

ORDINANCE NO. 2026-07

ORDINANCE OF THE VILLAGE OF RIDGEFIELD PARK AMENDING THE REDEVELOPMENT PLAN FOR MOUNT VERNON STREET AREA IN THE VILLAGE OF RIDGEFIELD PARK CONCERNING AFFORDABLE HOUSING

WHEREAS, The Board of Commissioners by Ordinance No. 2025-02 adopted a comprehensive Redevelopment Plan for Mount Vernon Street Area as set forth in the Local Redevelopment and Housing Law specifically NJSA 40A:12A-3 to be designated as an “area in need of redevelopment” without the power of condemnation; and

WHEREAS, the parcels:

Block 64 Lots 1, 12, 14, 15, 16, 19 and 20
Block 65 Lots 17, 18, 19, 20, 21, 22 and 23
Block 86 Lots 1, 11, 12, 13 and 14
Block 87 Lots 7, 8, 9, 11, 13, 14 and 15
Block 151 Lots 5, 6, 6.01, 7 and 7.01

The study area consists of properties located in the downtown area of the Village and along Industrial Avenue. It is bordered by Main Street and the Hackensack River (east/west), the properties on the north side of Mt. Vernon Street to Cedar Street (north/south). The area of study is traversed by Mt. Vernon Street, Cedar Street, Lincoln Avenue and Spruce Street. Several parcels are also located along Paulison Avenue and Industrial Avenue. The parcels are collectively referred to as the “Redevelopment Area”; and

WHEREAS, the Village wishes to amend its Redevelopment Plan as it related to Affordable Housing, said amendments are set forth in the Redevelopment Plan prepared by Kenneth Ochab Associates, revised date January 20, 2026, a copy of which is on file with the Village Clerk.

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners of the Village of Ridgefield Park hereby amends the Redevelopment Plan prepared by Kenneth Ochab Associates revised January 20, 2026 concerning the Village’s Affordable Housing obligation.

Severability. If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

Inspection. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Village Clerk during regular business hours.

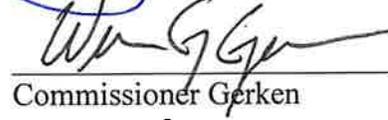
Effective Date. This Ordinance shall take effect 20 days after adoption and publication as required by law.

Repeal of Inconsistent Ordinances. All ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Notice to County Planning Board. Within 30 days of adoption of this Ordinance, a copy of the same shall be transmitted to the Bergen County Planning Board in accordance with N.J.S.A. 40:27-4.



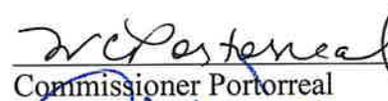
Commissioner Anlian



Commissioner Gerken



Commissioner Mirza



Commissioner Portorreal



Mayor MacNeill



Village Clerk
Adopted on February 24, 2026

REDEVELOPMENT PLAN
FOR NON-CONDEMNATION PURPOSES

For
Block 64 Lots 1, 12, 14, 15, 16, 19 and 20
Block 65 Lots 17, 18, 19, 20, 21, 22 and 23
Block 86 Lots 1, 11, 12, 13 and 14
Block 87 Lots 7, 8, 9, 11, 13, 14 and 15
Block 151 Lots 5, 6, 6.01, 7 and 7.01

MT. VERNON STREET AREA
IN THE
VILLAGE OF RIDGEFIELD PARK



Prepared by:
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12-16 Fair Lawn Ave.
Fair Lawn, N.J. 07410

November 25, 2024
Revised: January 20, 2026

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A. INTRODUCTION

This study is being prepared for the Village of Ridgefield Park Planning Board to determine whether the area identified herein can be declared an area in need of redevelopment without condemnation. The request was made by the Village Commissioners through resolution (#2022-47) dated April 21, 2022.

The Planning Board prepared an “in need of redevelopment” report dated January 17, 2024 and a public hearing was held on September 9, 2024 to determine if the area could be declared an “area in need of redevelopment” the Planning Board did recommend that the area be so declared to the Village Commissioners and the Commissioners then authorized the Planning Board to prepare a redevelopment plan (resolution 2024-170).

The study area can generally be described as the land area in the vicinity of Mt. Vernon Street west of Main Street. It runs from Main Street to the Hackensack River and south to include properties on Lincoln, Spruce and Cedar Streets. The redevelopment area also includes properties on Industrial Avenue.

The area includes properties that have been previously developed and include residential, commercial and industrial uses as well as surface parking uses. Properties within the redevelopment area are in the C-1H (commercial), R-3 (residential) and I-2 (industrial) zones.

Revisions were made to this document to reflect the Village’s Fourth Round Fair Share Housing Plan concerning affordable housing bedroom and income distribution.

B. AREA DESCRIPTION

The study area consists of properties located in the downtown area of the Village and along Industrial Avenue. It is bordered by Main Street and the Hackensack River (east / west), the properties on the north side of Mt. Vernon Street to Cedar Street (north/south). The area of study is traversed by Mt. Vernon Street, Cedar Street, Lincoln Avenue and Spruce Street (see figures 1 and 2 below).

C. DESCRIPTION OF PROPERTIES

Multiple land parcels are the subject of this “in need of redevelopment” investigation. These parcels include:

- Block 64 Lots 1, 12, 14, 15, 16, 19 and 20
- Block 65 Lots 17, 18, 19, 20, 21, 22 and 23
- Block 86 Lots 1, 11, 12, 13 and 14
- Block 87 Lots 7, 8, 9, 11, 13, 14 and 15
- Block 151 Lots 5, 6, 6.01, 7 and 7.01

Figure 1 is an aerial photograph of the study area and the surrounding properties.



Figure 2 provides a tax map view of the subject parcels and the overall redevelopment area.

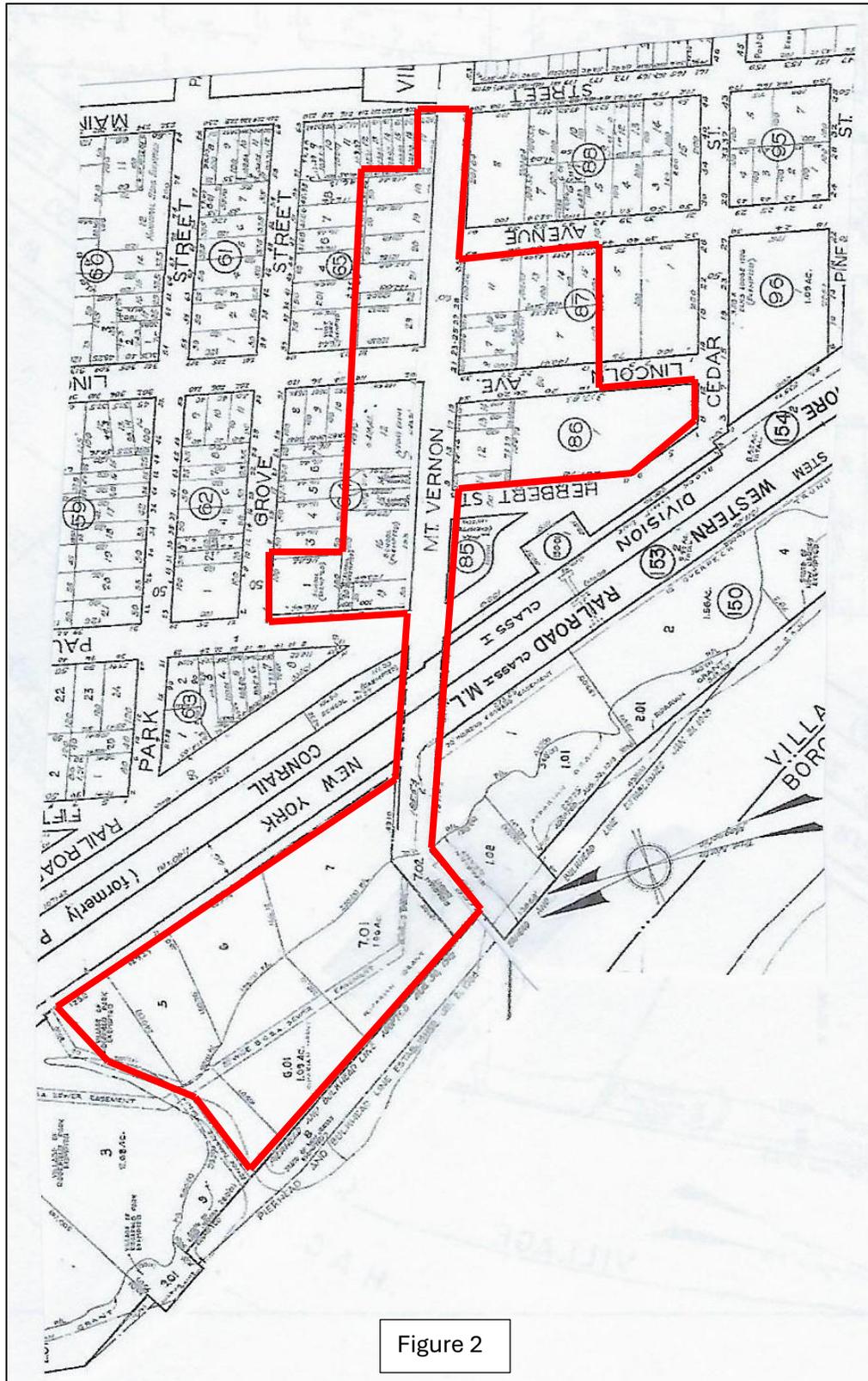


Figure 2

D. STATUTORY CRITERIA

The Local Redevelopment and Housing Law (LRHL) 40A:12A-7 mandates that a Redevelopment Plan address the following issues:

- The Redevelopment Plan’s relationship to appropriate land use, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the Redevelopment Area
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the Redevelopment Area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.
- Any significant relationship of the Redevelopment Plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located and the State Development and Redevelopment Plan.
- This Redevelopment Plan may include the provision of affordable housing in accordance with the “Fair Housing Act”, P.L. 1985, c.222 (C-52:27D-301 et. seq.).
- The Redevelopment Plan may supersede applicable provisions of the development regulations of the Village or be adopted as an “overlay zone”. In either case, the ordinance adopting the Redevelopment Plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the Redevelopment Plan applies.
- All provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan: but the municipal governing body may adopt a Redevelopment Plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

E. MASTER PLAN AND ZONING

The 2022 Master Plan of the Village designates all of the properties from Main Street to Railroad Avenue as Center Village. It further defines these areas as the Central Business District for properties fronting on Mt. Vernon Street and the Mixed Use District for properties fronting on Paulison Avenue. It further defines the property along Spruce St and Lincoln Avenue and partially along the east end of Mt. Vernon Street as Mixed Use Redevelopment District. The two properties along the Hackensack River are designated as “Hackensack River Industrial”.

The Plan suggests a continuation of commercial uses on Mt. Vernon Street and a continuation of industrial uses on Industrial Avenue. The “Mixed Use Redevelopment” district suggests development that can support the downtown retail center and provide multi-family housing.

The new 2023 zoning ordinance maintains the Historic Commercial District (C-1H) along Mt. Vernon Street and designates the Industrial Avenue properties as Industrial with an “Arts Overlay Zone” (I-2/Arts). This zone maintains the industrial use base but also encourages arts and artisan usage under special zoning criteria. The properties fronting on Lincoln Avenue are zoned for multi-family residential use with the arts overlay zone (R-3/Arts) in the new ordinance. Properties fronting on Paulison Avnue and Grove Street are in the R-2/Arts zone.

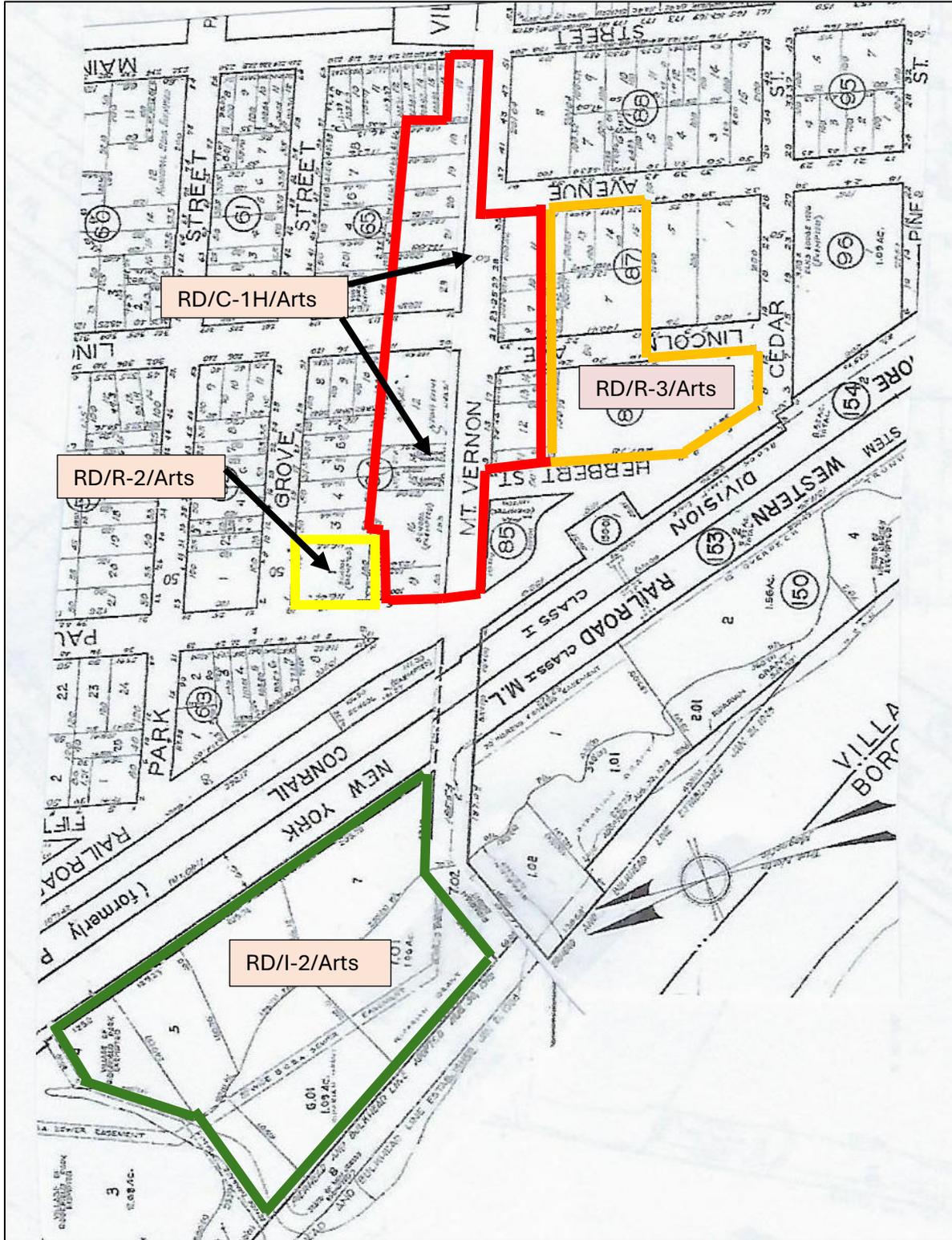
Figure 3 below shows the properties and the redevelopment plan.

F. REDEVELOPMENT PLAN GOALS AND OBJECTIVES

The overall goals of the Redevelopment Plan are to:

- Provide for appropriate development of the Village of Ridgefield Park, to support the economic well-being of the Village of Ridgefield Park and provide for an increased tax base and employment opportunities in the Village.
- Promote efficient and appropriate land development in the Village of Ridgefield Park in a manner which is compatible with surrounding land uses and development.
- Provide for safe and efficient accessibility to the redevelopment site and surrounding roadway system consistent with the demand for transportation facilities in the central business district area.
- Provide for state of the art light industrial and warehouse distribution uses that can provide for regional needs while providing the Village with an additional ratable and employee base.
- Provide for the protection of the historic district by encouraging additional development on existing conforming buildings and new construction that is consistent with the development guidelines of the historic district.
- Provide for the protection and preservation of environmentally sensitive property to enhance the protection of the environment along the Hackensack River through conservation easements and an open space corridor.

Figure 3 - Redevelopment Plan



The objectives of the Redevelopment Plan are to:

- Encourage and integrate a comprehensive design with respect to the location and relationship of uses, buildings, parking, architectural elements, public open space areas, environmental features and access to the surrounding roadway network.
- Provide for a flexible development that provides for retail and residential uses in the C-1H zone and warehouse and distribution uses in the I-2 zone that contribute to the local commercial and consumer goods needs as well as to the regional needs for modern warehouse facilities.
- Provide for appropriate land uses that will make productive use of vacant and under-utilized land in the redevelopment area.
- Support development that will result in minimal environmental impact to the area and remediate existing environmental concerns.
- Provide for adequate and safe roadway access to the local, and for sufficient off-street parking arrangements to support the Redevelopment Plan.
- To provide for a sustainable development that encourages minimizing the use of energy, reduces the development's "carbon footprint" on the environment and uses the principals of "LEED" construction techniques.

G. LAND USE STRATEGY

The intent of the Redevelopment Plan is to provide for additional retail and commercial space in the Village downtown area and create additional housing for Village residents and the region. The strategy provides for mixed use development along Mt. Vernon Street where retail uses occupy the ground floor with residential development above. This also includes the provision of off-street parking within the new building structure or on-site. This includes substantial streetscape improvements for pedestrian activity as well as outdoor gathering and dining opportunities in the retail areas.

The strategy for Spruce Street, Lincoln Avenue and Paulison Street is to provide for multi-family housing that will support the Main Street / Mt. Vernon Street downtown area and also provide for a choice of housing alternatives for residents. This includes affordable housing for eligible households as well as specifically set aside market based senior housing. The Plan intends to increase the support for the downtown retail sector through the increase in resident population in and around the Main Street / Mt. Vernon Street area.

The Plan strategy will also permit the construction of large-scale warehousing and distribution facilities that take advantage of current technological advantages of warehousing and distribution operations. This translates into large structures with high ceilings and multiple loading bays that can meet the demand for modern facilities.

The land use strategy also intends to provide suitable upgrade to the property through creative design techniques and good civic design. As such, off-street parking facilities should be provided for all residential and warehouse /distribution uses and to provide truck parking and storage provided on the Industrial Avenue sites in a manner that does not affect the surrounding properties or the Hackensack River area.

The strategy also intends to improve Industrial Avenue to the extent necessary to accommodate the increase in vehicle and truck volumes along the site frontage and off-site both north and south of the redevelopment site.

Finally, land use strategy continues to support the creation of a waterfront conservation area along the Hackensack River. This includes the construction of recreation improvements along the River that will enhance the visual environment of the River and enable future connections both north and south to create a unified Riverfront path for public enjoyment

H. REDEVELOPMENT CRITERIA

The redevelopment criteria is designed to provide incentives not found in the existing zoning ordinance requirements that together with fiscal incentives will stimulate growth in the redevelopment area. The redevelopment criteria is provided on a block by block basis so that the development allowances can be more precise and relate to the individual sites as well as the surrounding properties.

The redevelopment criteria are designed to be implemented as an “overlay redevelopment zone” which will permit the underlying C-1H, R-2 and I-2 zone requirements to remain intact. This gives the property owners the ability to continue to develop under the existing zoning regulations or to utilize the incentives in the redevelopment criteria. Pre-existing non-conforming uses can remain intact until their owners decide to utilize either the existing zoning or the redevelopment criteria.

Utilizing the redevelopment option will allow the redevelopment projects to apply a number of tax related advantages including tax exemptions and abatements. This also includes the ability to complete a redevelopers agreement with the Village which could include a Payment in Lieu of Taxes (PILOT) program.

