for this one-day special event and determined that limited open public consumption may be permitted within the defined areas which will be reserved for the event and during the limited hours of operation of the Carney's Cares St. Patrick's Day Plunge event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Cape May as follows:

1. The averments of the preamble are incorporated by reference.

2. Section 134-8 of the Cape May City Code will be temporarily suspended to the extent it conflicts with the following:

Open public consumption will be temporarily permitted from 9:00AM to 5:00PM on Saturday, March 14, 2026 but only in the limited area of Beach Avenue from Jackson Street to Decatur Street. No alcohol is permitted outside of this area or on the promenade. This Resolution will not be interpreted to permit open public consumption in other public areas of the not referenced herein.

3. All other provisions of Section 134-8 not in conflict with this Resolution shall remain in effect.

4. This temporary authorization will expire automatically on March 14, 2026 at 5:00PM.

5. Pursuant to Section 310-39, the City Council finds good cause for waiving the applicable fee for processing of this application based on the applicant's event providing an off-season attraction benefitting the general welfare, as well as fundraising for a local non-profit, Carney's Cares.

6. This temporary authorization is contingent upon the applicant submitting all required delinquent documentation and information to the City of Cape May, as well as the issuance of the appropriate permit from the Division of Alcoholic Beverage Control.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: City Manager
Civic Affairs
PD
FD

The City of Cape May requires any person, entity, or organization desiring to hold any event, including but not limited to a concert, race, walkathon, fair, carnival, festival, celebration, show, or other similar event in or upon any public grounds, park or road in the City must first apply for, and obtain a permit from the City of Cape May, Department of Civic Affairs/Recreation in accordance with the requirements of the City Code, Chapter 310, Article V.

Application must be fully completed, signed, and submitted to the Department of Civic Affairs and Recreation no later than **forty-five (45) days prior** to any such event. All information required by this section must be submitted in order for the application to be deemed complete for processing. Any application submitted less than 45 days prior to the scheduled event shall be subject to an additional $50.00 "rush" administration fee payable at the time of the application submittal.

APPLICANT INFORMATION

Name of Applicant Organization: Carney's Cares

Name of Event Chairperson: Sean Carney

Address: 411 Beach Ave Cape May, NJ 08204

Phone: [redacted] **Email** [redacted]

Is your organization tax exempt? _____ **Tax ID #** _____

Is your organization nonprofit? _____ **Registered No.** _____

EVENT INFORMATION

Name of Event: Carney's Cares St. Patricks Day Plunge

Type of Event: 1 Mile Walk, 5K Run, Plunge

Location Requested (Streets, Beach, Park, etc.): Jackson St to Decatur St.

Date(s) Requested: Saturday, March 14, 2026

Time(s) Requested: 9am - 5pm

Rain Date(s) or Delayed Start Time(s): _____

Approximate Number of Attendees: 250

Will alcohol be served? yes

*****AN ABC PERMIT IS REQUIRED FOR ANY EVENT SERVING ALCOHOL.**
*** If alcohol is served, a Certificate of Liability of Liquor Liability is also required naming the City as an additional insured. **This certificate must contain exact wording – "City of Cape May is named as Additional Insured ($300,000.00 General Liability Minimum).**

PUBLIC WORKS / PUBLIC SAFETY

REQUIRED Emergency Action Plan (Weather Cancellation Plan, Evacuation Plan, etc.):

N/A

If multiple days, will the event require site to remain in place overnight or will the site be broken down each night (partially or completely)? Explain:

N/A

Describe how you plan to provide security for the event: IN House Security Teams, all RAM & TIPS Certified

If Applicable, Private Security Company Name, Address, Phone and Email: CARNEYS INC

Does event request the following Personnel:

- **Police Presence:** # Vehicles _____ x # Hours _____ (Requested Times: _____)
- **Fire Presence** # Vehicles _____ x # Hours _____ (Requested Times: _____)
- **EMT Presence:** # Vehicles _____ x # Hours _____ (Requested Times: _____)

Describe how you plan to remove trash and recycling from the event site: Dumpsters located out back, DAVES TRASH

Describe if electrical services (lights, outlets, etc.) will be used and for what purpose: Electric for sound microphone, national anthem, race start, provided by Carneys

Will City water and sewer be needed: N/A

In the event that the proposed activity or event requires expenditure of additional City resources, including but not limited to Police Department, Fire Department, Department of Public Works, Recreation Department and/or Emergency Medical Services salaries, wages, or other expense, **the applicant shall be responsible for all additional costs incurred**. For example, Special Events may require extra-duty police officers pursuant to Section 81-12 of the City Code to monitor and provide traffic direction, or other City Personnel, and in such cases the costs of the same will be estimated by the City and provided in advance. **A deposit of one hundred (100%) percent of the estimated costs shall be paid not less than five (5) days before the event.**

REQUIRED Description and Sketch (Attach Separately) of Special Event (Include a copy of program itinerary/schedule, etc.):

REQUEST FOR CAPE MAY CITY STREET CLOSING

Location (Specific): Beach Ave from ~~Jackson~~ Perry Street to Decatur Street

Date(s): Saturday, March 14, 2026

Time(s): 9am - 5pm

UNDER THE AUTHORITY VESTED IN ME AS CITY MANAGER OF THE CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, BY VIRTUE OF N.J.S.A. 40:67-16.9 AND UNDER ORDINANCE OF THE CITY OF CAPE MAY, I HEREBY ORDER AND DIRECT THAT THE ABOVE REFERENCED STREET(S) BE CLOSED FOR HE TIME(S) INDICATED ABOVE.