The tables below show the existing zoning regulation requirements (in red) and the redevelopment criteria (in black). The “Arts Overlay Zone” applies to both zoning and redevelopment development. The “Arts” standards can be found in the Village Zoning Ordinance (section 96-6.17)

I. PERMITTED AND ACCESSORY USES

The following permitted and accessory uses will be permitted in each redevelopment zone:

- 1) C-1H Redevelopment Zone
 - a) All uses permitted in the Ridgefield Park zoning ordinance, section 96-20.1 Schedule 1 except that residential apartments above permitted retail uses shall be permitted uses.
- 2) R-2 Redevelopment Zone
 - a) Multi-Family Residential Uses excluding townhouses.

- b) All R-2 accessory uses except, home occupations and family day care homes.
- 3) R-3 Redevelopment Zone
 - a) Multi-Family Residential Uses including Townhouses.
 - b) All R-3 accessory uses.
- 4) I-2 Industrial Redevelopment Zone
 - a) Warehouses, Distribution Facilities, Fulfillment Centers and Light Industrial Uses
 - b) All I-2 accessory uses.

J. BLOCK CRITERIA

BLOCK 65 (North side of Mt. Vernon St from Main St. to Lincoln Ave.)

Includes the Medical Office at Main Street, Luigi’s Restaurant, 36 Mt. Vernon St. (approved project). All properties are in the C-H redevelopment zone. The medical office building at the Main Street /Mt. Vernon Street intersection is a unique and provides a historic base to the retail center of the Village. The adjoining Luigi’s Restaurant site is eligible for redevelopment. The rest of the block (Lots 19 to 23) are part of one development entity. This property has development approval for all but Lot 19. The approval permitted mixed-use retail and residential development with internal parking. The addition of Lot 19 to the project will result in a new application presumably under

Area	District	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)
C-1H Zoning	Central Business Historic District	5,000	50	50	100	70%	90%	40	20 ft. or block avg.	30	8/7 or zero
C-1H Redevelopment		5,000	50	50	100	80%	90%	40-50 / 4-5 sty. (1)	0-20 (2)	30	10
Arts Overlay Zone	See section 96-6.17										

these redevelopment standards.

- (1) The building height will be determined by holding the 40-foot height limitation at the intersection of Main and Mt. Vernon. As the grade drops down Mt. Vernon St. the proposed building can be higher due to the grade. It may result in a 40-foot building at the east end and a 50-foot building at the west end. It is intended that the ground floor or floors will contain parking behind the ground level retail space. Building height will also depend on the housing program for each site. See below.
- (2) The front yard will vary as directed by the Planning Board to permit a wider sidewalk for outdoor seating or plaza areas in the front yard for the same purpose. Plaza areas will command a greater front yard setback. Streetscape requirements will also provide for street trees between the sidewalk and street curblines. Sidewalks should be 10 feet in width within the street right-of-way.
- (3) In this block, any corner lot having frontage on Mt. Vernon Street and Lincoln Ave., the front yard shall be on Mt. Vernon Street. The rear yard is the yard adjacent to the existing residential zone on Grove St. Front yard setbacks are required for both street frontages.

Block 65 Lot 17

This property is the old bank building located at the northwest corner of the Main Street/Mt. Vernon Street intersection. It is a two-story masonry building that currently houses “Riverside Pediatrics” physician’s office. It was formerly Wells Fargo Bank. The building consumes most of the lot and like many buildings on Main Street there is no off-street parking on the site. There is, however, parking available at Block 64 Lot 12 located at the northwest corner of Mt. Vernon Street and Lincoln Avenue. This site was used as a drive-up bank facility and parking lot. It is not known if there is a binding relationship between the two sites via a deed restriction or easement agreement to continue to provide off-street parking. The building has been adaptively reused from a bank to a medical office facility. The building retains its original aesthetics from 1913.



Block 65 Lot 18 - Luigis Restaurant.



This property is adjacent to the bank and also adjacent to an existing residential property to the west. It has been a restaurant for many years. The building area consumes most of the property with the exception of an outdoor eating area for seasonal use. No on-site parking is provided. The property is approximately 5,800 square feet in size with 50 feet of frontage on Mt. Vernon Street. The original building (house) was constructed in 1910.

Block 65 Lot 19

The property is adjacent to Luigi's Restaurant to the east and existing residential homes to the west. However, a mixed-use multi-family development has been approved on the property to the west. The original building was constructed circa 1892 and the exterior is in good condition. It is however, a non-conforming use in the C-1H zone, the Villages downtown district.



Block 65 Lots 20 - 23

This property consists of four lots of approximately 24,400 square feet with 200 feet of frontage on Mt. Vernon Street. This property has approvals for a mixed-use multi-family development. In 2022, the Board of Adjustment granted approval for 28 residential units, 2,500 square feet of retail space and 53 parking spaces on-site. The existing development includes residential homes on Lots 20, 21 and 22 which are non-conforming uses. Lot 23 contains an existing restaurant with on-site parking with access from Lincoln Avenue.



Block 64	District	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)
C-1H Zoning	Central Business Historic District	5,000	50	50	100	70%	90%	40	20 ft. or block avg.	30	8/7 or zero
C-1H Redevelopment	C-1H (1)	5,000	50	50	100	80%	90%	40 -50 / 4- 5 (4)	0-20 (2)	30 (3)	5-10
R-2 Zoning	1 -2 Fam.	10,000	100	100	100	25%	50%	32'2 ½	20 ft.	30 ft.	20 ft.
R-2 Redevelopment	Multi- Family	10,000	50	50	100	25%	70%	35/3	30	30	20
Arts Overlay Zone	See section 96-6.17										

BLOCK 64

BLOCK 64 (North side of Mt. Vernon St. from Lincoln Ave. to Paulison Ave.)

Includes old bank drive through facility and Developmental Disability Association building and parking lot. Also includes the car wash property.

- (1) In this block, the Planning Board can determine if the continuation of ground floor retail is required. One design option is to design the ground floor space fronting Mt. Vernon St. as retail but allow residential use along the mid-block areas until demand for retail space is achieved. The corner spaces at each building should be for retail or building access only.
- (2) The front yard will vary as directed by the Planning Board to permit a wider sidewalk for outdoor seating or plaza areas in the front yard for the same purpose. Plaza areas will command a greater front yard setback. Streetscape requirements will also provide for street trees between the sidewalk and street curblin. Sidewalks should be 10 feet in width.
- (3) In this block, any corner lot having frontage on Mt. Vernon Street and Lincoln Ave. or Paulison St., the front yard shall be on Mt. Vernon Street. The rear yard is the yard adjacent

to the existing residential zone on Grove St. Front yard setbacks are required for both street frontages. Paulison Avenue shall also be considered as the front of the property.

- (4) Building height will depend on the topographic conditions of the site and the difference in grade through the site.

Block 64 Lot 12

This property is located at the northwest corner of Mt. Vernon Street and Lincoln Avenue. It is the former location of the Wells Fargo bank drive-through facility. The site is currently used by the Medical Building on Main Street for patient and staff parking (Block 65 Lot 17).



Block 64 Lots 14, 15, and 16

This property is approximately 24,600 square feet in size with 200 feet of frontage on Mt. Vernon Street. The property is owned by Developmental Disability Association of New Jersey, a non-profit organization. The site is utilized for the parking of transportation vehicles for the organization. The site is paved for this purpose. No buildings are located on the site.



Block 64 Lot 19

This property is located at the corner of Mt. Vernon Street and Paulison Avenue. The site is 5,000 square feet in size with 50 feet of frontage on Mt. Vernon Street and 100 feet of frontage on Paulison Avenue. The site is used as a vehicle car wash business.



Block 64 Lots 1 and 20

This property is also owned by the Developmental Disability Association of New Jersey. The property has a building on the site that is the organization’s educational and business office. The primary frontage is on Paulison Avenue. The building consists of a one-story and two-story structure with no on-site parking which is provided on Lots 14, 15 and 16. The office building also fronts on Grove Street. It does form the edge of an industrial-commercial area on Paulison Avenue at Grove Street.



BLOCK 151

BLOCK 151 (west side of Industrial Ave.)

This block includes the auto recycling site (1.7 ac.) and the adjacent contractors storage site (2.7 ac.).

Zone	District	Area (sq. ft.)	Front (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)	Side Yd (ft)
I-2 Zoning	Heavy Industrial District	40,000	150	150	200	20%	75%	50	30	40	25	25
I-2 Redevelopment	Warehouse/ Distribution	40,000	150	150	200	50%	85%	50	25	50 (1)	25	25

(1) – Riverfront, buffer required.

Block 151 Lots 7 and 7.01

This property is commonly referred to as the Apache Auto Salvage Yard. It is located across the freight railroad tracks and fronts on Mt Vernon Street and Industrial Avenue. The site is in the I-2 Industrial Zone, however, the current use is not permitted in the zone and is therefore a non-conforming use. The site has various materials stored outdoors. The site is 1.7 acres in size and has approximately 140 feet of frontage on Mt. Vernon Street and 235 feet of frontage on Industrial Avenue. The property also borders the Hackensack River.



Block 151 Lots 5, 6 and 6.01

This property is owned by Thor Realty and is the site of multi-use industrial contracting businesses and storage facilities. There are multiple buildings on the site with outdoor parking for trucks and equipment. The Village approved the presence of five businesses on the site.



BLOCK 86

BLOCK 86 (South side of Mt. Vernon St. between Lincoln Ave. and Herbert St.)

This block consists primarily of smaller parcels except for Veteran’s Housing. There are only four parcels that front Mt. Vernon Street with three property owners.

Zone	District (1)	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)
C-1H Zoning	Central Business Historic District	5,000	50	50	100	70%	90%	40	20 ft. or block avg.	30	8/7 or zero
C-1H Redevelopment Zone		2,500	25	25	100	80%	90%	40-50 /4-5 (2)	0-20 (3)	30	10
R-3 Zoning	Single	7,500	50	50	100	25%	50%	32/2 ½	20	30	8/7
	Two-Family	10,000	100	100	100	25%	50%	32 /2 ½	2	30	20
	Townhouse	15,000	100	100	100	35%	70%	35/2	30	30	20
	Apartment	20,000	100	100	100	25%	70%	35/3	30	35	20
R-3 Redevelopment	Townhouse	10,000	100	100	100	35%	70%	35/2	30	30	20
	Apartment	10,000	100	100	100	50%	80%	45/4	20	30	20
Arts Overlay Zone	See section 96-6.17 (C-1H only)										

(1) Properties with frontage Mt. Vernon St. will be in the C-1H redevelopment zone. Properties with frontage only on Herbert Street and Lincoln Avenue will be in the R-3 redevelopment zone.

(2) The building height in the C1-H redevelopment area only, will be determined by the topographic conditions of the site and the difference in grade through the individual site.

(3) In this block, any corner lot having frontage on Mt. Vernon Street and Lincoln Ave. or Spruce St., the front yard shall be on Mt. Vernon Street. Front yard setbacks are required for both street frontages.

Block 86 Lot 1 (15 Herbert Street)

This property is located on Lincoln Avenue, Cedar Street and Herbert Street. The site is slightly over 1 acre in size and has 11 duplex buildings or 22 dwelling units. The units are mostly one-story buildings with the units fronting on Herbert having basements and garages at the lower level of the structures. The project was constructed in 1956 according to the Village tax records. It also appears to have been owned by one entity since that time as a rental property. The property is zoned R-3 multi-family residential.



Block 86 Lot 11 (9-11 Mt. Vernon Street)

This property is located at the Mt. Vernon Street and Herbert Street intersection. It is approximately 2,500 square feet in size and has a two-story mixed-use building. The first floor houses a restaurant with an apartment on the second floor. The building consumes most of the site with no off-street parking.

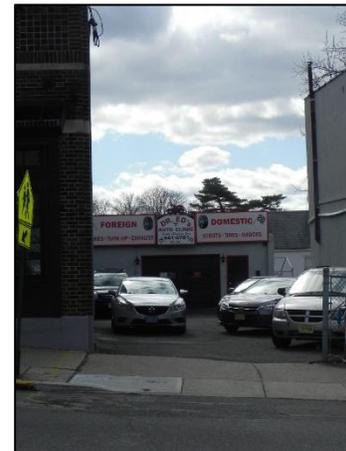
Block 86 Lot 12 (15 Mt. Vernon Street)

This property is located on Mt. Vernon Street between Herbert Street and Lincoln Avenue. The site is 7,500 square feet in size and has 75 feet of frontage on Mt. Vernon Street. The building is a two-story structure covering approximately 50% of the lot. Retail uses are on the ground floor with apartments above. There are three retail tenants (one with two separate store fronts). The building façade has added awnings recently.



Block 86 Lot 13 (17 Mt. Vernon Street)

This property is located on Mt. Vernon Street adjacent to Lot 12. The property is 2,500 square feet in size and has 25 feet of frontage on Mt. Vernon Street. An existing building is situated in the rear of the lot with parking in front. The building contains “Dr. Ed’s Auto Clinic” which apparently has been on the premises for 30 years. This lot and Lot 12 are in the same ownership.



Block 86

Lot 14 (19 Mt. Vernon Street)

This property is located on Mt. Vernon Street at the Lincoln Avenue intersection. The property is 2,500 square feet in size and has 25 feet of frontage on Mt. Vernon Street and 100 feet of frontage on Lincoln Avenue. The existing two-story building is located along the front and side property lines with a small rear open area which fronts on Lincoln Avenue. The building has a retail use (spa?) on the ground floor and apartments above.

Area	District	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)
C-1H Zoning	Central Business Historic District	5,000	50	50	100	70%	90%	40	20 ft. or block avg.	30	8/7 or zero
C-1H Redevelopment		5,000	50	50	100	80%	90%	40-50 /4-5 (1)	0-20 (2)	30	10
R-3 Zoning	Single	7,500	50	50	100	25%	50%	32/2 ½	20'	30'	8/7
	Two-Family	10,000	100	100	100	25%	50%	32 /2 ½	20'	30'	20'
	Townhouse	15,000	100	100	100	35%	70%	35/2	30'	30'	20'
	Apartment	20,000	100	100	100	25%	70%	35/3	30'	35'	20'
R-3 Redevelopment	Apartment	10,000	100	100	100	50%	80%	45/4	20	30	20
Arts Overlay Zone	See section 96-6.17 (C- 1H only)										

(1) The building height will be determined by holding the 40-foot height limitation at the intersection of Main and Mt. Vernon. As the grade drops down Mt. Vernon St. the proposed building can be higher due to the grade. It may result in a 40-foot building at the east end and a 50 foot building at the west end. It is intended that the ground floor or floors will contain parking behind the ground level retail space.

(2) The front yard will vary as directed by the Planning Board to permit a wider sidewalk for outdoor seating or plaza areas in the front yard for the same purpose. Plaza areas will command a greater front yard setback. Streetscape requirements will also provide for street trees between the sidewalk and street curblin. Sidewalks should be 10 feet in width if no plaza area is provided.

BLOCK 87 (South side of Mt. Vernon St. from Spruce St. to Lincoln Ave.)

This block includes Hamilton Co. offices and storage yard, 3 single family homes and the Village Hardware Store.

Block 87 Lot 7 (23 Lincoln Avenue)

This property is located on Lincoln Avenue behind the hardware store. The property is 14,000 square feet in size with 140 feet of frontage on Lincoln Avenue. The building on the site is an L shaped industrial structure with truck and service vehicle as well as the storage of some materials on the site. The site is also adjacent to the new multi-family residential building on Lincoln Avenue.



Block 87 Lot 8 (21 Mt. Vernon Street)

This property is located on Mt. Vernon Street at the intersection with Lincoln Avenue. The property is 2,500 square feet in size with 25 feet of frontage on Mt. Vernon Street. An existing one-story structure is located on the street line of both streets and covers the entire property. This is the site of “This and That Hardware” which has been at this location for many years. The building exterior is in good condition with the display of goods along the sidewalk on both streets appears to have been a merchandising strategy for many years. The hardware store is part of the downtown’s uniqueness and historic fabric.



Block 87 Lot 9 (25 Mt. Vernon Street)

This property is located on Mt. Vernon Street next to the hardware store. The property is 5,000 square feet in size with 50 feet of frontage on Mt. Vernon Street. An existing one-story building consumes the entire site. The use appears to be office related and the exterior of the façade gives the building an office motif.

Block 87 Lot 10 (27 Mt. Vernon Street)

This property is located on Mt. Vernon Street next to the Hamilton building at the intersection of Spruce Avenue. The property is 2,500 square feet in size with 25 feet of frontage on Mt. Vernon Street. An existing two-story building extends from the street to approximately 50 feet into the property with a one-story building continuing to the rear property line. The ground floor appears to be used as office space with apartments on the second floor.

Block 87 Lot 11 (29-35 Mt. Vernon Street)

This property is located at the intersection of Mt. Vernon Street and Spruce Street. The property is 10,000 square feet in size with 100 feet of frontage on both streets. The one-story building consumes the west portion of the site and stretches the entire length of the property along Spruce Street. The east portion of the property has a parking lot off Mt. Vernon Street with a garage set back to the rear of the parking area. The primary building is two stories in the front along Mt. Vernon Street and one-story in the rear facing Spruce Avenue. The Spruce Avenue side of the structure has three large garage doors for vehicles. This building is the main office for Hamilton Air. Its 1926 architectural features were modernized with stucco and a modern window design.



Block 87 Lot 13 (54 Spruce Avenue)

This property is located adjacent to the Hamilton Building on Spruce Avenue. The property is 4,300 square feet in size with 43 feet of frontage along Spruce Avenue. There is a two and one-half story single family home on the site. The house is set back from the street and has a small driveway on the south side of the structure. The site is located in the R-3/ Arts zone where single-family homes are permitted.



Block 87 Lot 14 (52 Spruce Avenue)

This property is located on Spruce Avenue adjacent to Lot 13. The property is 4,300 square feet in size with 43 feet of frontage along Spruce Avenue. There is a two and one-half story single family home on the site. The house is set back from the street and has a small driveway on the south side of the structure. The site is located in the R-3/ Arts zone where single-family homes are permitted.



Block 87 Lot 15 (50 Spruce Avenue)

This property is located adjacent to the new three-story multi-family development at 9-13 Spruce Avenue. The property is 4,400 square feet in size with 44 feet of frontage along Spruce Avenue. There is a two and one-half story single family home on the site. The house is set back from the street and has a small driveway on the south side of the structure. The site is adjacent to recently built multi-family development.

**K. SITE DEVELOPMENT CRITERIA****1. C-1H Redevelopment Zone**

- a. Residential apartments above permitted C-1H uses are permitted uses. The following requirements apply to such apartments in this zone:
- b. Residential apartments are only permitted above C-1H uses that front on Main Street and Mt. Vernon Street.
- c. The implementation of residential apartments shall conform to the C-1H area and bulk requirements as set forth above.
- d. Apartments shall conform to the following minimum areas:
 1. Studio - 450 square feet
 2. 1 bedroom – 550 square feet
 3. 2 bedroom – 850 square feet
 4. 3 bedroom – 1100 square feet
- e. The bedroom type shall be mixed within each development according to the following distribution:
 1. Studio – 10% maximum
 2. 1 bedroom – 25% minimum
 3. 2 bedroom – 10% minimum
 4. 3 bedroom – dependent on affordable requirements
- f. Apartments shall comply with all building code and sub-code requirements.

2. Buffer Requirements in the C-1H zone.

Buffer requirements. There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 10

feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.

3. Affordable Housing

Every redevelopment project that includes a residential component shall provide affordable housing as set forth in the tables below. The total required affordable housing set-aside is 20 percent. So long as the redevelopment plan produces at least 27 affordable family, non-age-restricted units, if the redeveloper makes, absent a factual showing of financial hardship according to be submitted in writing to the Village and FSHC. FSHC and the Village may, in their discretion, consent to allow the affordable in which case there may be a set-aside to drop below 20%, which set aside should presumably, under any circumstance, should be at least 15%

The Village is committed to provide a minimum of 27 affordable non-age restricted units within the Mt. Vernon Street Redevelopment Area. Amendments to the redevelopment plan may be necessary as redevelopment projects come into and out of the redevelopment process. If the set aside results in a fraction of 0.5% or higher, the Planning Board shall determine how the fractional percentage will be utilized.

The bedroom mix must provide the following:

- a. At least 50% of the affordable housing units shall be available for low-income households with 50% with no more than 50% of the affordable housing units for moderate-income households.
- b. At least 13% of the number of affordable units in each project shall be reserved for very low-income households.
- c. No greater than 20% of the affordable units shall be 1-bedroom units.
- d. At least 20% of the affordable units shall be 3-bedroom units.

For redevelopment projects without residential uses, the provisions of the affordable housing development fee ordinance and the Statewide Non-Residential Development Fee Act, will be applicable (section 172-26 et. seq.).

4. Affordable Housing Distribution in C-1H Redevelopment Zone

The affordable housing details are those provided in the Village's Fourth Round Housing Plan.

5. Streetscape Requirements

The streetscape design along Mt. Vernon Street shall utilize the criteria in the Village's "Historic Preservation Guidelines". These include the following:

- a) Streetscape. The development shall include a cohesive thematic streetscape design, consistent and compatible with previously installed streetscape designs on the same side or opposite side of the street block, if any, that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. Developer proposed improvements to be planted, installed or constructed within public rights-of-way shall be approved by the governing body prior to construction or installation. The streetscape shall include the following elements:
 - b) Sidewalk areas should include creative use of stylized brick or concrete pavers, colored and stamped concrete or decoratively scored concrete.
 - c) Street lighting should incorporate the use of stylized light fixtures that complement the proposed building architecture. The following standards shall apply.
 - [1] Light fixtures should incorporate sufficient photometric controls which shield the source of lighting from adjacent buildings or properties.
 - [2] Height of the street lighting fixtures should be residential in scale and should not exceed a twelve-foot mounting height.
 - [3] Lighting levels proposed should conform to all applicable ordinance standards provided herein.
 - d) Pedestrian crossings of roadways should be accentuated through the use of differential pavement crossings.
 - e) Shade trees. Shade trees shall be provided for all streets and parking areas and shall be in accordance with the following standards:
 - [1] Shade tree planting layout should complement the overall theme for the development as a whole.
 - [2] Spacing between trees shall be determined based upon species and the desired theme. The spacing should range between 25 feet to 35 feet on-center. There shall be a minimum of one shade tree per 10 parking spaces within all surface parking lots.
 - [3] There should be several species of shade trees incorporated into the design of the overall project to avoid problems associated with a monoculture design.

- [4] Choice of tree species should be based on form and on site conditions and shall be subject to the approval of the Shade Tree Committee.
- [5] Shade trees shall be a minimum of three inches in caliper.

f. Each development along Mt. Vernon Street shall also provide appropriate sitting, gathering and eating areas incorporated into the site plan design for the project. Coordination with building entrances and the pedestrian sidewalk along the street is essential and required.

6. R-2 and R-3 Redevelopment Zone

Townhouse Redevelopment

For townhouse development, redevelopers shall follow the provisions of section 96-6.2 of the Village Zoning Ordinance.

Apartment Redevelopment

For apartment development, redevelopers shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

- 1 bedroom – 550 square feet
- 2 bedroom – 900 square feet
- 3 bedroom – 1200 square feet

The bedroom type shall be mixed within each development according to the following distribution:

- 1 bedroom – 25% minimum
- 2 bedroom – 10% minimum
- 3 bedroom – 5% maximum

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.

Apartments shall comply with all building code and sub-code requirements.

7. Affordable Housing and Distribution in the R-3 Redevelopment Zone

Every redevelopment project that includes a residential component shall provide for affordable housing. The affordable set aside requirements are shown in the tables below. All the units

shall be non-age restricted. At least 50% of the affordable housing units shall be available for low-income households with 50% for moderate income households.

8. Industrial I-2 Redevelopment Zone

Roadways in the Redevelopment Area shall be sufficient to accommodate the expected volume of traffic under the full build scenario. Sufficient through and turning lanes shall be designed using standard traffic engineering standards. A sufficient area shall be provided on one side of the street to accommodate walkways, utilities, etc.

Therefore, Industrial Avenue shall be improved to a paved width of 30 feet with a 10-foot additional right-of-way for sidewalk and utility purposes.

No outdoor storage of materials or equipment (other than operating vehicles used as part of the business operation) are permitted.

A public access easement shall be provided along the Hackensack River measuring 30 feet from the proposed retaining wall or bulkhead or top of bank whichever is closer to Industrial Avenue. The public access area shall be landscaped and retained as open space including sitting areas with appropriate furniture and a pathway having a minimum width of 12 feet for walking along the River.

9. Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
Apartments 1 Bedroom 2 Bedroom 3 Bedroom	1.0 space per unit 1.5 spaces per unit 2.0 spaces per unit
Townhouses 1 Bedroom 2 Bedroom 3 Bedroom	1.8 spaces per unit 2.3 spaces per unit 2.4 spaces per unit
Business and Professional Offices	One (1) space per two hundred fifty (250) square feet of gross floor area.
Warehouse / Distribution / Light Industry	One (1) space per one thousand five hundred (1,500) square feet of gross floor area
Fulfillment Centers i.e. Amazon,	One (1) space per one thousand (1,250) square feet of gross floor area

- a. In the C-1H zone, the development of non-residential uses on a lot of 5,000 square feet or less shall not be subject to the off-street parking requirements in Article VIII of the Village Zoning Ordinance.
- b. Applicants for development in the C-1H zone that are not proposing off-street parking shall provide an analysis of the capacity of on-street or off-street parking in the immediate area.
- c. Applicants can provide a parking study prepared by a Traffic Engineering Professional to show that the parking demand for the proposed land use may differ from the above requirements. The Planning Board may, after reviewing the analysis, alter the off-street parking requirements for the project.
- d. Fifteen percent (15%) of the off-street parking spaces provided shall be make-ready or installed with EV equipment. No additional parking space credit shall be permitted in conjunction with the 15% EV allotment.

L. Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to all redevelopment site applications unless they are listed above.

M. Variances and Waivers

Bulk variances and site plan waivers shall be determined by the Planning Board. Any variance considered a use or “d” variance as per section 40:55D-70d of the New Jersey Municipal Land Use Law shall require an amendment to the redevelopment plan.

N. PLAN CONSISTENCY REVIEW

Relationship to the Village Development Regulations

The Village of Ridgefield Park zone plan designates the redevelopment properties as C-1H, R-2, R-3 and I-2 zones. The redevelopment plan does not alter the zoning designations but provides an overlay with revised development criteria. Therefore, the zoning districts of the zone plan are not appreciably altered by the redevelopment plan. To that extent, the redevelopment plan is consistent with the Village development regulations.

Relationship to the Village of Ridgefield Park Master Plan

The redevelopment plan is consistent with the Master Plan of the Village of Ridgefield Park. The 2023 Master Plan designates the redevelopment property consistent with the zoning plan for the Village which is a mix of commercial/retail, residential, including multi-family residential and industrial designations.

Relationship to the Master Plan of Adjacent Municipalities

The redevelopment area is separated from the City of Hackensack by the Hackensack River. There is no direct road access between the east and west sides of the River at this location and therefore, there is no impact of the proposed redevelopment plan on the City of Hackensack.

Relationship to the Bergen County Master Plan

The last update to the Land Use Element of the Bergen County Master Plan was in 1973. It is outdated and its land use designations reflect the municipal zoning plans for the numerous municipalities under its umbrella. Therefore, there is no impact of the redevelopment plan on the County Master Plan.

Relationship to the New Jersey State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan was adopted in 1992 and a revision was adopted in 2001. It designates the Village of Ridgefield Park as a Metropolitan Planning Area (PA-1). The Metropolitan Planning Areas are designated to “provide for much of the State’s future redevelopment, revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities”.

Metropolitan Planning Areas recognize that redevelopment will be the dominant form of growth. This Amended and Restated Redevelopment Plan is consistent with the following goals and policies of the State Plan:

- Revitalize the State’s Cities and Towns
- Promote Beneficial Economic Growth, Development and Renewal
- Protect the Environment, Prevent and Clean Up Pollution
- Provide Adequate Public Facilities and Services

O. PROVISIONS FOR RELOCATION

Relocation of existing businesses and residents within the redevelopment area will be addressed at the time of a redevelopment application to the Planning Board. The Village will emphasize the need to relocate businesses and residents to other locations in the Village.

P. IDENTIFICATION OF PROPERTIES TO BE ACQUIRED

The Village of Ridgefield Park does not intend to acquire any property within the redevelopment area. Redevelopment will be accomplished through private ownership of the redevelopment properties, and the Village will not use its powers of eminent domain to acquire property.

Q. AMENDMENT TO THE ZONE PLAN AND MASTER PLAN

At the adoption of this redevelopment plan, the zone plan of the Village is hereby amended to reflect the zoning and land use provisions as they apply to the redevelopment properties. The zoning criteria of the redevelopment plan will be incorporated into the zone plan and ordinance and supersedes the existing zoning and land use regulations.

The adoption of the redevelopment plan will also amend the Master Plan Land Use Element of the Village of Ridgefield Park to incorporate the land use designations of this plan into the Land Use Plan and map of the Village's Master Plan.

R. AFFORDABLE HOUSING TO BE REMOVED IN THE REDEVELOPMENT AREA

There are no affordable housing units within the redevelopment area. Existing residents in the redevelopment area will be supported if relocation is necessary.

S. PROPOSED LOCATION OF ZERO EMISSION CHARGING INFRASTRUCTURE

All redevelopment applications shall be subject to section 96-8.12 of the Village Zoning Ordinance which requires the planning and installation of electric vehicle charging stations.

Prepared by:

Kenneth Ochab

Kenneth Ochab, AICP, P.P.

Date: November 25, 2024

Revised: January 20, 2026

ORDINANCE 2026-06

ELKS CLUB AFFORDABLE HOUSING

OVERLAY ZONE

SECTION 1. Chapter 96 entitled “Zoning and Development Regulations” of the Village of Ridgefield Park is hereby amended and supplemented to create a new overlay zoning district entitled AH- 1 as follows:

§96-3.1A

AH-1 Affordable Housing Overlay Zone

- (1) Affordable Housing Overlay Zone (AH-1) District Overlay. The purpose of the AH-1 Zone is to implement the Village Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Fourth-Round obligation of the Village for the period 2025-2035. The AH-1 district provides for low and moderate-income housing in the subject location.
- (2) Applicability. The AH-1 district shall be applied to those properties identified below as shown in the Village Tax Map. The Official Zoning Map of the Village is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-1 zone shall be permitted to be developed with residential development with a set-aside as prescribed below. All development of affordable units shall follow the very low-, low- and moderate-income distribution in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et. seq.). For the purpose of permitted the development of an inclusionary development the provisions and requirements of the AH-1 zone shall supercede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Village development regulations with respect to the development of affordable housing, the provisions of the AH-1 Zone shall govern.
- (3) The following parcels are so zoned:
Block 96 Lot 1
- (4) Permitted Principal Uses
 - a. Multi-Family Residential Family Units
 - b. Age-Restricted Multi-Family Residential Units
 - c. Multi-Family Affordable Units

(5) Permitted Accessory Uses

- a. Off-street Parking and Garage Structures
- b. Fences and Walls subject to §96-
- c. Community Centers and Clubhouses
- d. Outdoor recreation structures including but not limited to patios, covered gazebos and pools
- e. Other customary accessory uses, buildings and structures clearly incidental to the principal use and building.

(6) Area, yard and building requirements as follows:

Standard	AH-1 Req.	R-4 Req.		
Min. Lot Area	40,000 sq. ft.	Same		
Min. Lot Width	100 ft.	150 ft.		
Min. Lot Frontage	100 ft.	150 ft.		
Min. Lot Depth	100 ft.	150 ft.		
Max. Building Coverage	35%	25%		
Max. Lot Coverage	75%	75%		
Max. Building Height Feet/Stories	90 ft./8 sty.	70 ft./ 7 sty.		
Min. Front Yard Setback	50 ft.	30 ft.		
Min. Side Yard Setback	30 ft.	30 ft.		
Min. Rear Yard Setback	30 ft.	45 ft.		
Buffer to Residential Properties	35 ft.	35 ft.		

(7) Multi-Family Development

Multi-family development shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

- 1 bedroom - 550 square feet
- 2 bedroom - 800 square feet
- 3 bedroom - 1100 square feet

The bedroom type shall be mixed within each development according to the following distribution:

- 1 bedroom - 25% minimum
- 2 bedroom - 10% minimum
- 3 bedroom - 5% maximum

(8) Affordable Housing Requirements

- a. The overlay zone projects multi-family development up to 80 residential units.
- b. At least 20% of all units shall be set aside as low and moderate-income housing units.
- c. The affordable housing units shall comply with the Fair Share Housing Section of the Village Ordinances (Chapter 172) and the Uniform Housing Affordability Controls.

(9) Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
Apartments	
Studio	1.0 space per unit
1 Bedroom	1.0 space per unit 1.5 spaces per unit
2 Bedroom	2.0 spaces per unit
3 Bedroom	

(10) Buffer and Screening Requirements

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area.

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district.

No building or impervious surface shall be permitted within the buffer area except to gain access to the existing street network. Existing vegetation should be preserved in the buffer area where possible.

(11) Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to the overlay zone unless they are addressed above.



Commissioner Anlian



Commissioner Gerken



Commissioner Mirza

Absent



Commissioner Portorreal



Village Clerk

Adopted on March 10, 2026

Mayor MacNeill

ORDINANCE NO. 2026-07**ORDINANCE OF THE VILLAGE OF RIDGEFIELD PARK AMENDING THE REDEVELOPMENT PLAN FOR MOUNT VERNON STREET AREA IN THE VILLAGE OF RIDGEFIELD PARK CONCERNING AFFORDABLE HOUSING**

WHEREAS, The Board of Commissioners by Ordinance No. 2025-02 adopted a comprehensive Redevelopment Plan for Mount Vernon Street Area as set forth in the Local Redevelopment and Housing Law specifically NJSA 40A:12A-3 to be designated as an “area in need of redevelopment” without the power of condemnation; and

WHEREAS, the parcels:

Block 64 Lots 1, 12, 14, 15, 16, 19 and 20
 Block 65 Lots 17, 18, 19, 20, 21, 22 and 23
 Block 86 Lots 1, 11, 12, 13 and 14
 Block 87 Lots 7, 8, 9, 11, 13, 14 and 15
 Block 151 Lots 5, 6, 6.01, 7 and 7.01

The study area consists of properties located in the downtown area of the Village and along Industrial Avenue. It is bordered by Main Street and the Hackensack River (east/west), the properties on the north side of Mt. Vernon Street to Cedar Street (north/south). The area of study is traversed by Mt. Vernon Street, Cedar Street, Lincoln Avenue and Spruce Street. Several parcels are also located along Paulison Avenue and Industrial Avenue. The parcels are collectively referred to as the “Redevelopment Area”; and

WHEREAS, the Village wishes to amend its Redevelopment Plan as it related to Affordable Housing, said amendments are set forth in the Redevelopment Plan prepared by Kenneth Ochab Associates, revised date January 20, 2026, a copy of which is on file with the Village Clerk.

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners of the Village of Ridgefield Park hereby amends the Redevelopment Plan prepared by Kenneth Ochab Associates revised January 20, 2026 concerning the Village’s Affordable Housing obligation.

Severability. If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

Inspection. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Village Clerk during regular business hours.

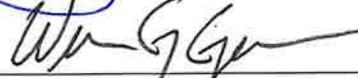
Effective Date. This Ordinance shall take effect 20 days after adoption and publication as required by law.

Repeal of Inconsistent Ordinances. All ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Notice to County Planning Board. Within 30 days of adoption of this Ordinance, a copy of the same shall be transmitted to the Bergen County Planning Board in accordance with N.J.S.A. 40:27-4.



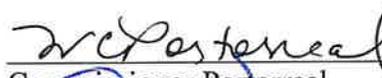
Commissioner Anlian



Commissioner Gerken



Commissioner Mirza



Commissioner Portorreal



Mayor MacNeill


Village Clerk
Adopted on February 24, 2026

REDEVELOPMENT PLAN
FOR NON-CONDEMNATION PURPOSES

For
Block 64 Lots 1, 12, 14, 15, 16, 19 and 20
Block 65 Lots 17, 18, 19, 20, 21, 22 and 23
Block 86 Lots 1, 11, 12, 13 and 14
Block 87 Lots 7, 8, 9, 11, 13, 14 and 15
Block 151 Lots 5, 6, 6.01, 7 and 7.01

MT. VERNON STREET AREA
IN THE
VILLAGE OF RIDGEFIELD PARK



Prepared by:
Kenneth Ochab Associates
12-16 Fair Lawn Ave.
Fair Lawn, N.J. 07410

November 25, 2024
Revised: January 20, 2026

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A. INTRODUCTION

This study is being prepared for the Village of Ridgefield Park Planning Board to determine whether the area identified herein can be declared an area in need of redevelopment without condemnation. The request was made by the Village Commissioners through resolution (#2022-47) dated April 21, 2022.

The Planning Board prepared an “in need of redevelopment” report dated January 17, 2024 and a public hearing was held on September 9, 2024 to determine if the area could be declared an “area in need of redevelopment” the Planning Board did recommend that the area be so declared to the Village Commissioners and the Commissioners then authorized the Planning Board to prepare a redevelopment plan (resolution 2024-170).

The study area can generally be described as the land area in the vicinity of Mt. Vernon Street west of Main Street. It runs from Main Street to the Hackensack River and south to include properties on Lincoln, Spruce and Cedar Streets. The redevelopment area also includes properties on Industrial Avenue.

The area includes properties that have been previously developed and include residential, commercial and industrial uses as well as surface parking uses. Properties within the redevelopment area are in the C-1H (commercial), R-3 (residential) and I-2 (industrial) zones.

Revisions were made to this document to reflect the Village’s Fourth Round Fair Share Housing Plan concerning affordable housing bedroom and income distribution.

B. AREA DESCRIPTION

The study area consists of properties located in the downtown area of the Village and along Industrial Avenue. It is bordered by Main Street and the Hackensack River (east / west), the properties on the north side of Mt. Vernon Street to Cedar Street (north/south). The area of study is traversed by Mt. Vernon Street, Cedar Street, Lincoln Avenue and Spruce Street (see figures 1 and 2 below).

C. DESCRIPTION OF PROPERTIES

Multiple land parcels are the subject of this “in need of redevelopment” investigation. These parcels include:

- Block 64 Lots 1, 12, 14, 15, 16, 19 and 20
- Block 65 Lots 17, 18, 19, 20, 21, 22 and 23
- Block 86 Lots 1, 11, 12, 13 and 14
- Block 87 Lots 7, 8, 9, 11, 13, 14 and 15
- Block 151 Lots 5, 6, 6.01, 7 and 7.01

Figure 1 is an aerial photograph of the study area and the surrounding properties.



Figure 2 provides a tax map view of the subject parcels and the overall redevelopment area.