I FURTHER DIRECT THAT PROPER SIGNS AD BARRIERS BE ERECTED AND THAT THE CITY OF CAPE MAY POLICE DEPARTMENT CONTROL AND REGULATE, AS WELL AS ENFORCE, THIS REGULATION.

PM — 2-2-26

Paul Dietrich
City Manager

Date

IF CLOSING OF A <u>CAPE MAY COUNTY STREET</u> IS BEING REQUESTED, PLEASE CONTACT CAPE MAY COUNTY DIRECTLY AT (609) 465-1035. COUNTY ROAD CLOSURE APPROVAL MUST BE SUBMITTED WITH SPECIAL EVENT APPLICATION.

County Roads include Beach Avenue, Madison Avenue, Broadway, Lafayette Street, Pittsburgh Avenue, Texas Avenue, Delaware Avenue, Mt. Vernon Avenue

APPLICATION AUTHORIZATION

I, SEAN CARNEY (Applicant), state that I am the duly authorized representative of the CARNEYS INC (Organization) and the information provided in this application is correct to the best of my knowledge. I understand that some of the information is preliminary in nature, and I will provide updated information as it becomes available. I further agree to abide by changes made to the proposed event as indicated on the permit when so granted. I further understand that acceptance of this application by the City of Cape May does not constitute authorization to conduct this Special Event.

Applicant Signature

12/20/25
Date

INTERNAL USE ONLY

PERMISSION FROM CITY MANAGER:

City Manager

2-2-26
Date

Date Received Completed Application: 12/29/25

Date Insurance Expires: 3/16/26

HOLD HARMLESS AGREEMENT

To the fully extent permitted by law, Carney's Inc.

agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Cape May, its elected and appointed officials, its agents, employees and volunteers and others working on behalf of the City of Cape May against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Cape May, its elected and appointed officials, its agents, employees, volunteers or others working on behalf of the City of Cape May, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

For the Contractor

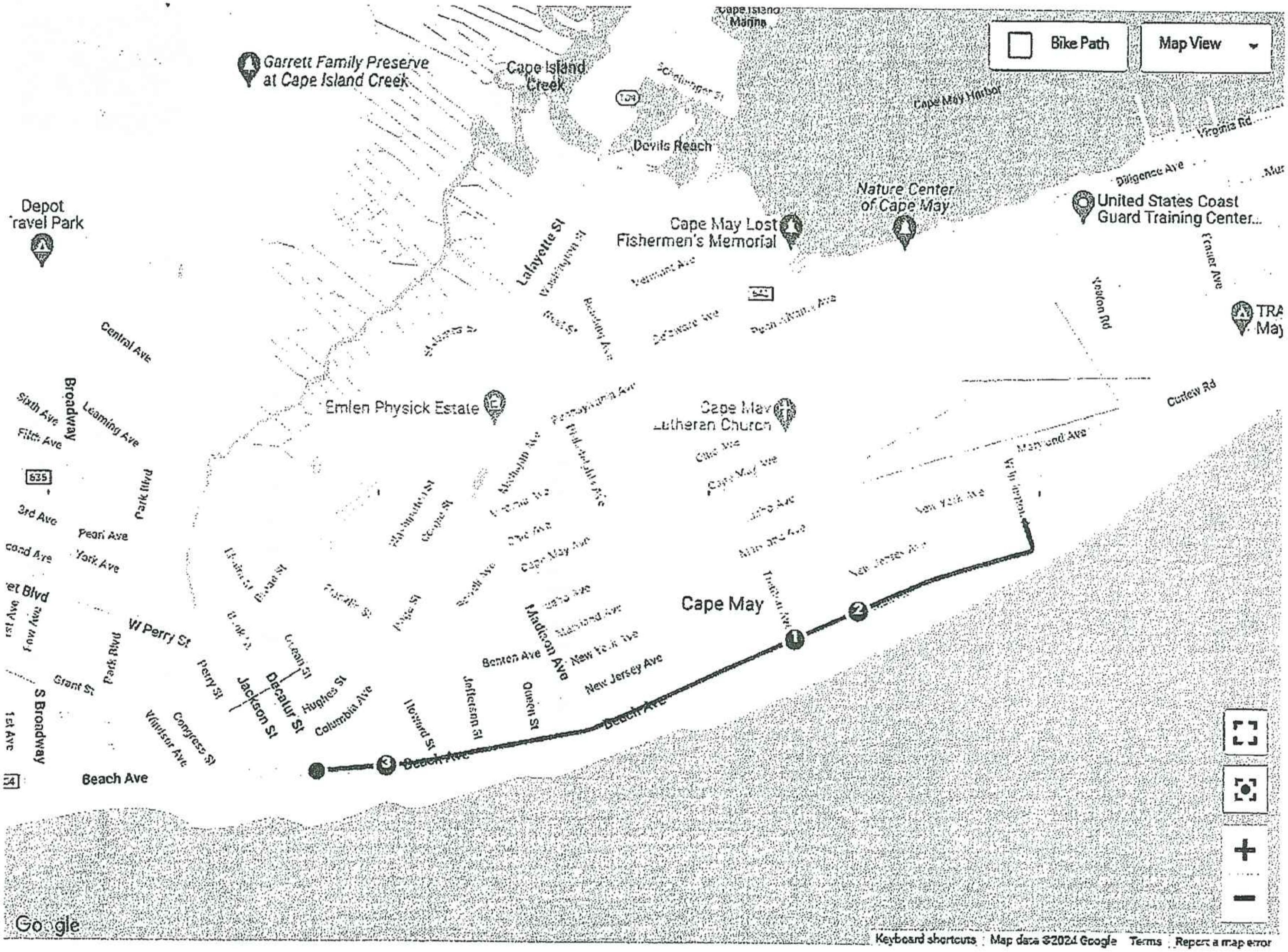
For the Municipality (Manager)