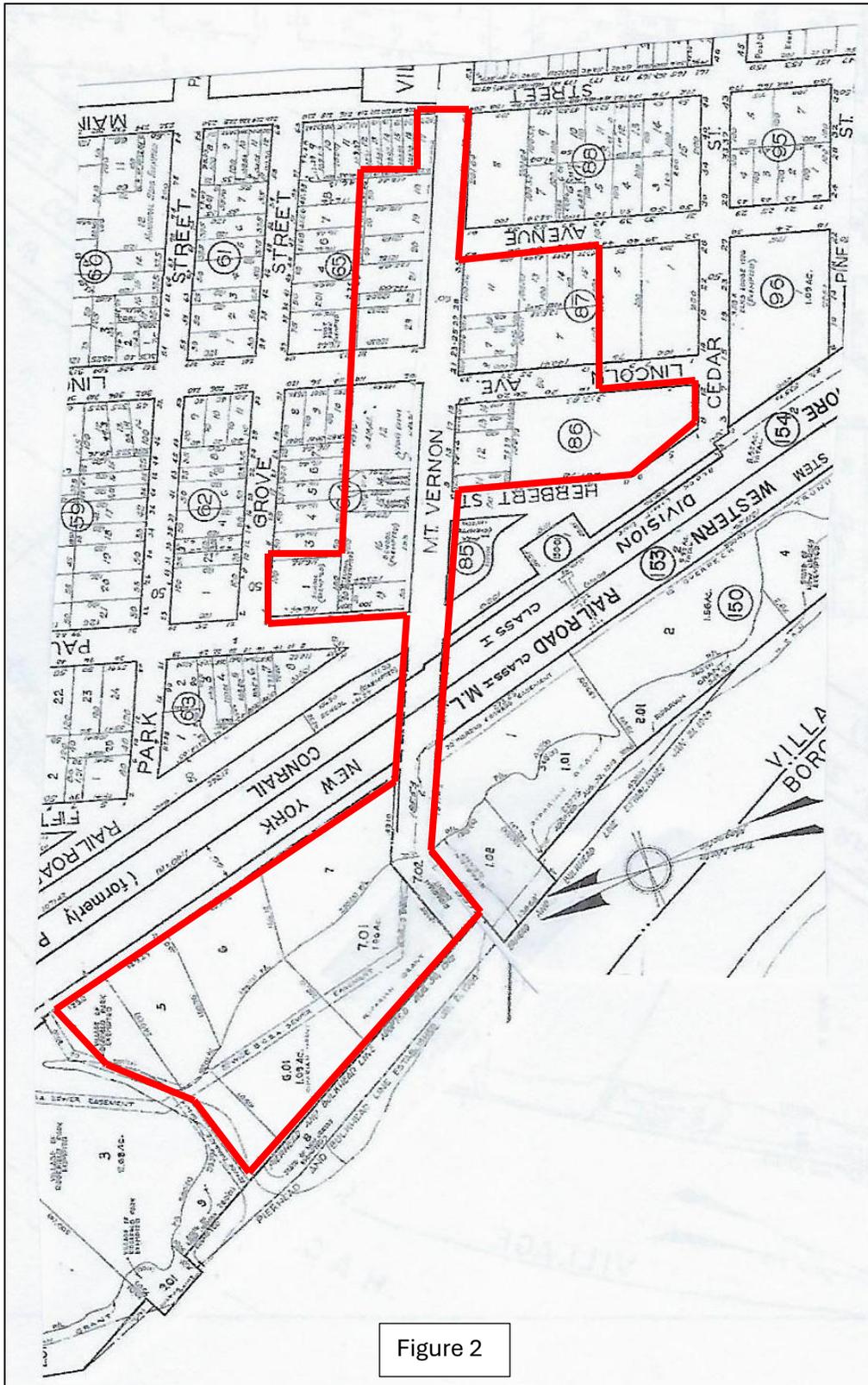


Figure 2

D. STATUTORY CRITERIA

The Local Redevelopment and Housing Law (LRHL) 40A:12A-7 mandates that a Redevelopment Plan address the following issues:

- The Redevelopment Plan’s relationship to appropriate land use, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the Redevelopment Area
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the Redevelopment Area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.
- Any significant relationship of the Redevelopment Plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located and the State Development and Redevelopment Plan.
- This Redevelopment Plan may include the provision of affordable housing in accordance with the “Fair Housing Act”, P.L. 1985, c.222 (C-52:27D-301 et. seq.).
- The Redevelopment Plan may supersede applicable provisions of the development regulations of the Village or be adopted as an “overlay zone”. In either case, the ordinance adopting the Redevelopment Plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the Redevelopment Plan applies.
- All provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan: but the municipal governing body may adopt a Redevelopment Plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

E. MASTER PLAN AND ZONING

The 2022 Master Plan of the Village designates all of the properties from Main Street to Railroad Avenue as Center Village. It further defines these areas as the Central Business District for properties fronting on Mt. Vernon Street and the Mixed Use District for properties fronting on Paulison Avenue. It further defines the property along Spruce St and Lincoln Avenue and partially along the east end of Mt. Vernon Street as Mixed Use Redevelopment District. The two properties along the Hackensack River are designated as “Hackensack River Industrial”.

The Plan suggests a continuation of commercial uses on Mt. Vernon Street and a continuation of industrial uses on Industrial Avenue. The “Mixed Use Redevelopment” district suggests development that can support the downtown retail center and provide multi-family housing.

The new 2023 zoning ordinance maintains the Historic Commercial District (C-1H) along Mt. Vernon Street and designates the Industrial Avenue properties as Industrial with an “Arts Overlay Zone” (I-2/Arts). This zone maintains the industrial use base but also encourages arts and artisan usage under special zoning criteria. The properties fronting on Lincoln Avenue are zoned for multi-family residential use with the arts overlay zone (R-3/Arts) in the new ordinance. Properties fronting on Paulison Avnue and Grove Street are in the R-2/Arts zone.

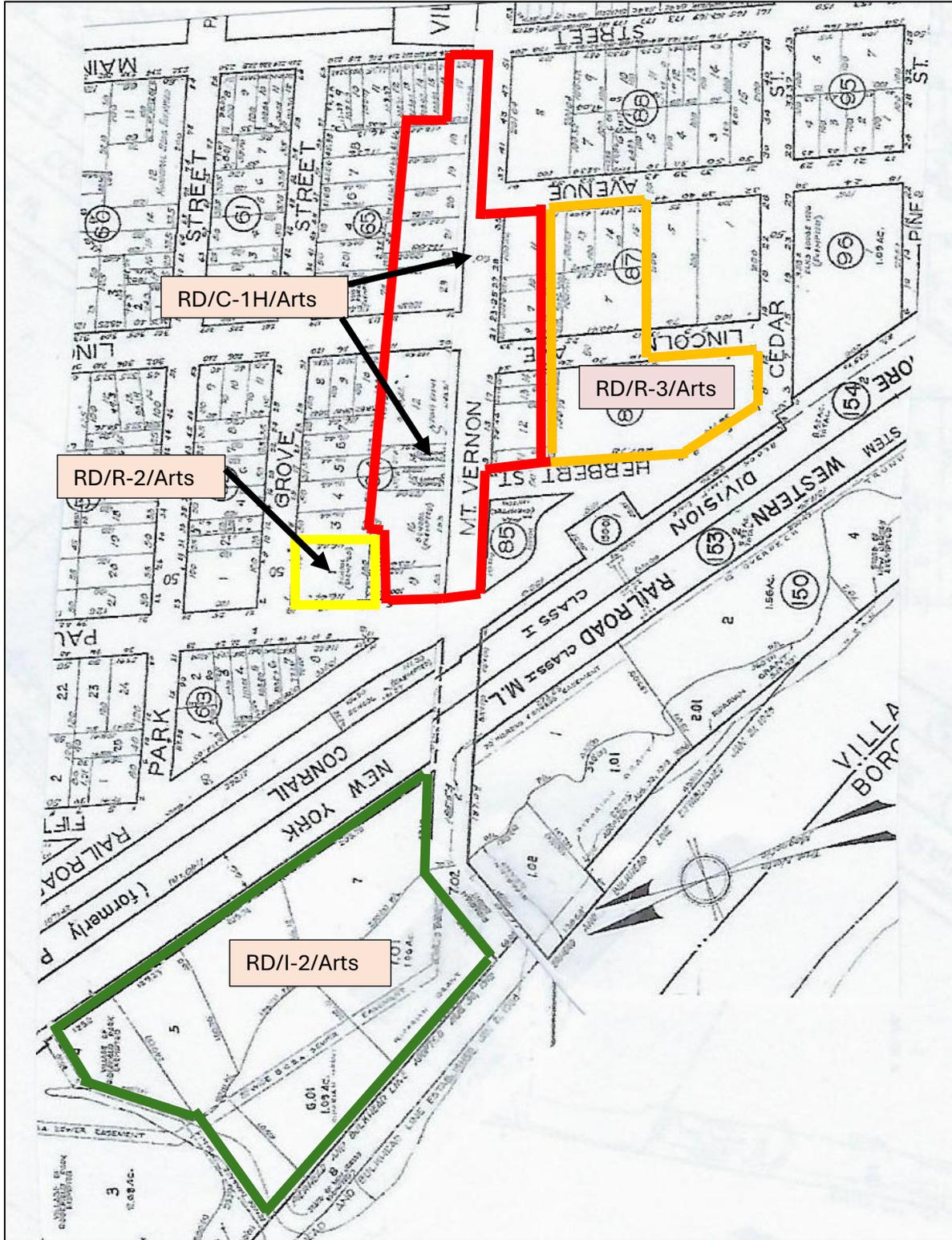
Figure 3 below shows the properties and the redevelopment plan.

F. REDEVELOPMENT PLAN GOALS AND OBJECTIVES

The overall goals of the Redevelopment Plan are to:

- Provide for appropriate development of the Village of Ridgefield Park, to support the economic well-being of the Village of Ridgefield Park and provide for an increased tax base and employment opportunities in the Village.
- Promote efficient and appropriate land development in the Village of Ridgefield Park in a manner which is compatible with surrounding land uses and development.
- Provide for safe and efficient accessibility to the redevelopment site and surrounding roadway system consistent with the demand for transportation facilities in the central business district area.
- Provide for state of the art light industrial and warehouse distribution uses that can provide for regional needs while providing the Village with an additional ratable and employee base.
- Provide for the protection of the historic district by encouraging additional development on existing conforming buildings and new construction that is consistent with the development guidelines of the historic district.
- Provide for the protection and preservation of environmentally sensitive property to enhance the protection of the environment along the Hackensack River through conservation easements and an open space corridor.

Figure 3 - Redevelopment Plan



The objectives of the Redevelopment Plan are to:

- Encourage and integrate a comprehensive design with respect to the location and relationship of uses, buildings, parking, architectural elements, public open space areas, environmental features and access to the surrounding roadway network.
- Provide for a flexible development that provides for retail and residential uses in the C-1H zone and warehouse and distribution uses in the I-2 zone that contribute to the local commercial and consumer goods needs as well as to the regional needs for modern warehouse facilities.
- Provide for appropriate land uses that will make productive use of vacant and under-utilized land in the redevelopment area.
- Support development that will result in minimal environmental impact to the area and remediate existing environmental concerns.
- Provide for adequate and safe roadway access to the local, and for sufficient off-street parking arrangements to support the Redevelopment Plan.
- To provide for a sustainable development that encourages minimizing the use of energy, reduces the development's "carbon footprint" on the environment and uses the principals of "LEED" construction techniques.

G. LAND USE STRATEGY

The intent of the Redevelopment Plan is to provide for additional retail and commercial space in the Village downtown area and create additional housing for Village residents and the region. The strategy provides for mixed use development along Mt. Vernon Street where retail uses occupy the ground floor with residential development above. This also includes the provision of off-street parking within the new building structure or on-site. This includes substantial streetscape improvements for pedestrian activity as well as outdoor gathering and dining opportunities in the retail areas.

The strategy for Spruce Street, Lincoln Avenue and Paulison Street is to provide for multi-family housing that will support the Main Street / Mt. Vernon Street downtown area and also provide for a choice of housing alternatives for residents. This includes affordable housing for eligible households as well as specifically set aside market based senior housing. The Plan intends to increase the support for the downtown retail sector through the increase in resident population in and around the Main Street / Mt. Vernon Street area.

The Plan strategy will also permit the construction of large-scale warehousing and distribution facilities that take advantage of current technological advantages of warehousing and distribution operations. This translates into large structures with high ceilings and multiple loading bays that can meet the demand for modern facilities.

The land use strategy also intends to provide suitable upgrade to the property through creative design techniques and good civic design. As such, off-street parking facilities should be provided for all residential and warehouse /distribution uses and to provide truck parking and storage provided on the Industrial Avenue sites in a manner that does not affect the surrounding properties or the Hackensack River area.

The strategy also intends to improve Industrial Avenue to the extent necessary to accommodate the increase in vehicle and truck volumes along the site frontage and off-site both north and south of the redevelopment site.

Finally, land use strategy continues to support the creation of a waterfront conservation area along the Hackensack River. This includes the construction of recreation improvements along the River that will enhance the visual environment of the River and enable future connections both north and south to create a unified Riverfront path for public enjoyment

H. REDEVELOPMENT CRITERIA

The redevelopment criteria is designed to provide incentives not found in the existing zoning ordinance requirements that together with fiscal incentives will stimulate growth in the redevelopment area. The redevelopment criteria is provided on a block by block basis so that the development allowances can be more precise and relate to the individual sites as well as the surrounding properties.

The redevelopment criteria are designed to be implemented as an “overlay redevelopment zone” which will permit the underlying C-1H, R-2 and I-2 zone requirements to remain intact. This gives the property owners the ability to continue to develop under the existing zoning regulations or to utilize the incentives in the redevelopment criteria. Pre-existing non-conforming uses can remain intact until their owners decide to utilize either the existing zoning or the redevelopment criteria.

Utilizing the redevelopment option will allow the redevelopment projects to apply a number of tax related advantages including tax exemptions and abatements. This also includes the ability to complete a redevelopers agreement with the Village which could include a Payment in Lieu of Taxes (PILOT) program.

The tables below show the existing zoning regulation requirements (in red) and the redevelopment criteria (in black). The “Arts Overlay Zone” applies to both zoning and redevelopment development. The “Arts” standards can be found in the Village Zoning Ordinance (section 96-6.17)

I. PERMITTED AND ACCESSORY USES

The following permitted and accessory uses will be permitted in each redevelopment zone:

- 1) C-1H Redevelopment Zone
 - a) All uses permitted in the Ridgefield Park zoning ordinance, section 96-20.1 Schedule 1 except that residential apartments above permitted retail uses shall be permitted uses.
- 2) R-2 Redevelopment Zone
 - a) Multi-Family Residential Uses excluding townhouses.

- b) All R-2 accessory uses except, home occupations and family day care homes.
- 3) R-3 Redevelopment Zone
 - a) Multi-Family Residential Uses including Townhouses.
 - b) All R-3 accessory uses.
- 4) I-2 Industrial Redevelopment Zone
 - a) Warehouses, Distribution Facilities, Fulfillment Centers and Light Industrial Uses
 - b) All I-2 accessory uses.

J. BLOCK CRITERIA

BLOCK 65 (North side of Mt. Vernon St from Main St. to Lincoln Ave.)

Includes the Medical Office at Main Street, Luigi’s Restaurant, 36 Mt. Vernon St. (approved project). All properties are in the C-H redevelopment zone. The medical office building at the Main Street /Mt. Vernon Street intersection is a unique and provides a historic base to the retail center of the Village. The adjoining Luigi’s Restaurant site is eligible for redevelopment. The rest of the block (Lots 19 to 23) are part of one development entity. This property has development approval for all but Lot 19. The approval permitted mixed-use retail and residential development with internal parking. The addition of Lot 19 to the project will result in a new application presumably under

Area	District	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)
C-1H Zoning	Central Business Historic District	5,000	50	50	100	70%	90%	40	20 ft. or block avg.	30	8/7 or zero
C-1H Redevelopment		5,000	50	50	100	80%	90%	40-50 / 4-5 sty. (1)	0-20 (2)	30	10
Arts Overlay Zone	See section 96-6.17										

these redevelopment standards.

- (1) The building height will be determined by holding the 40-foot height limitation at the intersection of Main and Mt. Vernon. As the grade drops down Mt. Vernon St. the proposed building can be higher due to the grade. It may result in a 40-foot building at the east end and a 50-foot building at the west end. It is intended that the ground floor or floors will contain parking behind the ground level retail space. Building height will also depend on the housing program for each site. See below.
- (2) The front yard will vary as directed by the Planning Board to permit a wider sidewalk for outdoor seating or plaza areas in the front yard for the same purpose. Plaza areas will command a greater front yard setback. Streetscape requirements will also provide for street trees between the sidewalk and street curblines. Sidewalks should be 10 feet in width within the street right-of-way.
- (3) In this block, any corner lot having frontage on Mt. Vernon Street and Lincoln Ave., the front yard shall be on Mt. Vernon Street. The rear yard is the yard adjacent to the existing residential zone on Grove St. Front yard setbacks are required for both street frontages.

Block 65 Lot 17

This property is the old bank building located at the northwest corner of the Main Street/Mt. Vernon Street intersection. It is a two-story masonry building that currently houses “Riverside Pediatrics” physician’s office. It was formerly Wells Fargo Bank. The building consumes most of the lot and like many buildings on Main Street there is no off-street parking on the site. There is, however, parking available at Block 64 Lot 12 located at the northwest corner of Mt. Vernon Street and Lincoln Avenue. This site was used as a drive-up bank facility and parking lot. It is not known if there is a binding relationship between the two sites via a deed restriction or easement agreement to continue to provide off-street parking. The building has been adaptively reused from a bank to a medical office facility. The building retains its original aesthetics from 1913.



Block 65 Lot 18 - Luigis Restaurant.



This property is adjacent to the bank and also adjacent to an existing residential property to the west. It has been a restaurant for many years. The building area consumes most of the property with the exception of an outdoor eating area for seasonal use. No on-site parking is provided. The property is approximately 5,800 square feet in size with 50 feet of frontage on Mt. Vernon Street. The original building (house) was constructed in 1910.

Block 65 Lot 19

The property is adjacent to Luigi's Restaurant to the east and existing residential homes to the west. However, a mixed-use multi-family development has been approved on the property to the west. The original building was constructed circa 1892 and the exterior is in good condition. It is however, a non-conforming use in the C-1H zone, the Villages downtown district.



Block 65 Lots 20 - 23

This property consists of four lots of approximately 24,400 square feet with 200 feet of frontage on Mt. Vernon Street. This property has approvals for a mixed-use multi-family development. In 2022, the Board of Adjustment granted approval for 28 residential units, 2,500 square feet of retail space and 53 parking spaces on-site. The existing development includes residential homes on Lots 20, 21 and 22 which are non-conforming uses. Lot 23 contains an existing restaurant with on-site parking with access from Lincoln Avenue.



Block 64	District	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)
C-1H Zoning	Central Business Historic District	5,000	50	50	100	70%	90%	40	20 ft. or block avg.	30	8/7 or zero
C-1H Redevelopment	C-1H (1)	5,000	50	50	100	80%	90%	40 -50 / 4- 5 (4)	0-20 (2)	30 (3)	5-10
R-2 Zoning	1 -2 Fam.	10,000	100	100	100	25%	50%	32'2 ½	20 ft.	30 ft.	20 ft.
R-2 Redevelopment	Multi- Family	10,000	50	50	100	25%	70%	35/3	30	30	20
Arts Overlay Zone	See section 96-6.17										

BLOCK 64

BLOCK 64 (North side of Mt. Vernon St. from Lincoln Ave. to Paulison Ave.)

Includes old bank drive through facility and Developmental Disability Association building and parking lot. Also includes the car wash property.

- (1) In this block, the Planning Board can determine if the continuation of ground floor retail is required. One design option is to design the ground floor space fronting Mt. Vernon St. as retail but allow residential use along the mid-block areas until demand for retail space is achieved. The corner spaces at each building should be for retail or building access only.
- (2) The front yard will vary as directed by the Planning Board to permit a wider sidewalk for outdoor seating or plaza areas in the front yard for the same purpose. Plaza areas will command a greater front yard setback. Streetscape requirements will also provide for street trees between the sidewalk and street curblin. Sidewalks should be 10 feet in width.
- (3) In this block, any corner lot having frontage on Mt. Vernon Street and Lincoln Ave. or Paulison St., the front yard shall be on Mt. Vernon Street. The rear yard is the yard adjacent

to the existing residential zone on Grove St. Front yard setbacks are required for both street frontages. Paulison Avenue shall also be considered as the front of the property.

- (4) Building height will depend on the topographic conditions of the site and the difference in grade through the site.

Block 64 Lot 12

This property is located at the northwest corner of Mt. Vernon Street and Lincoln Avenue. It is the former location of the Wells Fargo bank drive-through facility. The site is currently used by the Medical Building on Main Street for patient and staff parking (Block 65 Lot 17).



Block 64 Lots 14, 15, and 16

This property is approximately 24,600 square feet in size with 200 feet of frontage on Mt. Vernon Street. The property is owned by Developmental Disability Association of New Jersey, a non-profit organization. The site is utilized for the parking of transportation vehicles for the organization. The site is paved for this purpose. No buildings are located on the site.



Block 64 Lot 19

This property is located at the corner of Mt. Vernon Street and Paulison Avenue. The site is 5,000 square feet in size with 50 feet of frontage on Mt. Vernon Street and 100 feet of frontage on Paulison Avenue. The site is used as a vehicle car wash business.



Block 64 Lots 1 and 20

This property is also owned by the Developmental Disability Association of New Jersey. The property has a building on the site that is the organization’s educational and business office. The primary frontage is on Paulison Avenue. The building consists of a one-story and two-story structure with no on-site parking which is provided on Lots 14, 15 and 16. The office building also fronts on Grove Street. It does form the edge of an industrial-commercial area on Paulison Avenue at Grove Street.



BLOCK 151

BLOCK 151 (west side of Industrial Ave.)

This block includes the auto recycling site (1.7 ac.) and the adjacent contractors storage site (2.7 ac.).

Zone	District	Area (sq. ft.)	Front (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)	Side Yd (ft)
I-2 Zoning	Heavy Industrial District	40,000	150	150	200	20%	75%	50	30	40	25	25
I-2 Redevelopment	Warehouse/ Distribution	40,000	150	150	200	50%	85%	50	25	50 (1)	25	25

(1) – Riverfront, buffer required.

Block 151 Lots 7 and 7.01

This property is commonly referred to as the Apache Auto Salvage Yard. It is located across the freight railroad tracks and fronts on Mt Vernon Street and Industrial Avenue. The site is in the I-2 Industrial Zone, however, the current use is not permitted in the zone and is therefore a non-conforming use. The site has various materials stored outdoors. The site is 1.7 acres in size and has approximately 140 feet of frontage on Mt. Vernon Street and 235 feet of frontage on Industrial Avenue. The property also borders the Hackensack River.



Block 151 Lots 5, 6 and 6.01

This property is owned by Thor Realty and is the site of multi-use industrial contracting businesses and storage facilities. There are multiple buildings on the site with outdoor parking for trucks and equipment. The Village approved the presence of five businesses on the site.



BLOCK 86

BLOCK 86 (South side of Mt. Vernon St. between Lincoln Ave. and Herbert St.)

This block consists primarily of smaller parcels except for Veteran’s Housing. There are only four parcels that front Mt. Vernon Street with three property owners.

Zone	District (1)	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)
C-1H Zoning	Central Business Historic District	5,000	50	50	100	70%	90%	40	20 ft. or block avg.	30	8/7 or zero
C-1H Redevelopment Zone		2,500	25	25	100	80%	90%	40-50 /4-5 (2)	0-20 (3)	30	10
R-3 Zoning	Single Two-Family Townhouse Apartment	7,500 10,000 15,000 20,000	50 100 100 100	50 100 100 100	100 100 100 100	25% 25% 35% 25%	50% 50% 70% 70%	32/2 ½ 32 /2 ½ 35/2 35/3	20 2 30 30	30 30 30 35	8/7 20 20 20
R-3 Redevelopment	Townhouse Apartment	10,000 10,000	100 100	100 100	100 100	35% 50%	70% 80%	35/2 45/4	30 20	30 30	20 20
Arts Overlay Zone	See section 96-6.17 (C-1H only)										

- (1) Properties with frontage Mt. Vernon St. will be in the C-1H redevelopment zone. Properties with frontage only on Herbert Street and Lincoln Avenue will be in the R-3 redevelopment zone.
- (2) The building height in the C1-H redevelopment area only, will be determined by the topographic conditions of the site and the difference in grade through the individual site.
- (3) In this block, any corner lot having frontage on Mt. Vernon Street and Lincoln Ave. or Spruce St., the front yard shall be on Mt. Vernon Street. Front yard setbacks are required for both street frontages.

Block 86 Lot 1 (15 Herbert Street)

This property is located on Lincoln Avenue, Cedar Street and Herbert Street. The site is slightly over 1 acre in size and has 11 duplex buildings or 22 dwelling units. The units are mostly one-story buildings with the units fronting on Herbert having basements and garages at the lower level of the structures. The project was constructed in 1956 according to the Village tax records. It also appears to have been owned by one entity since that time as a rental property. The property is zoned R-3 multi-family residential.



Block 86 Lot 11 (9-11 Mt. Vernon Street)

This property is located at the Mt. Vernon Street and Herbert Street intersection. It is approximately 2,500 square feet in size and has a two-story mixed-use building. The first floor houses a restaurant with an apartment on the second floor. The building consumes most of the site with no off-street parking.

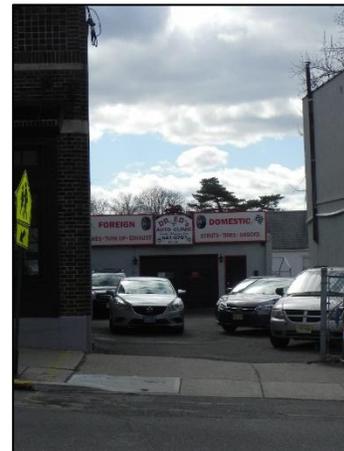
Block 86 Lot 12 (15 Mt. Vernon Street)

This property is located on Mt. Vernon Street between Herbert Street and Lincoln Avenue. The site is 7,500 square feet in size and has 75 feet of frontage on Mt. Vernon Street. The building is a two-story structure covering approximately 50% of the lot. Retail uses are on the ground floor with apartments above. There are three retail tenants (one with two separate store fronts). The building façade has added awnings recently.



Block 86 Lot 13 (17 Mt. Vernon Street)

This property is located on Mt. Vernon Street adjacent to Lot 12. The property is 2,500 square feet in size and has 25 feet of frontage on Mt. Vernon Street. An existing building is situated in the rear of the lot with parking in front. The building contains “Dr. Ed’s Auto Clinic” which apparently has been on the premises for 30 years. This lot and Lot 12 are in the same ownership.



Block 86 Lot 14 (19 Mt. Vernon Street) This property is located on Mt. Vernon Street at the Lincoln Avenue intersection. The property is 2,500 square feet in size and has 25 feet of frontage on Mt. Vernon Street and 100 feet of frontage on Lincoln Avenue. The existing two-story building is located along the front and side property lines with a small rear open area which fronts on Lincoln Avenue. The building has a retail use (spa?) on the ground floor and apartments above.

Area	District	Area (sq. ft.)	Frontage (ft)	Width (ft)	Depth (ft)	Bldg. Cov. (1)	Lot Cov. (2)	Bldg. Hgt. (ft./sty)	Front Yd. (ft.)	Rear Yd. (ft)	Side Yd (ft)
C-1H Zoning	Central Business Historic District	5,000	50	50	100	70%	90%	40	20 ft. or block avg.	30	8/7 or zero
C-1H Redevelopment		5,000	50	50	100	80%	90%	40-50 /4-5 (1)	0-20 (2)	30	10
R-3 Zoning	Single	7,500	50	50	100	25%	50%	32/2 ½	20'	30'	8/7
	Two-Family	10,000	100	100	100	25%	50%	32 /2 ½	20'	30'	20'
	Townhouse	15,000	100	100	100	35%	70%	35/2	30'	30'	20'
	Apartment	20,000	100	100	100	25%	70%	35/3	30'	35'	20'
R-3 Redevelopment	Apartment	10,000	100	100	100	50%	80%	45/4	20	30	20
Arts Overlay Zone	See section 96-6.17 (C- 1H only)										

(1) The building height will be determined by holding the 40-foot height limitation at the intersection of Main and Mt. Vernon. As the grade drops down Mt. Vernon St. the proposed building can be higher due to the grade. It may result in a 40-foot building at the east end and a 50 foot building at the west end. It is intended that the ground floor or floors will contain parking behind the ground level retail space.

(2) The front yard will vary as directed by the Planning Board to permit a wider sidewalk for outdoor seating or plaza areas in the front yard for the same purpose. Plaza areas will command a greater front yard setback. Streetscape requirements will also provide for street trees between the sidewalk and street curblin. Sidewalks should be 10 feet in width if no plaza area is provided.

BLOCK 87 (South side of Mt. Vernon St. from Spruce St. to Lincoln Ave.)

This block includes Hamilton Co. offices and storage yard, 3 single family homes and the Village Hardware Store.

Block 87 Lot 7 (23 Lincoln Avenue)

This property is located on Lincoln Avenue behind the hardware store. The property is 14,000 square feet in size with 140 feet of frontage on Lincoln Avenue. The building on the site is an L shaped industrial structure with truck and service vehicle as well as the storage of some materials on the site. The site is also adjacent to the new multi-family residential building on Lincoln Avenue.



Block 87 Lot 8 (21 Mt. Vernon Street)

This property is located on Mt. Vernon Street at the intersection with Lincoln Avenue. The property is 2,500 square feet in size with 25 feet of frontage on Mt. Vernon Street. An existing one-story structure is located on the street line of both streets and covers the entire property. This is the site of “This and That Hardware” which has been at this location for many years. The building exterior is in good condition with the display of goods along the sidewalk on both streets appears to have been a merchandising strategy for many years. The hardware store is part of the downtown’s uniqueness and historic fabric.



Block 87 Lot 9 (25 Mt. Vernon Street)

This property is located on Mt. Vernon Street next to the hardware store. The property is 5,000 square feet in size with 50 feet of frontage on Mt. Vernon Street. An existing one-story building consumes the entire site. The use appears to be office related and the exterior of the façade gives the building an office motif.

Block 87 Lot 10 (27 Mt. Vernon Street)

This property is located on Mt. Vernon Street next to the Hamilton building at the intersection of Spruce Avenue. The property is 2,500 square feet in size with 25 feet of frontage on Mt. Vernon Street. An existing two-story building extends from the street to approximately 50 feet into the property with a one-story building continuing to the rear property line. The ground floor appears to be used as office space with apartments on the second floor.

Block 87 Lot 11 (29-35 Mt. Vernon Street)

This property is located at the intersection of Mt. Vernon Street and Spruce Street. The property is 10,000 square feet in size with 100 feet of frontage on both streets. The one-story building consumes the west portion of the site and stretches the entire length of the property along Spruce Street. The east portion of the property has a parking lot off Mt. Vernon Street with a garage set back to the rear of the parking area. The primary building is two stories in the front along Mt. Vernon Street and one-story in the rear facing Spruce Avenue. The Spruce Avenue side of the structure has three large garage doors for vehicles. This building is the main office for Hamilton Air. Its 1926 architectural features were modernized with stucco and a modern window design.



Block 87 Lot 13 (54 Spruce Avenue)

This property is located adjacent to the Hamilton Building on Spruce Avenue. The property is 4,300 square feet in size with 43 feet of frontage along Spruce Avenue. There is a two and one-half story single family home on the site. The house is set back from the street and has a small driveway on the south side of the structure. The site is located in the R-3/ Arts zone where single-family homes are permitted.



Block 87 Lot 14 (52 Spruce Avenue)

This property is located on Spruce Avenue adjacent to Lot 13. The property is 4,300 square feet in size with 43 feet of frontage along Spruce Avenue. There is a two and one-half story single family home on the site. The house is set back from the street and has a small driveway on the south side of the structure. The site is located in the R-3/ Arts zone where single-family homes are permitted.



Block 87 Lot 15 (50 Spruce Avenue)

This property is located adjacent to the new three-story multi-family development at 9-13 Spruce Avenue. The property is 4,400 square feet in size with 44 feet of frontage along Spruce Avenue. There is a two and one-half story single family home on the site. The house is set back from the street and has a small driveway on the south side of the structure. The site is adjacent to recently built multi-family development.

**K. SITE DEVELOPMENT CRITERIA****1. C-1H Redevelopment Zone**

- a. Residential apartments above permitted C-1H uses are permitted uses. The following requirements apply to such apartments in this zone:
- b. Residential apartments are only permitted above C-1H uses that front on Main Street and Mt. Vernon Street.
- c. The implementation of residential apartments shall conform to the C-1H area and bulk requirements as set forth above.
- d. Apartments shall conform to the following minimum areas:
 1. Studio - 450 square feet
 2. 1 bedroom – 550 square feet
 3. 2 bedroom – 850 square feet
 4. 3 bedroom – 1100 square feet
- e. The bedroom type shall be mixed within each development according to the following distribution:
 1. Studio – 10% maximum
 2. 1 bedroom – 25% minimum
 3. 2 bedroom – 10% minimum
 4. 3 bedroom – dependent on affordable requirements
- f. Apartments shall comply with all building code and sub-code requirements.

2. Buffer Requirements in the C-1H zone.

Buffer requirements. There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 10

feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.

3. Affordable Housing

Every redevelopment project that includes a residential component shall provide affordable housing as set forth in the tables below. The total required affordable housing set-aside is 20 percent. So long as the redevelopment plan produces at least 27 affordable family, non-age-restricted units, if the redeveloper makes, absent a factual showing of financial hardship according to be submitted in writing to the Village and FSHC. FSHC and the Village may, in their discretion, consent to allow the affordable in which case there may be a set-aside to drop below 20%, which set aside should presumably, under any circumstance, should be at least 15%

The Village is committed to provide a minimum of 27 affordable non-age restricted units within the Mt. Vernon Street Redevelopment Area. Amendments to the redevelopment plan may be necessary as redevelopment projects come into and out of the redevelopment process. If the set aside results in a fraction of 0.5% or higher, the Planning Board shall determine how the fractional percentage will be utilized.

The bedroom mix must provide the following:

- a. At least 50% of the affordable housing units shall be available for low-income households with 50% with no more than 50% of the affordable housing units for moderate-income households.
- b. At least 13% of the number of affordable units in each project shall be reserved for very low-income households.
- c. No greater than 20% of the affordable units shall be 1-bedroom units.
- d. At least 20% of the affordable units shall be 3-bedroom units.

For redevelopment projects without residential uses, the provisions of the affordable housing development fee ordinance and the Statewide Non-Residential Development Fee Act, will be applicable (section 172-26 et. seq.).

4. Affordable Housing Distribution in C-1H Redevelopment Zone

The affordable housing details are those provided in the Village's Fourth Round Housing Plan.

5. Streetscape Requirements

The streetscape design along Mt. Vernon Street shall utilize the criteria in the Village's "Historic Preservation Guidelines". These include the following:

- a) Streetscape. The development shall include a cohesive thematic streetscape design, consistent and compatible with previously installed streetscape designs on the same side or opposite side of the street block, if any, that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. Developer proposed improvements to be planted, installed or constructed within public rights-of-way shall be approved by the governing body prior to construction or installation. The streetscape shall include the following elements:
 - b) Sidewalk areas should include creative use of stylized brick or concrete pavers, colored and stamped concrete or decoratively scored concrete.
 - c) Street lighting should incorporate the use of stylized light fixtures that complement the proposed building architecture. The following standards shall apply.
 - [1] Light fixtures should incorporate sufficient photometric controls which shield the source of lighting from adjacent buildings or properties.
 - [2] Height of the street lighting fixtures should be residential in scale and should not exceed a twelve-foot mounting height.
 - [3] Lighting levels proposed should conform to all applicable ordinance standards provided herein.
 - d) Pedestrian crossings of roadways should be accentuated through the use of differential pavement crossings.
 - e) Shade trees. Shade trees shall be provided for all streets and parking areas and shall be in accordance with the following standards:
 - [1] Shade tree planting layout should complement the overall theme for the development as a whole.
 - [2] Spacing between trees shall be determined based upon species and the desired theme. The spacing should range between 25 feet to 35 feet on-center. There shall be a minimum of one shade tree per 10 parking spaces within all surface parking lots.
 - [3] There should be several species of shade trees incorporated into the design of the overall project to avoid problems associated with a monoculture design.

- [4] Choice of tree species should be based on form and on site conditions and shall be subject to the approval of the Shade Tree Committee.
- [5] Shade trees shall be a minimum of three inches in caliper.

- f. Each development along Mt. Vernon Street shall also provide appropriate sitting, gathering and eating areas incorporated into the site plan design for the project. Coordination with building entrances and the pedestrian sidewalk along the street is essential and required.

6. R-2 and R-3 Redevelopment Zone

Townhouse Redevelopment

For townhouse development, redevelopers shall follow the provisions of section 96-6.2 of the Village Zoning Ordinance.

Apartment Redevelopment

For apartment development, redevelopers shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

- 1 bedroom – 550 square feet
- 2 bedroom – 900 square feet
- 3 bedroom – 1200 square feet

The bedroom type shall be mixed within each development according to the following distribution:

- 1 bedroom – 25% minimum
- 2 bedroom – 10% minimum
- 3 bedroom – 5% maximum

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area. Existing vegetation should be preserved in the buffer area where possible.

Apartments shall comply with all building code and sub-code requirements.

7. Affordable Housing and Distribution in the R-3 Redevelopment Zone

Every redevelopment project that includes a residential component shall provide for affordable housing. The affordable set aside requirements are shown in the tables below. All the units

shall be non-age restricted. At least 50% of the affordable housing units shall be available for low-income households with 50% for moderate income households.

8. Industrial I-2 Redevelopment Zone

Roadways in the Redevelopment Area shall be sufficient to accommodate the expected volume of traffic under the full build scenario. Sufficient through and turning lanes shall be designed using standard traffic engineering standards. A sufficient area shall be provided on one side of the street to accommodate walkways, utilities, etc.

Therefore, Industrial Avenue shall be improved to a paved width of 30 feet with a 10-foot additional right-of-way for sidewalk and utility purposes.

No outdoor storage of materials or equipment (other than operating vehicles used as part of the business operation) are permitted.

A public access easement shall be provided along the Hackensack River measuring 30 feet from the proposed retaining wall or bulkhead or top of bank whichever is closer to Industrial Avenue. The public access area shall be landscaped and retained as open space including sitting areas with appropriate furniture and a pathway having a minimum width of 12 feet for walking along the River.

9. Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
Apartments 1 Bedroom 2 Bedroom 3 Bedroom	1.0 space per unit 1.5 spaces per unit 2.0 spaces per unit
Townhouses 1 Bedroom 2 Bedroom 3 Bedroom	1.8 spaces per unit 2.3 spaces per unit 2.4 spaces per unit
Business and Professional Offices	One (1) space per two hundred fifty (250) square feet of gross floor area.
Warehouse / Distribution / Light Industry	One (1) space per one thousand five hundred (1,500) square feet of gross floor area
Fulfillment Centers i.e. Amazon,	One (1) space per one thousand (1,250) square feet of gross floor area

- a. In the C-1H zone, the development of non-residential uses on a lot of 5,000 square feet or less shall not be subject to the off-street parking requirements in Article VIII of the Village Zoning Ordinance.
- b. Applicants for development in the C-1H zone that are not proposing off-street parking shall provide an analysis of the capacity of on-street or off-street parking in the immediate area.
- c. Applicants can provide a parking study prepared by a Traffic Engineering Professional to show that the parking demand for the proposed land use may differ from the above requirements. The Planning Board may, after reviewing the analysis, alter the off-street parking requirements for the project.
- d. Fifteen percent (15%) of the off-street parking spaces provided shall be make-ready or installed with EV equipment. No additional parking space credit shall be permitted in conjunction with the 15% EV allotment.

L. Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to all redevelopment site applications unless they are listed above.

M. Variances and Waivers

Bulk variances and site plan waivers shall be determined by the Planning Board. Any variance considered a use or “d” variance as per section 40:55D-70d of the New Jersey Municipal Land Use Law shall require an amendment to the redevelopment plan.

N. PLAN CONSISTENCY REVIEW

Relationship to the Village Development Regulations

The Village of Ridgefield Park zone plan designates the redevelopment properties as C-1H, R-2, R-3 and I-2 zones. The redevelopment plan does not alter the zoning designations but provides an overlay with revised development criteria. Therefore, the zoning districts of the zone plan are not appreciably altered by the redevelopment plan. To that extent, the redevelopment plan is consistent with the Village development regulations.

Relationship to the Village of Ridgefield Park Master Plan

The redevelopment plan is consistent with the Master Plan of the Village of Ridgefield Park. The 2023 Master Plan designates the redevelopment property consistent with the zoning plan for the Village which is a mix of commercial/retail, residential, including multi-family residential and industrial designations.