Notary 12-22-25

Notary

THERESA L. STICKLE
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES DECEMBER 28,2030
COMMISSION: #COMMISSION #50146403

Deanna MacCarter
My Commission Expires
NOTARY PUBLIC
06/01/2028
STATE OF NEW JERSEY


Bike Path
Map View
Garrett Family Preserve at Cape Island Creek
Cape Island Creek
Cape Island Marina
Devils Reach
Cape May Harbor
Depot Travel Park
Nature Center of Cape May
United States Coast Guard Training Center...
Cape May Lost Fishermen's Memorial
Lafayette St
Emlen Physick Estate
Cape May Lutheran Church
Central Ave
Broadway
Sixth Ave
Fifth Ave
Leaming Ave
3rd Ave
Pearl Ave
York Ave
Park Blvd
W Perry St
Perry St
Jackson St
Decatur St
Hughes St
Columbia Ave
Howard St
Jefferson St
Queen St
Benton Ave
Madison Ave
New York Ave
New Jersey Ave
Beach Ave
Cape May
Curlew Rd
Maryland Ave
Diligence Ave
Virginia Rd
S Broadway
Grant St
Congress St
Windsor Ave
1st Ave
Google
Keyboard shortcuts Map data ©2024 Google Terms Report a map error

Cape May Police Department

643 Washington Street
Cape May, NJ 08204

Chief Dekon W. Fashaw Sr. (609)884-9500 Fax (609)884-9589

John F. Bobik, **Captain** | Joseph M. Walker, **Lieutenant** | Kristopher P. Mazza, **Lieutenant** | Dorann V. Heminway, **Administrative Clerk**

Barricade Request Form

To: Eric Prusinski, Superintendent of Public Works Cape May City
From: Cape May Police Department, Lt. Joseph Walker
Date: March 11, 2025
Reference: Barricade Request – Polar Plunge 5K
Event Date: March 15, 2025
Requested Barricade Delivery Date: March 14, 2025

Locations	Number of Barricades
Beach Avenue &	
1. Perry Street	2
2. Jackson Street	3
3. Decatur Street	4
4. Ocean Street	3
5. Gurney Street	3
6. Stockton Place	3
7. Howard Street	3
8. Jefferson Street	2
9. Queen Street	2
10. Madison Avenue	3
11. Philadelphia Avenue	2
12. Reading Avenue	2