Relationship to the Master Plan of Adjacent Municipalities

The redevelopment area is separated from the City of Hackensack by the Hackensack River. There is no direct road access between the east and west sides of the River at this location and therefore, there is no impact of the proposed redevelopment plan on the City of Hackensack.

Relationship to the Bergen County Master Plan

The last update to the Land Use Element of the Bergen County Master Plan was in 1973. It is outdated and its land use designations reflect the municipal zoning plans for the numerous municipalities under its umbrella. Therefore, there is no impact of the redevelopment plan on the County Master Plan.

Relationship to the New Jersey State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan was adopted in 1992 and a revision was adopted in 2001. It designates the Village of Ridgefield Park as a Metropolitan Planning Area (PA-1). The Metropolitan Planning Areas are designated to “provide for much of the State’s future redevelopment, revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities”.

Metropolitan Planning Areas recognize that redevelopment will be the dominant form of growth. This Amended and Restated Redevelopment Plan is consistent with the following goals and policies of the State Plan:

- Revitalize the State’s Cities and Towns
- Promote Beneficial Economic Growth, Development and Renewal
- Protect the Environment, Prevent and Clean Up Pollution
- Provide Adequate Public Facilities and Services

O. PROVISIONS FOR RELOCATION

Relocation of existing businesses and residents within the redevelopment area will be addressed at the time of a redevelopment application to the Planning Board. The Village will emphasize the need to relocate businesses and residents to other locations in the Village.

P. IDENTIFICATION OF PROPERTIES TO BE ACQUIRED

The Village of Ridgefield Park does not intend to acquire any property within the redevelopment area. Redevelopment will be accomplished through private ownership of the redevelopment properties, and the Village will not use its powers of eminent domain to acquire property.

Q. AMENDMENT TO THE ZONE PLAN AND MASTER PLAN

At the adoption of this redevelopment plan, the zone plan of the Village is hereby amended to reflect the zoning and land use provisions as they apply to the redevelopment properties. The zoning criteria of the redevelopment plan will be incorporated into the zone plan and ordinance and supersedes the existing zoning and land use regulations.

The adoption of the redevelopment plan will also amend the Master Plan Land Use Element of the Village of Ridgefield Park to incorporate the land use designations of this plan into the Land Use Plan and map of the Village's Master Plan.

R. AFFORDABLE HOUSING TO BE REMOVED IN THE REDEVELOPMENT AREA

There are no affordable housing units within the redevelopment area. Existing residents in the redevelopment area will be supported if relocation is necessary.

S. PROPOSED LOCATION OF ZERO EMISSION CHARGING INFRASTRUCTURE

All redevelopment applications shall be subject to section 96-8.12 of the Village Zoning Ordinance which requires the planning and installation of electric vehicle charging stations.

Prepared by:

Kenneth Ochab

Kenneth Ochab, AICP, P.P.

Date: November 25, 2024

Revised: January 20, 2026

ORDINANCE 2026-06

ELKS CLUB AFFORDABLE HOUSING

OVERLAY ZONE

SECTION 1. Chapter 96 entitled “Zoning and Development Regulations” of the Village of Ridgefield Park is hereby amended and supplemented to create a new overlay zoning district entitled AH- 1 as follows:

§96-3.1A

AH-1 Affordable Housing Overlay Zone

- (1) Affordable Housing Overlay Zone (AH-1) District Overlay. The purpose of the AH-1 Zone is to implement the Village Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Fourth-Round obligation of the Village for the period 2025-2035. The AH-1 district provides for low and moderate-income housing in the subject location.
- (2) Applicability. The AH-1 district shall be applied to those properties identified below as shown in the Village Tax Map. The Official Zoning Map of the Village is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-1 zone shall be permitted to be developed with residential development with a set-aside as prescribed below. All development of affordable units shall follow the very low-, low- and moderate-income distribution in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et. seq.). For the purpose of permitted the development of an inclusionary development the provisions and requirements of the AH-1 zone shall supercede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Village development regulations with respect to the development of affordable housing, the provisions of the AH-1 Zone shall govern.
- (3) The following parcels are so zoned:
Block 96 Lot 1
- (4) Permitted Principal Uses
 - a. Multi-Family Residential Family Units
 - b. Age-Restricted Multi-Family Residential Units
 - c. Multi-Family Affordable Units

(5) Permitted Accessory Uses

- a. Off-street Parking and Garage Structures
- b. Fences and Walls subject to §96-
- c. Community Centers and Clubhouses
- d. Outdoor recreation structures including but not limited to patios, covered gazebos and pools
- e. Other customary accessory uses, buildings and structures clearly incidental to the principal use and building.

(6) Area, yard and building requirements as follows:

Standard	AH-1 Req.	R-4 Req.		
Min. Lot Area	40,000 sq. ft.	Same		
Min. Lot Width	100 ft.	150 ft.		
Min. Lot Frontage	100 ft.	150 ft.		
Min. Lot Depth	100 ft.	150 ft.		
Max. Building Coverage	35%	25%		
Max. Lot Coverage	75%	75%		
Max. Building Height Feet/Stories	90 ft./8 sty.	70 ft./ 7 sty.		
Min. Front Yard Setback	50 ft.	30 ft.		
Min. Side Yard Setback	30 ft.	30 ft.		
Min. Rear Yard Setback	30 ft.	45 ft.		
Buffer to Residential Properties	35 ft.	35 ft.		

(7) Multi-Family Development

Multi-family development shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

- 1 bedroom - 550 square feet
- 2 bedroom - 800 square feet
- 3 bedroom - 1100 square feet

The bedroom type shall be mixed within each development according to the following distribution:

- 1 bedroom - 25% minimum
- 2 bedroom - 10% minimum
- 3 bedroom - 5% maximum

(8) Affordable Housing Requirements

- a. The overlay zone projects multi-family development up to 80 residential units.
- b. At least 20% of all units shall be set aside as low and moderate-income housing units.
- c. The affordable housing units shall comply with the Fair Share Housing Section of the Village Ordinances (Chapter 172) and the Uniform Housing Affordability Controls.

(9) Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
Apartments	
Studio	1.0 space per unit
1 Bedroom	1.0 space per unit 1.5 spaces per unit
2 Bedroom	2.0 spaces per unit
3 Bedroom	

(10) Buffer and Screening Requirements

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area.

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district.

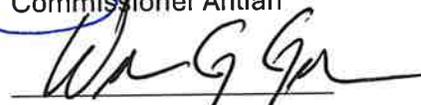
No building or impervious surface shall be permitted within the buffer area except to gain access to the existing street network. Existing vegetation should be preserved in the buffer area where possible.

(11) Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to the overlay zone unless they are addressed above.



Commissioner Anlian



Commissioner Gerken



Commissioner Mirza

Absent



Commissioner Portorreal

Mayor MacNeill



Village Clerk

Adopted on March 10, 2026

ELKS CLUB AFFORDABLE HOUSING

OVERLAY ZONE

SECTION 1. Chapter 96 entitled “Zoning and Development Regulations” of the Village of Ridgefield Park is hereby amended and supplemented to create a new overlay zoning district entitled AH- 1 as follows:

§96-3.1A

AH-1 Affordable Housing Overlay Zone

- (1) Affordable Housing Overlay Zone (AH-1) District Overlay. The purpose of the AH-1 Zone is to implement the Village Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Fourth-Round obligation of the Village for the period 2025-2035. The AH-1 district provides for low and moderate-income housing in the subject location.
- (2) Applicability. The AH-1 district shall be applied to those properties identified below as shown in the Village Tax Map. The Official Zoning Map of the Village is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-1 zone shall be permitted to be developed with residential development with a set-aside as prescribed below. All development of affordable units shall follow the very low-, low- and moderate-income distribution in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et. seq.). For the purpose of permitted the development of an inclusionary development the provisions and requirements of the AH-1 zone shall supercede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Village development regulations with respect to the development of affordable housing, the provisions of the AH-1 Zone shall govern.
- (3) The following parcels are so zoned:
Block 96 Lot 1
- (4) Permitted Principal Uses
 - a. Multi-Family Residential Family Units
 - b. Age-Restricted Multi-Family Residential Units
 - c. Multi-Family Affordable Units
- (5) Permitted Accessory Uses
 - a. Off-street Parking and Garage Structures

- b. Fences and Walls subject to §96-
- c. Community Centers and Clubhouses
- d. Outdoor recreation structures including but not limited to patios, covered gazebos and pools
- e. Other customary accessory uses, buildings and structures clearly incidental to the principal use and building.

(6) Area, yard and building requirements as follows:

Standard	AH-1 Req.	R-4 Req.		
Min. Lot Area	40,000 sq. ft.	Same		
Min. Lot Width	100 ft.	150 ft.		
Min. Lot Frontage	100 ft.	150 ft.		
Min. Lot Depth	100 ft.	150 ft.		
Max. Building Coverage	35%	25%		
Max. Lot Coverage	75%	75%		
Max. Building Height Feet/Stories	90 ft./8 sty.	70 ft./ 7 sty.		
Min. Front Yard Setback	50 ft.	30 ft.		
Min. Side Yard Setback	30 ft.	30 ft.		
Min. Rear Yard Setback	30 ft.	45 ft.		
Buffer to Residential Properties	35 ft.	35 ft.		

(7) Multi-Family Development

Multi-family development shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

- 1 bedroom – 550 square feet
- 2 bedroom – 800 square feet
- 3 bedroom – 1100 square feet

The bedroom type shall be mixed within each development according to the following distribution:

- 1 bedroom – 25% minimum
- 2 bedroom – 10% minimum
- 3 bedroom – 5% maximum

(8) Affordable Housing Requirements

- a. The overlay zone projects multi-family development up to 80 residential units.
- b. At least 20% of all units shall be set aside as low and moderate-income housing units.
- c. The affordable housing units shall comply with the Fair Share Housing Section of the Village Ordinances (Chapter 172) and the Uniform Housing Affordability Controls.

(9) Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
Apartments	
Studio	1.0 space per unit
1 Bedroom	1.0 space per unit
2 Bedroom	1.5 spaces per unit
3 Bedroom	2.0 spaces per unit

(10) Buffer and Screening Requirements

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area.

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to

provide appropriate screening of parking areas and buildings from the adjoining residential district.

No building or impervious surface shall be permitted within the buffer area except to gain access to the existing street network. Existing vegetation should be preserved in the buffer area where possible.

(11) Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to the overlay zone unless they are addressed above.

INTRODUCED:

ADOPTED:

DATE:

ORDINANCE 2026-05

CHALLENGER ROAD AFFORDABLE HOUSING

OVERLAY ZONE

SECTION 1. Chapter 96 entitled “Zoning and Development Regulations” of the Village of Ridgefield Park is hereby amended and supplemented to create a new overlay zoning district entitled AH- 2 as follows:

§96-3.1A

AH-1 Affordable Housing Overlay Zone

1. Affordable Housing Overlay Zone (AH-2) District Overlay. The purpose of the AH-2 Zone is to implement the Village Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Fourth-Round obligation of the Village for the period 2025-2035. The AH-2 district provides for low and moderate-income housing on specific properties in the Challenger Road area of the Village of Ridgefield Park.
2. Applicability. The AH-2 district shall be applied to those properties identified below as shown in the Village Tax Map. The Official Zoning Map of the Village is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-2 zone shall be permitted to be developed with residential development with a set-aside as prescribed below. All development of affordable units shall follow the very low-, low- and moderate-income distribution in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et. seq.). For the purpose of the development of an inclusionary development the provisions and requirements of the AH-2 zone shall supersede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Village development regulations with respect to the development of affordable housing, the provisions of the AH-2 Zone shall govern.
3. The following parcels are so zoned:

Block 24.03	Lot 3.01 (85 Challenger Rd.)
Block 24.03	Lot 3.02 (75 Challenger Rd.)

4. Permitted Principal Uses

- a. Multi-Family Residential Family Units
- b. Age Restricted Residential Units
- c. Multi-Family Affordable Residential Units

5. Permitted Accessory Uses

- d. Off-street Parking and Garage Structures
- e. Retail and Commercial Uses on the Ground Floor
- f. Fences and Walls subject to §96-5.14
- g. Community Centers and Clubhouses
- h. Outdoor recreation structures including but not limited to patios, covered gazebos and pools
- i. Other customary accessory uses, buildings and structures clearly incidental to the principal use and building.

6. Area, yard and building requirements as follows:

Standard	AH-2 Req.
Min. Lot Area	80,000 sq. ft.
Min. Lot Width	200 ft.
Min. Lot Frontage	200 ft.
Min. Lot Depth	200 ft.
Max. Building Coverage	50%
Max. Lot Coverage	80%
Max. Building Height Feet/Stories	100 ft./9 sty.
Min. Front Yard Setback	50 ft.
Min. Side Yard Setback	30 ft.
Min. Rear Yard Setback	50 ft.

7. Multi-Family Development

Multi-family development shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

1 bedroom – 550 square feet

2 bedroom – 800 square feet

3 bedroom – 1100 square feet

For market units the bedroom type shall be mixed within each development according to the following distribution:

Studio – 10% maximum

1 bedroom – 25% minimum

2 bedroom – 10% minimum

3 bedroom – 5% maximum

8. Affordable Housing Requirements

- a. The redevelopment plan anticipates that up to 250 residential units will be constructed at 85 Challenger Road and up to 140 residential units will be constructed at 75 Challenger Road.
- b. At least 20% of all units shall be set aside as low and moderate-income housing units but no less than the number of affordable units prescribed below shall be provided.
- c. The affordable housing units shall comply with the Fair Share Housing Section of the Village Ordinances (Chapter 172) and the Uniform Housing Affordability Controls.

9. Retail and Commercial Uses

Each development in the overlay zone shall provide a minimum of 5% of the total ground floor area for retail and commercial space. This space shall be designed to accommodate the needs of the building residents and residents in the Challenger Road neighborhood.

10. Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
Apartments	
Studio	1.0 space per unit
1 Bedroom	1.0 space per unit
2 Bedroom	1.5 spaces per unit
3 Bedroom	2.0 spaces per unit
Other Uses	See section 96-8 for requirements

11. Buffer and Screening Requirements

There shall be established along the line of any property line that is contiguous to any residential use, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential use. No building or impervious surface shall be permitted within the buffer area except to gain access to the existing street network.

(11) Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to the overlay zone unless they are addressed above.


 Commissioner Anlian


 Commissioner Gerken


 Commissioner Mirza

Absent
 Commissioner Portorreal


 Mayor MacNeill


 Village Clerk
 Adopted on March 10, 2026

CHALLENGER ROAD AFFORDABLE HOUSING
OVERLAY ZONE

SECTION 1. Chapter 96 entitled “Zoning and Development Regulations” of the Village of Ridgefield Park is hereby amended and supplemented to create a new overlay zoning district entitled AH- 2 as follows:

§96-3.1A

AH-1 Affordable Housing Overlay Zone

1. Affordable Housing Overlay Zone (AH-2) District Overlay. The purpose of the AH-2 Zone is to implement the Village Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Fourth-Round obligation of the Village for the period 2025-2035. The AH-2 district provides for low and moderate-income housing on specific properties in the Challenger Road area of the Village of Ridgefield Park.
2. Applicability. The AH-2 district shall be applied to those properties identified below as shown in the Village Tax Map. The Official Zoning Map of the Village is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-2 zone shall be permitted to be developed with residential development with a set-aside as prescribed below. All development of affordable units shall follow the very low-, low- and moderate-income distribution in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et. seq.). For the purpose of the development of an inclusionary development the provisions and requirements of the AH-2 zone shall supersede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Village development regulations with respect to the development of affordable housing, the provisions of the AH-2 Zone shall govern.
3. The following parcels are so zoned:

Block 24.03	Lot 3.01 (85 Challenger Rd.)
Block 24.03	Lot 3.02 (75 Challenger Rd.)
4. Permitted Principal Uses
 - a. Multi-Family Residential Family Units
 - b. Age Restricted Residential Units
 - c. Multi-Family Affordable Residential Units

5. Permitted Accessory Uses

- d. Off-street Parking and Garage Structures
- e. Retail and Commercial Uses on the Ground Floor
- f. Fences and Walls subject to §96-5.14
- g. Community Centers and Clubhouses
- h. Outdoor recreation structures including but not limited to patios, covered gazebos and pools
- i. Other customary accessory uses, buildings and structures clearly incidental to the principal use and building.

6. Area, yard and building requirements as follows:

Standard	AH-2 Req.
Min. Lot Area	80,000 sq. ft.
Min. Lot Width	200 ft.
Min. Lot Frontage	200 ft.
Min. Lot Depth	200 ft.
Max. Building Coverage	50%
Max. Lot Coverage	80%
Max. Building Height Feet/Stories	100 ft./9 sty.
Min. Front Yard Setback	50 ft.
Min. Side Yard Setback	30 ft.
Min. Rear Yard Setback	50 ft.

7. Multi-Family Development

Multi-family development shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

1 bedroom – 550 square feet

2 bedroom – 800 square feet

3 bedroom – 1100 square feet

For market units the bedroom type shall be mixed within each development according to the following distribution:

Studio – 10% maximum

1 bedroom – 25% minimum

2 bedroom – 10% minimum

3 bedroom – 5% maximum

8. Affordable Housing Requirements

- a. The redevelopment plan anticipates that up to 250 residential units will be constructed at 85 Challenger Road and up to 140 residential units will be constructed at 75 Challenger Road.
- b. At least 20% of all units shall be set aside as low and moderate-income housing units but no less than the number of affordable units prescribed below shall be provided.
- c. The affordable housing units shall comply with the Fair Share Housing Section of the Village Ordinances (Chapter 172) and the Uniform Housing Affordability Controls.

9. Retail and Commercial Uses

Each development in the overlay zone shall provide a minimum of 5% of the total ground floor area for retail and commercial space. This space shall be designed to accommodate the needs of the building residents and residents in the Challenger Road neighborhood.

10. Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
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Apartments	
Studio	1.0 space per unit
1 Bedroom	1.0 space per unit 1.5 spaces per unit
2 Bedroom	2.0 spaces per unit
3 Bedroom	See section 96-8 for requirements
Other Uses	

11. Buffer and Screening Requirements

There shall be established along the line of any property line that is contiguous to any residential use, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential use. No building or impervious surface shall be permitted within the buffer area except to gain access to the existing street network.

(11) Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to the overlay zone unless they are addressed above.

INTRODUCED:

ADOPTED:

DATE:

VILLAGE OF RIDGEFIELD PARK, N.J.

Resolution No. 2026-32

Motion by Commissioner Mirza Seconded by Commissioner MacNeill

That the following Resolution be adopted:

Resolved by the Board of Commissioners of the Village of Ridgefield Park

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF RIDGEFIELD PARK ADOPTING AN “AFFIRMATIVE MARKETING PLAN” FOR THE VILLAGE OF RIDGEFIELD PARK

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

NOW, THEREFORE, BE IT RESOLVED, that Board of Commissioners of the Village of Ridgefield Park, County of Bergen, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Village of Ridgefield Park is located in Housing Region 1, consisting of Bergen, Passaic, Hudson and Sussex Counties.
- B. The Village of Ridgefield Park has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality’s Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.

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

- j. Where applications (paper and online) for the affordable housing units may be found;
 - k. The expected lease-up/closing date(s) for the affordable housing units;
 - l. The expected date of the random selection;
 - m. The business hours when interested households may obtain paper applications for the affordable housing units;
 - n. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
 - o. The name of the sales agent and/or rental manager; and
 - p. Application fees, if any.
3. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in UHAC at N.J.A.C. 5:80-26.16 in all media and outlets required by the rules. Notice shall be made in The Record Newspaper at nj.com.
 4. Each affordable housing development must complete the worksheet substantially in the form of the model affirmative marketing worksheet published by the state.
 5. Affordable units must be listed on the New Jersey Housing Resource Center's website (www.njhrc.gov) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.
 6. Applications, or notices thereof, used as part of the affirmative marketing program must be available in the following locations:
 - a. List all county administration buildings in the Region
 - b. List all county libraries in the Region
 7. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.
- G. The municipality's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Passaic, Hudson and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
- H. The municipality's Administrative Agent shall develop, maintain and update a list of major employers in Bergen, Passaic, Hudson and Sussex Counties that will aid in the affirmative marketing program.
- I. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the municipality's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16(d). This Affirmative Marketing Plan provides a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 1, which is

VILLAGE OF RIDGEFIELD PARK, N.J.