13. Trenton Avenue 2
14. Pittsburgh Avenue 3
15. Baltimore Avenue 2
16. Brooklyn Avenue 2
17. Wilmington Avenue 2

Columbia Avenue &

1. Decatur Street 2
2. Ocean Street 2

Kearney Avenue &

1. Gurney Street 2
2. Stockton Avenue 2

Stockton Avenue &

1. Howard Street 2
2. Jefferson Street 2
3. Queen Street 2

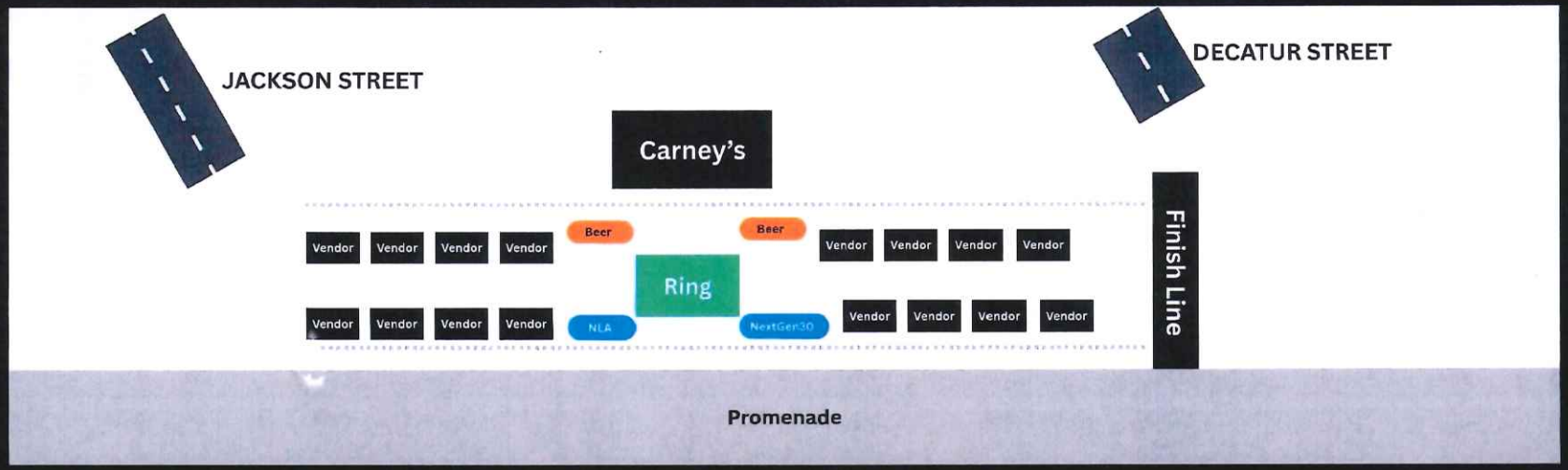
New Jersey Avenue &

1. Madison Avenue 3
2. Philadelphia Avenue 2
3. Reading Avenue 2
4. Trenton Avenue 2
5. Pittsburgh Avenue 3
6. Baltimore Avenue 2
7. Brooklyn Avenue 2
8. Wilmington Avenue 3

a. Please include two traffic cones at the Wilmington and Beach location.

Barricade Total: 76 **Traffic Cone Total: 2**

Site Plan


JACKSON STREET
DECATUR STREET
Carney's
Finish Line
Vendor
Vendor
Vendor
Vendor
Beer
Beer
Vendor
Vendor
Vendor
Vendor
Ring
Vendor
Vendor
Vendor
Vendor
NLA
NextGen30
Vendor
Vendor
Vendor
Vendor
Promenade

Carney's Cares St Patrick's Day Plunge 2026

Weekend March 13th-15th 2026

Carney's Cares Beneficiary Fundraiser

Beneficiaries: No Limits Academy, Josh Mercado & NEXTGEN 30

City Coordination with Charitable Fundraiser (Carney's / NLA / NextGen30)

Boxing Ring & Tents on Beach Ave, Plunge, Run, and Family Walk

- Carney's, Sean Carney & Michelle Knox
- No Limits Academy, Josh Mercado and Chrissy Cassiello
- Cape May Chamber Of Commerce, Doreen Tally
- Next Gen30, Ashley Peoples
- Cape May Convention Hall, Kacie Rattigan and Rachel Ertle
- City Officials: Burke, Erin C. • City Clerk /// Stickle, Terry - Licensing Clerk City Manager
- Mayor Zach Mullock
- Police Chief Dekon Fashaw,
- Fire Chief Alex Coulter
- County Road Closure: Allison Chiera, 609-465-6828, Allison.Chiera@Co.Cape-May.Nj.Us

- **Street Closure Saturday March 14th 2026**

(9am-12pm) : Street Closure Beach Ave, Mapped Out Run

(9am-4pm) : Street Closure Beach Ave, FROM Jackson to Decatur, Out Front OF Carney's

RUN SETUP: https://www.capemayrunning.co MAP OF COURSE
https://www.mapmyrun.com/routes/view/231 0032524

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 133-03-2026

RESOLUTION FOR THE PAYMENT OF BILLS

BE IT RESOLVED by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list updated on February 27, 2026 for the amount of: $1,069,993.51

Current Fund Appropriations	$386,536.17
Water/Sewer Utility Operating Fund	$96,070.66
Tourism Utility Fund	$51,425.29
General Capital Improvements	$102,085.86
Water/Sewer Capital Improvements	$41,586.37
Escrow Special Account	$0.00
Trust Fund	$0.00
Grant Fund	$372,534.23
Beach Utility Fund Appropriations	$19,754.93
Beach Utility Capital Improvements	$0.00
	$ 1,069,993.51

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____

Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last

Include Non-Budgeted: Y

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00038	CMC MUA						
26-00357	02/13/26	JANUARY INVOICE - SOLID WASTE	Open	2,284.36	0.00		
00077	ATLANTIC CITY ELECTRIC						
26-00391	02/19/26	FEBRUARY ELECTRIC CHARGES	Open	23,019.26	0.00		
26-00392	02/19/26	FEBRUARY ELECTRIC CHARGES	Open	7,408.22	0.00		
26-00394	02/19/26	FEBRUARY ELECTRIC CHARGES	Open	589.39	0.00		
26-00395	02/19/26	FEBRUARY ELECTRIC CHARGES	Open	2,718.84	0.00		
26-00421	02/20/26	FEBRUARY ELECTRIC CHARGES	Open	1,554.95	0.00		
				35,290.66			
00092	VERIZON WIRELESS						
26-00335	02/12/26	PD WIRELESS 242537288-00001	Open	1,458.82	0.00		
26-00374	02/17/26	WIRELESS BILL 542308248-00001	Open	2,764.19	0.00		
				4,223.01			
00106	GATES FLAG & BANNER CO, INC						
26-00377	02/17/26	Anniversary flags and install	Open	16,848.40	0.00		
00187	REMINGTON, VERNICK & WALBERG						
25-02906	12/07/25	COLUMBIA/MADISON WATER TANK	Open	4,080.00	0.00		B
00341	MGL FORMS-SYSTEMS, LLC						
25-02579	11/03/25	Parking / Hang Tags	Open	658.00	0.00		
00351	SNAP-ON TOOLS COMPANY						
25-02883	12/03/25	QUOTE 001564501 SKIKYS EDGE	Open	789.26	0.00		
00358	VERIZON						
26-00370	02/13/26	ACCT# 358-077-238-0001-41	Open	3,284.53	0.00		
26-00375	02/17/26	ACCT# 658-078-487-0001-93	Open	2,744.50	0.00		
26-00398	02/19/26	ACCT# 250-747-564-0001-26	Open	126.88	0.00		
				6,155.91			
00361	MARSH & MCLENNAN AGENCY, LLC						
26-00390	02/18/26	Broker Commission Health Ins	Open	14,391.00	0.00		B
00374	TCTA OF NJ						
26-00322	02/11/26	D Lindholm '26 Membership	Open	125.00	0.00		
00386	MAJESTIC OIL CO., INC						
26-00381	02/17/26	MOTOR FUEL JAN 2026	Open	12,294.97	0.00		
00393	PITNEY BOWES INC						
26-00372	02/17/26	PITNEY BOWES POSTAGE CHARGES	Open	153.72	0.00		

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00419	RUTGERS, THE STATE UNIV OF NJ						
26-00368	02/13/26	Rutgers Clerks Course Election	Open	653.00	0.00		
00429	SEA GEAR MARINE SUPPLY INC						
26-00353	02/13/26	DEC 2025 NEW EMPLOYEES 2	Open	1,435.98	0.00		
00451	SOUTH JERSEY GAS CO						
26-00332	02/12/26	GAS BILLING 1/10/26-2/9/26	Open	1,738.38	0.00		
26-00371	02/17/26	GAS BILLING 1/10/26-2/9/26	Open	9,878.44	0.00		
26-00389	02/18/26	GAS BILLING 1/13/26-2/11/26	Open	14,296.96	0.00		
26-00396	02/19/26	GAS BILLING 1/14/26-2/12/26	Open	871.76	0.00		
				26,785.54			
00462	SWAIN'S/ACE HARDWARE INC						
26-00092	01/13/26	old bills from swains	Open	55.95	0.00		
00467	TCTA ASSOC OF CMC						
26-00363	02/13/26	"26 Mbship Lindolm Brown Chico	Open	450.00	0.00		
00519	CAPE MAY COUNTY HERALD						
25-02941	12/18/25	3x8 26 BeachTag Ad	Open	349.00	0.00		
00633	CAPE MAY COUNTY PARK & ZOO						
26-00407	02/19/26	July 27th 2026 camp field trip	Open	160.00	0.00		
00808	CAMPBELL SUPPLY						
26-00336	02/13/26	SWEEPER BELT - DECEMBER 2025	Open	44.06	0.00		
26-00405	02/19/26	DPW SHOP - PEDAL	Open	222.76	0.00		
				266.82			
00957	ACE PLUMBING & ELECTRICAL SUPP						
26-00342	02/13/26	R/O PLANT	Open	215.81	0.00		
01003	TOWNSHIP OF LOWER						
26-00397	02/19/26	1ST QUARTER TAXES 2026	Open	313.20	0.00		
01094	UNIVERSAL SUPPLY CO INC						
26-00354	02/13/26	LIFEGUARD HEADQUARTERS	Open	1,217.99	0.00		
01536	DELL MARKETING L.P.						
26-00380	02/17/26	DELL PRO 16 LAPTOP	Open	1,454.09	0.00		
01881	FORD, SCOTT & ASSOCIATES, LLC						
26-00386	02/18/26	PREPARATION OF AFS	Open	4,950.00	0.00		
02389	GENTILINI FORD, LLC						
26-00412	02/19/26	JANUARY 2026 INVOICES	Open	491.41	0.00		
02460	SEASHORE FOOD DISTRIBUTORS						
25-02931	12/10/25	Roller skating concessions	Open	1,241.61	0.00		B
02700	GRAINGER INC						
26-00348	02/13/26	GLOVES - S&R	Open	392.67	0.00		