Resolution No. 2026-32

Motion by Commissioner Mirza Seconded by Commissioner MacNeill

That the following Resolution be adopted:

Resolved by the Board of Commissioners of the Village of Ridgefield Park

comprised of Bergen, Passaic, Hudson and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.]

- J. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the municipality's Administrative Agent.

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

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

On roll call Commissioners Anlian, Gerken, Mirza, ~~Porter~~ and Mayor MacNeill Voted "Yea"

Passed March 10, 2026

Attest:

Laura O'Grady
Village Clerk

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

Absent

[Signature]
Commissioner

[Signature]
Mayor

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in the VILLAGE OF RIDGEFIELD PARK (REGION 1)

I. APPLICANT AND PROJECT INFORMATION

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

Administrative Agent Name, Address, Phone Number Frank Piazza Piazza & Associates, Inc. 201 Rockingham Row Princeton, NJ 08540 (609) 786-1100, ext. 301		Development or Program Name, Address	
Number of:	Affordable Rental Units	Affordable For-Sale Units	
Affordable Units Total			
Affordable Age Restricted Units			
Affordable Non-Age Restricted Units			
Affordable Supportive Housing Units			
Price or Rental Range	Approximate Starting Dates		
From:	Advertising:	Occupancy:	
To:			
Counties: Bergen, Hudson, Passaic, Sussex		Preferences, if any: (veteran, regional, NJ) REGIONAL PREFERENCE: There will be a preference for applicants who live and/or work in Housing Region 1 (Bergen, Hudson, Passaic and Sussex Counties).	
Accessibility Features, if any:			
Managing/Sales Agent's Name, Address, Phone Number			
Application Fees (if any): No fees will be charged for the affordable housing application.			

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

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

II. RANDOM SELECTION

Describe the random selection process that will be used once applications are received. RENTAL PROCESS A. An initial deadline date, no less than 45 days after the start of the marketing process will be established. A lottery may not take place prior to 60 days from the start of marketing. All online preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date. B. Households that apply for very low-, low- and moderate-income housing will prescreen themselves

for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). Households will also prescreen themselves for all preferences pursuant to state regulations and local ordinance. All households are notified as to their preliminary status at the time an application is submitted.

- C. A drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low- and moderate-income unit available, or until all of the affordable units within the development have been rented.
- E. Final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate- income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- F. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a very low-, low- or moderate-income unit. Applicants will receive a notification from Piazza & Associates with respect to the status of their application each time a review is performed.
- G. At the same time, applicants will also be subject to any criteria set forth by the Owner, such as credit worthiness, recommendations from former landlords, etc. The criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants in the leasing office. The Owner will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by the Administrative Agent.
- H. Subsequent to initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates on a rental waiting list.

NEW SALE PROCESS:

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

receive a notification from Piazza & Associates with respect to the status of their application each time a review is performed.

- G. When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
- H. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
- I. The sales agreement may also limit closing to a reasonable time to be approved by Piazza & Associates in advance of the process.

RESALE PROCESS:

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

available within 90 days of the lottery date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unable or unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.

- L. The Seller must sell the affordable home with the same or comparable appliances and amenities that were in the home when it was first sold as an affordable home.
- M. The Seller may NOT charge more than the Maximum Selling Price for any reason, except the addition of a room, the installation of central air conditioning (where there was none before) or comparable upgrade, but ONLY with prior written approval from us. For the most part, condominiums in this program are NOT eligible for such upgrades and/or adjustments to the selling price. The cost of broker fees; municipal inspections and required repairs that may be necessary to receive a Certificate of Occupancy; new appliances, carpeting or other flooring upgrades; and decorating and remodeling projects are NOT eligible costs for an increase in the Maximum Sales Price.
- N. A copy of the Sales Contract must be submitted to our office prior to closing.
- O. During the final stages of the process, it will be necessary for the Buyer to make arrangement for the Affordable Housing Agreement and Mortgage Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer. The filing and recording of documents is the responsibility of the seller's or buyer's attorney. Once all documents are filed, recorded and returned to Piazza & Associates, we will process a release of the original documents.
- P. A copy of the HUD Closing Statement or Closing Disclosure form required by the TILA-RESPA Integrated Disclosure Rule, as appropriate, must be submitted to our office after the sale of the home.
- Q. Note: We do not guarantee that the Buyer can sell an affordable home for the Maximum Sales Price. An affordable home is also susceptible to market conditions, and the Fair Market Value of an affordable home may be lower than the Maximum Selling Price. In this case, the Seller may not be able to sell the home for more than its Fair Market Value
- R. Our office is available to both the Seller and the Buyer throughout the process to answer any questions they may have.

III. MARKETING

Direction of Marketing Activity: Based on demographic data from the 2020 census, this table provides a comparison of race and ethnic origin between Housing Region 1 and the Village of Ridgefield Park. The most significant negative differences point to the greatest need for affirmative marketing. Overall, the municipality appears to generally reflect the diversity of the region and county, and, in fact, has a higher percentage of Hispanic/Latino (46.8 % v. 31.4%)

The U. S. Census Data 2020:

Subject	RACE							HISPANIC OR LATINO	
	Total population	Race alone or in combination with one or more other races: [1]						Total population	
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Hispanic or Latino (of any race)	Not Hispanic or Latino
Bergen	955,732	543,849	54,831	4,535	158,630	217	96,383	204,683	751,049
Sussex	144,221	121,879	3,088	336	3,002	20	4,469	14,310	129,911
Hudson									

	724,854	248,561	79,498	7,388	124,555	417	159,950		293,019	431,835
Passaic	524,118	229,573	57,809	6,383	30,852	195	134,687		224,030	300,088
Region 1	2,346,925	1,143,862	195,226	18,642	317,039	849	395,489		736,042	1,612,883
% Region 1	100%	48.7%	8.3%	0.8%	13.5%	0.0%	16.9%		31.4%	68.6%
Ridgefield Park Village	13,224	5,272	851	115	1,489	5	2,960		6,189	7,035
%Ridgefield Park	100%	39.9%	6.4%	0.9%	11.3%	0.0%	22.3%		46.8%	53.2%

Difference	-8.8%	-1.9%	0.1%	-2.2%	0.0%	5.4%		15.4%	-15.4%
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[1] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race. Source: U.S. Census Bureau, 2020 Census of Population and Housing, Demographic Profile Summary File.

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

REQUIRED (Piazza & Associates)

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

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

Regional Newspapers (Developer)

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

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

TARGETS PARTIAL HOUSING REGION 1

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

Housing Search Websites – D – Digital (Piazza & Associates)

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

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

<i>List below all housing search websites to be used:</i>		
www.housingquest.com		
ELECTIVES		
If you selected a print newspaper(s) as your regional paper above, select TWO additional strategies below with AT LEAST ONE NON-DIGITAL MARKETING STRATEGY.		
If you selected a digital newspaper(s) as your regional paper above, select AT LEAST TWO NON-DIGITAL MARKETING STRATEGIES below.		
<input type="checkbox"/> Specific Radio and Television Stations – ND – Non-Digital		
<i>5:80-26.16(e)1 lists specific radio stations, and television stations throughout the housing region as marketing opportunities. If choosing this option, make sure your proposed stations cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.</i>		
<input type="checkbox"/>		
AND Paid Targeted Digital Advertising (must be selected in addition to stations above) – D – Digital		
<i>5:80-26.16(e)1 offers paid targeted digital advertising as an option. Some common platforms are listed below.</i>		
<input type="checkbox"/>	Google Ads	
<input type="checkbox"/>	Microsoft Ads	
<input type="checkbox"/>	Bing Ads	
<input type="checkbox"/>	Other (please list)	
X Specific Newspapers and Other Publications (Developer)		
<i>5:80-26.16(e)2 lists “specific newspapers and other publications circulated within the housing region” as an option, including neighborhood-oriented weekly papers, religious publications, and organizational newsletters. If choosing this option, make sure your proposed publications cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.</i>		
		D-Digital or ND-Non-Digital
<input type="checkbox"/>	Jewish Link NJ https://www.jewishlinknj.com/	
<input type="checkbox"/>	Jewish Voice and Opinion https://thejewishvoiceandopinion.com/	
<input type="checkbox"/>	News India Times http://www.newsindiatimes.com	
<input type="checkbox"/>	PLUS - New Jersey & Pennsylvania http://www.tygodnikplus.com/	
<input type="checkbox"/>	Zaman Amerika http://zamanamerika.com	
<input type="checkbox"/>	Jewish Standard http://jewishstandard.timesofisrael.com	
<input type="checkbox"/>	Arab Voice http://arabvoice.com	
<input type="checkbox"/>	Catholic Beacon, The https://rcdop.org/the-beacon	
<input type="checkbox"/>	Ahora News http://ahoranews.net	

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

IV. SUMMARY

Non-Digital Outreach	Digital Outreach

V. APPLICATIONS *(Piazza & Associates)*

Applications for affordable housing or notices thereof, if offered online, for the above units will be available in all County Administration Buildings and Libraries for all counties in the housing region

	BUILDING	LOCATION
X	Sussex County Administration Building	1 Spring Street, Newton, NJ 07860 (973)579-0200
X	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860 (973)948-3660
X	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306 (201) 795-6000
X	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
X	Passaic County Library	195 Gregory Avenue, Passaic, NJ 07055 (973) 779-0474
X	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
X	Bergen County	21-00 Route 208 South, Suite 130, Fair Lawn, NJ 07410 bccls@bccls.org

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Village of Ridgefield Park
 234 Main St, Ridgefield Park, NJ 07660
 Phone: (20) 641-4950

Ridgefield Park Public Library
 107 Cedar Street
 Ridgefield Park, NJ 07660
 Phone: (20) 641-0689
 circ@ridgefieldpark.bccls.org

4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality’s substantive certification

Frank Piazza, Jr.
 Name (Type or Print)

Administrative Agent, Village of Ridgefield Park
 Title/Municipality



4 March 2026

Signature Date

Chapter 172. Fair Share Housing

Article I. Affordable Housing Requirements

A. Purpose, Applicability & Interpretation

1. This section of the Code sets forth regulations regarding the creation, use, occupancy, administration and preservation of very low, low- and moderate-income affordable housing units in Village of Ridgefield Park consistent with the Mount Laurel doctrine; the New Jersey Fair Housing Act, as amended by P.L. 2024, c.2, N.J.S.A. 52:27D-301 et seq., (hereinafter the “Act,” “FHA” or FHA-2”); the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., (“Affordable Housing Rules”), and the Housing and Mortgage Finance Agency’s (HMFA) Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; and the and the municipality’s 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 in accordance with applicable statutory and regulatory requirements. The provisions of this Code 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 Village of Ridgefield Park 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 the Mt. Laurel doctrine, the FHA N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, et seq., as may be amended and supplemented.
5. Applicability
 - a. Except where specifically exempted hereinafter, the provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - b. Except where specifically exempted hereinafter, this Ordinance shall apply to all developments that contain very low, low- and moderate-income housing units included in the Municipal HEFSP, as well as any unanticipated future development or redevelopment projects that will include, are proposed to provide or required by the municipality to provide very low-, low- and moderate-income housing units.
 - c. Projects receiving federal Low Income Housing Tax Credit financing shall be required to follow the UHAC unless exempt pursuant to N.J.A.C. 5:80-26.1,

including but not limited to developments with anticipated funding from the Federal Low-Income Housing Tax Credit (LIHTC) pursuant to Section 42 of the Internal Revenue Code. Developers, landlords and program sponsors shall be required to comply with administration and affirmative marketing of the affordable units within such developments.

- d. A waiver from any provision of this Code may be granted by the County-level Mount Laurel Judge, the Program or any trial court if it would advance the interests of low-and moderate-income households or if strict compliance would cause an unreasonable result.

B. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities 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 not produced on a site zoned for an inclusionary development, as was modified by 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 but not limited to any affordable unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a

political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

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

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

“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 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. .1 et seq.

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

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

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

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

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

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

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

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

C. Monitoring and Reporting Requirements

1. In accordance with the Act and N.J.A.C. 5:99 et seq., the Village is required to annually provide updated affordable housing monitoring activity and affordable housing trust fund activity through the Department’s Affordable Housing Monitoring Service on or before February 15 annually.

2. All developers, program sponsors and landlords of developments or projects containing affordable housing in the Village shall be required to provide all necessary information related to the status of construction and occupancy of each affordable unit within the respective developer, program sponsor or landlord’s development to the municipality’s Municipal Housing Liaison by no later than January 2 annually for the previous year.

- a. 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.

- D. New Construction - 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 and 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 for 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. The Village has chosen to allow rounding.
 - iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units. The Village has chosen to allow rounding.
 - v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units. The Village has chosen to allow rounding.
 - 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 multi-floor 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 one or more of the foregoing requirements in b.i. through b.iv. above cannot 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.

E. Affordable Housing Programs

- ~~+~~ 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.” .” These crediting mechanisms are expressed as way of an example, and the list is non-exhaustive of potential crediting mechanisms, and any crediting requirements shall be pursuant to the regulatory, statutory, or legal requirements detailing the crediting mechanism. While not anticipated, should there be a conflict between this subsection and the regulatory requirements for crediting of the following mechanisms, the pertinent valid regulations shall control.

2. Rehabilitation Programs
3. Market to Affordable Programs
4. Extension of Expiring Controls Program in accordance with prevailing law.
5. Supportive Housing and Group Homes

F. 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.

G. 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.
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.

H. Affirmative Marketing.

1. Upon approval by a court, developers, program sponsors and landlords of affordable developments shall be required to comply with the Village's most recently approved Affirmative Marketing Plan with respect to the marketing of initial sales and rentals and resales and re-rentals of affordable units within the Village.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant

- to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
- b. There shall be a regional preference for all households that live and/or work in Housing Region 1 comprising Bergen, Passaic and Hudson and Sussex Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The 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 Plan describes 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. in accordance with applicable law, as well as the following community and regional organizations: Fair Share Housing Center; the Latino Action Network; East Orange NAACP; Newark NAACP; the Morris County Housing Alliance; Morris County NAACP; Housing Partnership for Morris County; Community Access Unlimited; Northwest New Jersey Community Action Program. Inc; Homeless Solutions of Morristown; and the Supportive Housing Association. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

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.

I. 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.

J. 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.

K. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. The initial control periods for restricted ownership on all new units shall be for a period of at least 30 years and in accordance with the UHAC, as may be amended and supplemented, with the Township reserving the right to extend the affordability control period for an additional period of time thereafter.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of at least 10 years.
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
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.
 - c. Notwithstanding the foregoing, nothing herein shall eliminate the right of the municipality to extend the affordability controls of any 95/5.

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 an affordable housing deed restriction approved by the Village, 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.
10. Extensions of Affordability Controls for Ownership Units
 - a. The Village retains the right preserve its existing and any newly constructed very low-income, low-income and moderate-income affordable ownership units located within the Village by extending the initial affordable control period for an additional period of time beyond the original control period established in any judgment of compliance, judgment of repose or other judgment, court order, grant of substantive certification, master deed, affordable housing plan, affordable housing agreement, deed restriction, restrictive covenant, declaration of restrictive covenants, public offering statement, contract, settlement agreement, grant agreement, developer's agreement or other agreement. The Village retains and reserves this right extend the affordability controls on all existing and any newly constructed affordable ownership units within the Village regardless of the date the affordable unit(s) was/were created.
 - b. The right of the Village to extend the affordability controls on any restricted ownership unit shall not otherwise be limited or circumscribed by any term, condition or provision contained within any master deed, affordable housing plan, affordable housing agreement, deed restriction, restrictive covenant, declaration of restrictive covenants, public offering statement, contract, settlement agreement, grant agreement, developer's agreement or other agreement.
 - c. The Village shall exercise such right by ordinance adopted by the Village Board of Commissioners.

- d. During the initial control period and any extended control period, no seller of a restricted unit in the Village may utilize the repayment option or exit sale, but may sale the restricted unit to another qualifying household at the then applicable maximum resale price determined by the Agency.
- L. 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.

M. 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

N. 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).

O. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the UHAC and shall remain subject to the requirements of this ordinance for a period of at least 30 years, with the Township reserving the right to extend the affordability controls for an additional period of time in accordance with the Act and UHAC.
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 shall comply with applicable law.
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.
8. Nothing herein is intended to prevent a municipality from extending the deed restriction on any affordable unit and securing an additional credit by demonstrating that (1) the restriction of the initial unit expires in Round 4, (2) the total period of restriction with the extension is at least 60 years, (3) the household residing in the unit has been informed in a timely fashion that the municipality is extending the deed restriction for the benefit of the protected class, and (4) the municipality offers to pay for such improvements as may be necessary to enable the seller or landlord to obtain a certificate of occupancy or a continuing certificate of occupancy for the unit that is the subject of the additional credit.

P. 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.

Q. 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.

R. 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.

S. 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. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.

- v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
- vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- d. Affordability controls.
 - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
 - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
 - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
 - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.

- iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
 - h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
 - i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.
- T. 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 than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to 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.

U. 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 \$1,000 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The Village 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 Village 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 Village, 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 Village, 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 Village.

- 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 Village shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or

municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals
 - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

V. Development Fees.

1. Purpose

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

2. Basic Requirements

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

3. Residential development fees.

- a. Imposition of fees.
 - i. Within the Village of Ridgefield Park, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
 - ii. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6% 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.
- b. Eligible exactions, ineligible exactions and exemptions for residential developments.
 - i. Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Village of Ridgefield Park, shall be exempt from the payment of development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of this chapter shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a zoning permit and/or construction permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the construction permit is issued.
 - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- c. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee

requirements. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

- d. Developers of one and two owner-occupied dwelling units that are demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.

4. **Nonresidential development fees.**

- a. Imposition of fees.

- i. Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- ii. Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, 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 nonresidential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

- b. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- i. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
- ii. The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- iii. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

- iv. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Nonresidential 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 nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.
- v. If a property which was exempted from the collection of a nonresidential 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 Village of Ridgefield Park as a lien against the real property of the owner.

5. Collection procedures.

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a construction permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the 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 construction permit shall notify the Village Tax Assessor of the issuance of the first construction permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of such notification, the Village Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- e. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Village Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Village 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 Village of Ridgefield Park 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 (C.40:55D-8.6).
- h. Except as provided in § 57-54A(3) hereinabove, 50% of the initially calculated 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 the certificate of occupancy.

6. Appeal of development fees.

- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Village of Ridgefield Park. 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, N.J.S.A. 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 nonresidential 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 Village of Ridgefield Park. 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, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund

- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

- i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the Village and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - iii. Rental income from municipally operated units;
 - iv. Repayments from affordable housing program loans;
 - v. Recapture funds;
 - vi. Proceeds from the sale of affordable units; and
 - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The Village 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. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

8. Use of Funds

- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion

of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.

- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.
9. 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 be consistent with N.J.A.C. 5:99-4.1.

Repealer

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

Severability

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

Effective Date

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

ORDINANCE NO. 2026-08**AN ORDINANCE REPEALING AND REPLACING CHAPTER 172, "FAIR SHARE HOUSING," OF THE VILLAGE OF RIDGEFIELD PARK, TO ADDRESS THE REQUIREMENTS OF THE FOURTH ROUND FAIR SHARE HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE VILLAGE'S AFFORDABLE HOUSING OBLIGATIONS**

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

WHEREAS, the Board of Commissioners of the Village desires to create a realistic opportunity for the creation of affordable housing within the Village; and

WHEREAS, the Village voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mt. Laurel IV") seeking approval of a Housing Element and Fair Share Plan that satisfies the Village's obligation to provide for its fair share of the regional need for low- and moderate-income housing; and

WHEREAS, the Village filed a resolution of participation in the Affordable Housing Dispute Resolution Program and a declaratory judgement action on January 15, 2025 and where a consent order was signed by the respective parties and approved by the Hon. Lina P. Corriston on January 25, 2026 approving a settlement agreement between the Village of Ridgefield Park and Fair Share Housing Center, which was intended to establish the Village's affordable housing obligations; and

WHEREAS, the Village Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 2024; and

WHEREAS, the Village is desirous of amending and supplementing the Village Code to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Board of Commissioners and include provisions addressing Ridgefield Park's constitutional obligation to provide for its fair share of low and moderate income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units.