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02930	POOL OPERATION MANAGEMENT						
26-00230	02/01/26	DS Pool director training	Open	200.00	0.00		
03141	PENNSYLVANIA GLOBE GASLIGHT CO						
25-03036	12/30/25	WASHINGTON STREET MALL POSTS	Open	7,608.00	0.00		
03458	DISCOUNT HYDRAULIC CORP						
26-00346	02/13/26	JANUARY 2026 INVOICES	Open	815.38	0.00		
03471	KEEN COMPRESSED GAS CO INC						
26-00352	02/13/26	DEC 31, 2025 INVOICES	Open	453.68	0.00		
03567	SOUTH JERSEY PAPER PRODUCTS						
26-00250	02/03/26	JANUARY 2026 - PARTIAL ORDER	Open	2,923.25	0.00		
03639	VECTOR SECURITY, INC						
26-00339	02/13/26	JANUARY 2026 INVOICES	Open	696.13	0.00		
03675	HOME DEPOT						
26-00403	02/19/26	DEC 31, 2025 & JAN 2026 INVS	Open	2,361.63	0.00		
03893	COMCAST						
26-00334	02/12/26	ACCT# 8499 05 006 0289317	Open	7.85	0.00		
26-00373	02/17/26	ACCT# 8499 05 006 0072275	Open	175.10	0.00		
26-00376	02/17/26	ACCT# 8499 05 006 0288772 PD	Open	113.74	0.00		
				296.69			
03985	RICOH USA, INC.						
26-00324	02/12/26	COPIER SERVICES 2/1/26-2/28/26	Open	904.27	0.00		
26-00325	02/12/26	COPIER SERVICE 3/2-4/1/26 PD	Open	115.13	0.00		
26-00326	02/12/26	COPIER SERVICES 2/1-2/28/26 BT	Open	139.38	0.00		
26-00327	02/12/26	COPIER SERVICES 2/3/26-3/2/26	Open	185.90	0.00		
26-00328	02/12/26	COPIER SERVICES CONV HALL	Open	614.00	0.00		
26-00330	02/12/26	IM7000 CLERK 2/5/26-3/4/26	Open	350.04	0.00		
26-00331	02/12/26	COPIER SERVICE 2/3-3/2/26 SUB	Open	57.71	0.00		
26-00456	02/26/26	RUSH SHIPMENT OF TONER-FINANCE	Open	41.00	0.00		
				2,407.43			
04537	W.B. MASON COMPANY, INC.						
25-02119	09/08/25	TABLE	Open	72.99	0.00		
25-02467	10/17/25	Printer Ink	Open	156.06	0.00		
26-00270	02/04/26	COPY PAPER	Open	58.74	0.00		
26-00319	02/11/26	PAPER, FOLDERS, LABEL TAPE	Open	106.62	0.00		
26-00424	02/20/26	Finance/Benefits Copypaper	Open	58.05	0.00		
				452.46			
04635	CAPE REGIONAL URGENT CARE						
25-02973	12/18/25	Pyshical Hatch	Open	195.00	0.00		
04637	BLAUER ASSOCIATES, INC						
25-02582	11/03/25	DCA#25-0735 TENNIS CLUB PHASE2	Open	400.00	0.00		B

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04637	BLAUER ASSOCIATES, INC	Continued					
26-00329	02/12/26	DCA#24-1218 TENNIS CLUB PHASE1	Open	400.00	0.00		
				800.00			
04777	ULINE, INC						
26-00112	01/16/26	GLOVES - RECYCLING & CLEAN COM	Open	422.21	0.00		
04845	SEASHORE SIGNS INC						
26-00420	02/20/26	LETTERING 2024 FORD F-150	Open	925.00	0.00		
04935	THINK PAVERS HARDSCAPING, LLC						
25-00507	03/10/25	Lafayette St Park	Open	46,335.86	0.00		B
05191	ENCORE dba FRANKLIN ALARM CO						
26-00408	02/19/26	BROADWAY BEACH FIRE ALARM INSP	Open	295.00	0.00		
05333	COLONIAL ELECTRIC						
26-00344	02/13/26	WATER SHED JANUARY 2026	Open	157.36	0.00		
05564	GOODYEAR AUTO SERVICE CENTER						
26-00355	02/13/26	S/R DPW MECHANIC GARAGE	Open	2,707.56	0.00		
05704	GENTILINI CHEVROLET						
26-00411	02/19/26	JAN 2026 INVOICE 172252	Open	242.58	0.00		
06009	ACTION UNIFORM, LLC						
25-02474	10/17/25	Uniform/PPE	Open	237.00	0.00		
26-00299	02/09/26	Uniforms, Joel Hatch	Open	2,404.00	0.00		
				2,641.00			
06126	FALASCA MECHANICAL INC						
26-00359	02/13/26	INVOICES OCT & NOV 2025 B&G	Open	4,989.85	0.00		
06174	UNITED UNIFORMS						
25-03032	12/30/25	JERZEES T-SHIRTS	Open	3,660.00	0.00		
06210	AT&T MOBILITY						
26-00323	02/12/26	COMMAND KIT-ACCT# 287349717841	Open	38.24	0.00		
06666	GOLD MEDAL ENVIRONMENTAL						
26-00338	02/13/26	JANUARY 2026 30 YARD ROLL OFF	Open	5,340.90	0.00		
06826	FRED M. SCHIAVONE CONSTRUCTION						
25-00388	02/26/25	Reconstruction of Promendade	Open	368,374.23	0.00		B
06875	CMC COAST GUARD COMM FND,INC.						
26-00383	02/17/26	full page advertising ad 2026	Open	1,000.00	0.00		
07459	AQUA-TREAT, INC						
26-00351	02/13/26	CONVENTION HALL JAN 2026	Open	200.00	0.00		
07833	IDEMIA IDENTITY & SECURITY USA						
25-02734	11/14/25	Update LiveScan Fingerprinter	Open	9,923.99	0.00		

Vendor #	Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
08056	SHORE LOCAL, LLC							
	26-00223	02/01/26	2026 full pg bridal advertise	Open	500.00	0.00		
08269	JC EHRLICH							
	26-00340	02/13/26	JAN 2026 INVOICES	Open	393.68	0.00		
	26-00364	02/13/26	JAN 2026 PEST CONTROL VARIOUS	Open	246.99	0.00		
					640.67			
08279	FOLEY, INC							
	26-00356	02/13/26	TUBE HOSES FOR CATERPILLAR	Open	206.36	0.00		
08506	GILLIN-SCWARTZ LAW LLC							
	26-00425	02/20/26	HPC January 2026	Open	2,016.50	0.00		
	26-00429	02/25/26	CITY SOLICITOR - 2026-02	Open	18,574.00	0.00		
					20,590.50			
08622	ARCHER & GREINER, PC							
	26-00432	02/26/26	PROFESSIONAL SERVICES - 2025	Open	39,847.10	0.00		
08811	CME ASSOCIATES, INC							
	25-02867	12/03/25	ENGINEER-PHASE1 WTR TRMNT PLNT	Open	24,637.50	0.00		B
08858	AMAZON CAPITAL SALES, INC.							
	26-00204	01/27/26	beach tag office supplies	Open	365.46	0.00		
	26-00216	01/29/26	2026 COMPLIANCE & LABOR LAW	Open	230.15	0.00		
	26-00238	02/03/26	mouse pad for pzt room	Open	16.99	0.00		
	26-00255	02/03/26	file folders	Open	114.54	0.00		
	26-00358	02/13/26	skating concessions	Open	137.06	0.00		
	26-00410	02/19/26	16 port switch	Open	211.00	0.00		
					1,075.20			
08888	FERGUSON WATERWORKS #920							
	25-02981	12/21/25		Open	29,900.00	0.00		
09210	AMCHAR WHOLESALE, INC.							
	25-02482	10/22/25	GLOCK HANDGUNS	Open	2,405.00	0.00		
09372	SUNBELT RENTALS, INC							
	26-00350	02/13/26	JANUARY 8, 2026 ADA RAMP	Open	275.40	0.00		
	26-00365	02/13/26	FEB 2026 ADA RAMP	Open	275.40	0.00		
					550.80			
09384	CINTAS CORPORATION NO.2							
	26-00281	02/04/26	February 2026 refill	Open	69.22	0.00		
	26-00337	02/13/26	SAFETY CABINET REFILL 1/8	Open	56.41	0.00		
	26-00409	02/19/26	DPW SAFETY CABINET	Open	72.08	0.00		
					197.71			
09470	SWOYER SERVICES							
	26-00399	02/19/26	anniversary year website	Open	4,250.00	0.00		
09615	HEALTH INSURANCE SOLUTIONS INC							
	26-00419	02/19/26	March Retiree 65+ medical+RX	Open	33,372.26	0.00		

Vendor # / PO #	Name / PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
09618	CAPE ISLAND WOODWORKS						
26-00360	02/13/26	AME CHURCH DOOR FEB 7,2026	Open	175.00	0.00		
09728	NJIAAI						
26-00362	02/13/26	TRAINING/LITERATURE	Open	300.00	0.00		
09750	GEESE CHASERS SJ LLC						
25-01772	08/04/25	ANNUAL SERVICES 8/2025-8/2026	Open	1,099.00	0.00		B
09757	CRESTON HYDRAULICS INC						
26-00347	02/13/26	JANUARY 2026 INVOICES S/R	Open	3,225.75	0.00		
09769	AMERIHEALTH						
26-00413	02/19/26	March Medical+RX Actve+Retiree	Open	276,708.73	0.00		
09770	DELTA DENTAL OF NJ, INC						
26-00418	02/19/26	March Dental Active+Retiree	Open	9,412.49	0.00		
09786	DELTA DENTAL OF CONNECTICUT						
26-00415	02/19/26	March Vision for Active+Retire	Open	1,152.65	0.00		
09797	J&S FIRE PROTECTION INC						
26-00388	02/18/26	Kitchen Hood Maintenance, Requ	Open	346.53	0.00		
09806	BOY SCOUT TROOP 87						
25-02783	11/21/25	BEACH CLEANUP	Open	500.00	0.00		
09812	DAVIDA WINES						
26-00426	02/20/26	SHRM CP Credential Renewal	Open	165.00	0.00		
09826	ACCLAIM INVENTORY, LLC						
25-01357	06/23/25	INVENTORY ASSET CONTROL	Open	3,800.00	0.00		
09870	MUTUAL OF OMAHA						
26-00414	02/19/26	March BasicLife+STD	Open	4,037.49	0.00		
09906	LAURIE WEBER						
26-00431	02/25/26	REFUND OVERPMNT OF TAXES	Open	1,749.62	0.00		
9558	AIRESPRING						
26-00384	02/18/26	CONNECTIVITY $ CLOUD FEB 2026	Open	3,349.87	0.00		
9647	CORONIS HEALTH RCM, LLC						
26-00393	02/19/26	EMERGENCY MEDICAL BILLING	Open	1,607.49	0.00		

Total Purchase Orders: 120 Total P.O. Line Items: 0 Total List Amount: 1,069,993.51 Total Void Amount: 0.00

Totals by Year-Fund Fund Description Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 5-01	26,679.38	0.00	26,679.38	0.00	0.00	26,679.38
TOURISM UTILITY F 5-20	1,241.61	0.00	1,241.61	0.00	0.00	1,241.61
BEACH UTILITY FUN 5-30	2,209.95	0.00	2,209.95	0.00	0.00	2,209.95
Year Total:	30,130.94	0.00	30,130.94	0.00	0.00	30,130.94
CURRENT FUND 6-01	359,856.79	0.00	359,856.79	0.00	0.00	359,856.79
WATER UTILITY OPE 6-09	96,070.66	0.00	96,070.66	0.00	0.00	96,070.66
TOURISM UTILITY F 6-20	50,183.68	0.00	50,183.68	0.00	0.00	50,183.68
BEACH UTILITY FUN 6-30	17,544.98	0.00	17,544.98	0.00	0.00	17,544.98
Year Total:	523,656.11	0.00	523,656.11	0.00	0.00	523,656.11
GENERAL CAPITAL C-04	102,085.86	0.00	102,085.86	0.00	0.00	102,085.86
GRANT FUND G-02	372,534.23	0.00	372,534.23	0.00	0.00	372,534.23
WATER UTILITY CAP U-06	41,586.37	0.00	41,586.37	0.00	0.00	41,586.37
Total Of All Funds:	1,069,993.51	0.00	1,069,993.51	0.00	0.00	1,069,993.51

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 134-03-2026

RESOLUTION APPOINTING HONORARY NON-VOTING MEMBERS TO THE CAPE MAY CITY ENVIRONMENTAL COMMISSION

BE IT RESOLVED by the City Council of the City of Cape May, that the following appointments be made to the Cape May City Environmental Commission:

Justine Magariel, Non-voting member
Term Expiration: 12/31/2026

John Boecker, Non-voting member
Term Expiration: 12/31/2026

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 3, 2026.

_____
Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier						
McDade						
Bodnar						
Baldwin						
Mullock						

cc: Members
Commission Secretary
Board/Commission/Committee File

ZACK MULLOCK
Mayor
MAUREEN K. MCDADE
Deputy Mayor
LORRAINE M. BALDWIN
Councilmember
STEVE BODNAR
Councilmember
SHAINE P. MEIER
Councilmember

PAUL E. DIETRICH
City Manager/City Engineer
ERIN C. BURKE
City Clerk

MAYORAL APPOINTMENTS 2026

(2026 changes bolded)

Environmental Commission

Sarah Stevenson	Regular Member	12/31/2028
Michael Jones (Chair)	Regular Member (Cross Member with Planning Board)	12/31/2028
Gretchen Whitman	Regular Member	12/31/2027
Kimberly Gronendahl	Regular Member	12/31/2027
Randell Nuschke	Regular Member	12/31/2026
Jennifer Flamini Keuler	**Regular Member**	12/31/2026
Barbara Meimbresse	Regular Member	12/31/2026
Toni McCauley	**Alternate I**	12/31/2027
Dr. Rose Traficante	**Alternate II**	12/31/2027

Class I Planning Board Member – Mayor's Designee

Steve Bodnar, Council Member

12/31/2026

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Zachary Mullock, Mayor
March 3, 2026