NOW, THEREFORE, BE IT ORDAINED by the Village Commissioners of Ridgefield Park, County of Bergen, State of New Jersey, as follows:

SECTION 1. Ridgefield Park Code Chapter 172, "Fair Share Housing," is hereby repealed and replaced with the attached Ordinance entitled Fair Share Housing, a copy of which is on file with the Village Clerk and is adopted in its entirety by reference hereto.



Commissioner Anlian



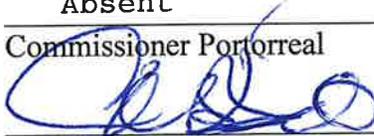
Commissioner Gerken



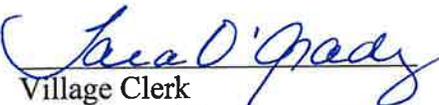
Commissioner Mirza

Absent

Commissioner Portorreal



Mayor MacNeill



Village Clerk
Adopted on March 10, 2026

ELKS CLUB AFFORDABLE HOUSING

OVERLAY ZONE

SECTION 1. Chapter 96 entitled “Zoning and Development Regulations” of the Village of Ridgely Park is hereby amended and supplemented to create a new overlay zoning district entitled AH- 1 as follows:

§96-3.1A

AH-1 Affordable Housing Overlay Zone

- (1) Affordable Housing Overlay Zone (AH-1) District Overlay. The purpose of the AH-1 Zone is to implement the Village Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Fourth-Round obligation of the Village for the period 2025-2035. The AH-1 district provides for low and moderate-income housing in the subject location.
- (2) Applicability. The AH-1 district shall be applied to those properties identified below as shown in the Village Tax Map. The Official Zoning Map of the Village is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-1 zone shall be permitted to be developed with residential development with a set-aside as prescribed below. All development of affordable units shall follow the very low-, low- and moderate-income distribution in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et. seq.). For the purpose of permitted the development of an inclusionary development the provisions and requirements of the AH-1 zone shall supercede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Village development regulations with respect to the development of affordable housing, the provisions of the AH-1 Zone shall govern.
- (3) The following parcels are so zoned:
Block 96 Lot 1
- (4) Permitted Principal Uses
 - a. Multi-Family Residential Family Units
 - b. Age-Restricted Multi-Family Residential Units
 - c. Multi-Family Affordable Units
- (5) Permitted Accessory Uses
 - a. Off-street Parking and Garage Structures

- b. Fences and Walls subject to §96-
- c. Community Centers and Clubhouses
- d. Outdoor recreation structures including but not limited to patios, covered gazebos and pools
- e. Other customary accessory uses, buildings and structures clearly incidental to the principal use and building.

(6) Area, yard and building requirements as follows:

Standard	AH-1 Req.	R-4 Req.		
Min. Lot Area	40,000 sq. ft.	Same		
Min. Lot Width	100 ft.	150 ft.		
Min. Lot Frontage	100 ft.	150 ft.		
Min. Lot Depth	100 ft.	150 ft.		
Max. Building Coverage	35%	25%		
Max. Lot Coverage	75%	75%		
Max. Building Height Feet/Stories	90 ft./8 sty.	70 ft./ 7 sty.		
Min. Front Yard Setback	50 ft.	30 ft.		
Min. Side Yard Setback	30 ft.	30 ft.		
Min. Rear Yard Setback	30 ft.	45 ft.		
Buffer to Residential Properties	35 ft.	35 ft.		

(7) Multi-Family Development

Multi-family development shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

- 1 bedroom – 550 square feet
- 2 bedroom – 800 square feet
- 3 bedroom – 1100 square feet

The bedroom type shall be mixed within each development according to the following distribution:

- 1 bedroom – 25% minimum
- 2 bedroom – 10% minimum
- 3 bedroom – 5% maximum

(8) Affordable Housing Requirements

- a. The overlay zone projects multi-family development up to 80 residential units.
- b. At least 20% of all units shall be set aside as low and moderate-income housing units.
- c. The affordable housing units shall comply with the Fair Share Housing Section of the Village Ordinances (Chapter 172) and the Uniform Housing Affordability Controls.

(9) Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
Apartments	
Studio	1.0 space per unit
1 Bedroom	1.0 space per unit
2 Bedroom	1.5 spaces per unit
3 Bedroom	2.0 spaces per unit

(10) Buffer and Screening Requirements

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential district. No building or impervious surface shall be permitted within the buffer area.

There shall be established along the line of any property line that is contiguous to any single- or two-family use or any residential zone, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to

provide appropriate screening of parking areas and buildings from the adjoining residential district.

No building or impervious surface shall be permitted within the buffer area except to gain access to the existing street network. Existing vegetation should be preserved in the buffer area where possible.

(11) Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to the overlay zone unless they are addressed above.

INTRODUCED:

ADOPTED:

DATE:

ORDINANCE 2026-05

CHALLENGER ROAD AFFORDABLE HOUSING

OVERLAY ZONE

SECTION 1. Chapter 96 entitled “Zoning and Development Regulations” of the Village of Ridgefield Park is hereby amended and supplemented to create a new overlay zoning district entitled AH- 2 as follows:

§96-3.1A

AH-1 Affordable Housing Overlay Zone

1. Affordable Housing Overlay Zone (AH-2) District Overlay. The purpose of the AH-2 Zone is to implement the Village Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Fourth-Round obligation of the Village for the period 2025-2035. The AH-2 district provides for low and moderate-income housing on specific properties in the Challenger Road area of the Village of Ridgefield Park.
2. Applicability. The AH-2 district shall be applied to those properties identified below as shown in the Village Tax Map. The Official Zoning Map of the Village is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-2 zone shall be permitted to be developed with residential development with a set-aside as prescribed below. All development of affordable units shall follow the very low-, low- and moderate-income distribution in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et. seq.). For the purpose of the development of an inclusionary development the provisions and requirements of the AH-2 zone shall supersede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Village development regulations with respect to the development of affordable housing, the provisions of the AH-2 Zone shall govern.
3. The following parcels are so zoned:

Block 24.03	Lot 3.01 (85 Challenger Rd.)
Block 24.03	Lot 3.02 (75 Challenger Rd.)

4. Permitted Principal Uses

- a. Multi-Family Residential Family Units
- b. Age Restricted Residential Units
- c. Multi-Family Affordable Residential Units

5. Permitted Accessory Uses

- d. Off-street Parking and Garage Structures
- e. Retail and Commercial Uses on the Ground Floor
- f. Fences and Walls subject to §96-5.14
- g. Community Centers and Clubhouses
- h. Outdoor recreation structures including but not limited to patios, covered gazebos and pools
- i. Other customary accessory uses, buildings and structures clearly incidental to the principal use and building.

6. Area, yard and building requirements as follows:

Standard	AH-2 Req.
Min. Lot Area	80,000 sq. ft.
Min. Lot Width	200 ft.
Min. Lot Frontage	200 ft.
Min. Lot Depth	200 ft.
Max. Building Coverage	50%
Max. Lot Coverage	80%
Max. Building Height Feet/Stories	100 ft./9 sty.
Min. Front Yard Setback	50 ft.
Min. Side Yard Setback	30 ft.
Min. Rear Yard Setback	50 ft.

7. Multi-Family Development

Multi-family development shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

1 bedroom – 550 square feet

2 bedroom – 800 square feet

3 bedroom – 1100 square feet

For market units the bedroom type shall be mixed within each development according to the following distribution:

Studio – 10% maximum

1 bedroom – 25% minimum

2 bedroom – 10% minimum

3 bedroom – 5% maximum

8. Affordable Housing Requirements

- a. The redevelopment plan anticipates that up to 250 residential units will be constructed at 85 Challenger Road and up to 140 residential units will be constructed at 75 Challenger Road.
- b. At least 20% of all units shall be set aside as low and moderate-income housing units but no less than the number of affordable units prescribed below shall be provided.
- c. The affordable housing units shall comply with the Fair Share Housing Section of the Village Ordinances (Chapter 172) and the Uniform Housing Affordability Controls.

9. Retail and Commercial Uses

Each development in the overlay zone shall provide a minimum of 5% of the total ground floor area for retail and commercial space. This space shall be designed to accommodate the needs of the building residents and residents in the Challenger Road neighborhood.

10. Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
Apartments	
Studio	1.0 space per unit
1 Bedroom	1.0 space per unit
2 Bedroom	1.5 spaces per unit
3 Bedroom	2.0 spaces per unit
Other Uses	See section 96-8 for requirements

11. Buffer and Screening Requirements

There shall be established along the line of any property line that is contiguous to any residential use, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential use. No building or impervious surface shall be permitted within the buffer area except to gain access to the existing street network.

(11) Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to the overlay zone unless they are addressed above.


 Commissioner Anlian


 Commissioner Gerken


 Commissioner Mirza

Absent
 Commissioner Portorreal


 Mayor MacNeill


 Village Clerk
 Adopted on March 10, 2026

CHALLENGER ROAD AFFORDABLE HOUSING
OVERLAY ZONE

SECTION 1. Chapter 96 entitled “Zoning and Development Regulations” of the Village of Ridgefield Park is hereby amended and supplemented to create a new overlay zoning district entitled AH- 2 as follows:

§96-3.1A

AH-1 Affordable Housing Overlay Zone

1. Affordable Housing Overlay Zone (AH-2) District Overlay. The purpose of the AH-2 Zone is to implement the Village Housing Plan Element and Fair Share Plan by providing for the opportunity to develop inclusionary residential development that incorporates an appropriate affordable housing set-aside to address the Fourth-Round obligation of the Village for the period 2025-2035. The AH-2 district provides for low and moderate-income housing on specific properties in the Challenger Road area of the Village of Ridgefield Park.
2. Applicability. The AH-2 district shall be applied to those properties identified below as shown in the Village Tax Map. The Official Zoning Map of the Village is hereby amended in accordance with the foregoing and is incorporated by reference. The AH-2 zone shall be permitted to be developed with residential development with a set-aside as prescribed below. All development of affordable units shall follow the very low-, low- and moderate-income distribution in the Uniform Housing Affordability Controls (N.J.A.C. 5:50-26.1 et. seq.). For the purpose of the development of an inclusionary development the provisions and requirements of the AH-2 zone shall supersede the provisions and restrictions of the underlying zone districts. In the event of a conflict between the provisions of this section and other sections of the Village development regulations with respect to the development of affordable housing, the provisions of the AH-2 Zone shall govern.
3. The following parcels are so zoned:

Block 24.03	Lot 3.01 (85 Challenger Rd.)
Block 24.03	Lot 3.02 (75 Challenger Rd.)
4. Permitted Principal Uses
 - a. Multi-Family Residential Family Units
 - b. Age Restricted Residential Units
 - c. Multi-Family Affordable Residential Units

5. Permitted Accessory Uses

- d. Off-street Parking and Garage Structures
- e. Retail and Commercial Uses on the Ground Floor
- f. Fences and Walls subject to §96-5.14
- g. Community Centers and Clubhouses
- h. Outdoor recreation structures including but not limited to patios, covered gazebos and pools
- i. Other customary accessory uses, buildings and structures clearly incidental to the principal use and building.

6. Area, yard and building requirements as follows:

Standard	AH-2 Req.
Min. Lot Area	80,000 sq. ft.
Min. Lot Width	200 ft.
Min. Lot Frontage	200 ft.
Min. Lot Depth	200 ft.
Max. Building Coverage	50%
Max. Lot Coverage	80%
Max. Building Height Feet/Stories	100 ft./9 sty.
Min. Front Yard Setback	50 ft.
Min. Side Yard Setback	30 ft.
Min. Rear Yard Setback	50 ft.

7. Multi-Family Development

Multi-family development shall follow the following mix and distribution requirements.

Apartments shall conform to the following minimum areas:

1 bedroom – 550 square feet

2 bedroom – 800 square feet

3 bedroom – 1100 square feet

For market units the bedroom type shall be mixed within each development according to the following distribution:

Studio – 10% maximum

1 bedroom – 25% minimum

2 bedroom – 10% minimum

3 bedroom – 5% maximum

8. Affordable Housing Requirements

- a. The redevelopment plan anticipates that up to 250 residential units will be constructed at 85 Challenger Road and up to 140 residential units will be constructed at 75 Challenger Road.
- b. At least 20% of all units shall be set aside as low and moderate-income housing units but no less than the number of affordable units prescribed below shall be provided.
- c. The affordable housing units shall comply with the Fair Share Housing Section of the Village Ordinances (Chapter 172) and the Uniform Housing Affordability Controls.

9. Retail and Commercial Uses

Each development in the overlay zone shall provide a minimum of 5% of the total ground floor area for retail and commercial space. This space shall be designed to accommodate the needs of the building residents and residents in the Challenger Road neighborhood.

10. Off-Street Parking Regulations

The following minimum parking requirements shall be required:

<u>Use</u>	<u>Minimum parking requirement</u>
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Apartments	
Studio	1.0 space per unit
1 Bedroom	1.0 space per unit 1.5 spaces per unit
2 Bedroom	2.0 spaces per unit
3 Bedroom	See section 96-8 for requirements
Other Uses	

11. Buffer and Screening Requirements

There shall be established along the line of any property line that is contiguous to any residential use, a buffer area of at least 20 feet in width. The buffer area shall be well landscaped and may include fencing as required to provide appropriate screening of parking areas and buildings from the adjoining residential use. No building or impervious surface shall be permitted within the buffer area except to gain access to the existing street network.

(11) Miscellaneous

All requirements in the Village Zoning and Land Development Ordinances (section 96 and 96A) are applicable to the overlay zone unless they are addressed above.

INTRODUCED:

ADOPTED:

DATE:

VILLAGE OF RIDGEFIELD PARK, N.J.*Resolution No.* 2026-32*Motion by Commissioner* Mirza *Seconded by Commissioner* MacNeill*That the following Resolution be adopted:**Resolved by the Board of Commissioners of the Village of Ridgefield Park***RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE VILLAGE OF RIDGEFIELD PARK ADOPTING AN "AFFIRMATIVE MARKETING PLAN" FOR THE VILLAGE OF RIDGEFIELD PARK**

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

NOW, THEREFORE, BE IT RESOLVED, that Board of Commissioners of the Village of Ridgefield Park, County of Bergen, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Village of Ridgefield Park is located in Housing Region 1, consisting of Bergen, Passaic, Hudson and Sussex Counties.
- B. The Village of Ridgefield Park has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality's Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.

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

- j. Where applications (paper and online) for the affordable housing units may be found;
 - k. The expected lease-up/closing date(s) for the affordable housing units;
 - l. The expected date of the random selection;
 - m. The business hours when interested households may obtain paper applications for the affordable housing units;
 - n. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
 - o. The name of the sales agent and/or rental manager; and
 - p. Application fees, if any.
3. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in UHAC at N.J.A.C. 5:80-26.16 in all media and outlets required by the rules. Notice shall be made in The Record Newspaper at nj.com.
 4. Each affordable housing development must complete the worksheet substantially in the form of the model affirmative marketing worksheet published by the state.
 5. Affordable units must be listed on the New Jersey Housing Resource Center's website (www.njhrc.gov) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.
 6. Applications, or notices thereof, used as part of the affirmative marketing program must be available in the following locations:
 - a. List all county administration buildings in the Region
 - b. List all county libraries in the Region
 7. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.
- G. The municipality's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Passaic, Hudson and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
- H. The municipality's Administrative Agent shall develop, maintain and update a list of major employers in Bergen, Passaic, Hudson and Sussex Counties that will aid in the affirmative marketing program.
- I. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the municipality's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16(d). This Affirmative Marketing Plan provides a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 1, which is

VILLAGE OF RIDGEFIELD PARK, N.J.

Resolution No. 2026-32

Motion by Commissioner Mirza Seconded by Commissioner MacNeill

That the following Resolution be adopted:

Resolved by the Board of Commissioners of the Village of Ridgefield Park

comprised of Bergen, Passaic, Hudson and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.]

- J. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the municipality's Administrative Agent.

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

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

On roll call Commissioners Anlian, Gerken, Mirza, ~~Porter~~ and Mayor MacNeill Voted "Yea"

Passed March 10, 2026

Attest:

Laura O'Grady
Village Clerk

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

Absent

[Signature]
Commissioner

[Signature]
Mayor

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in the VILLAGE OF RIDGEFIELD PARK (REGION 1)

I. APPLICANT AND PROJECT INFORMATION

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

Administrative Agent Name, Address, Phone Number Frank Piazza Piazza & Associates, Inc. 201 Rockingham Row Princeton, NJ 08540 (609) 786-1100, ext. 301		Development or Program Name, Address	
Number of:	Affordable Rental Units	Affordable For-Sale Units	
Affordable Units Total			
Affordable Age Restricted Units			
Affordable Non-Age Restricted Units			
Affordable Supportive Housing Units			
Price or Rental Range	Approximate Starting Dates		
From:	Advertising:	Occupancy:	
To:			
Counties: Bergen, Hudson, Passaic, Sussex		Preferences, if any: (veteran, regional, NJ) REGIONAL PREFERENCE: There will be a preference for applicants who live and/or work in Housing Region 1 (Bergen, Hudson, Passaic and Sussex Counties).	
Accessibility Features, if any:			
Managing/Sales Agent's Name, Address, Phone Number			
Application Fees (if any): No fees will be charged for the affordable housing application.			

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

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

II. RANDOM SELECTION

Describe the random selection process that will be used once applications are received. RENTAL PROCESS A. An initial deadline date, no less than 45 days after the start of the marketing process will be established. A lottery may not take place prior to 60 days from the start of marketing. All online preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date. B. Households that apply for very low-, low- and moderate-income housing will prescreen themselves

for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). Households will also prescreen themselves for all preferences pursuant to state regulations and local ordinance. All households are notified as to their preliminary status at the time an application is submitted.

- C. A drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low- and moderate-income unit available, or until all of the affordable units within the development have been rented.
- E. Final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate- income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- F. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a very low-, low- or moderate-income unit. Applicants will receive a notification from Piazza & Associates with respect to the status of their application each time a review is performed.
- G. At the same time, applicants will also be subject to any criteria set forth by the Owner, such as credit worthiness, recommendations from former landlords, etc. The criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants in the leasing office. The Owner will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by the Administrative Agent.
- H. Subsequent to initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates on a rental waiting list.

NEW SALE PROCESS:

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

receive a notification from Piazza & Associates with respect to the status of their application each time a review is performed.

- G. When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
- H. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
- I. The sales agreement may also limit closing to a reasonable time to be approved by Piazza & Associates in advance of the process.

RESALE PROCESS:

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

available within 90 days of the lottery date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unable or unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.

- L. The Seller must sell the affordable home with the same or comparable appliances and amenities that were in the home when it was first sold as an affordable home.
- M. The Seller may NOT charge more than the Maximum Selling Price for any reason, except the addition of a room, the installation of central air conditioning (where there was none before) or comparable upgrade, but ONLY with prior written approval from us. For the most part, condominiums in this program are NOT eligible for such upgrades and/or adjustments to the selling price. The cost of broker fees; municipal inspections and required repairs that may be necessary to receive a Certificate of Occupancy; new appliances, carpeting or other flooring upgrades; and decorating and remodeling projects are NOT eligible costs for an increase in the Maximum Sales Price.
- N. A copy of the Sales Contract must be submitted to our office prior to closing.
- O. During the final stages of the process, it will be necessary for the Buyer to make arrangement for the Affordable Housing Agreement and Mortgage Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer. The filing and recording of documents is the responsibility of the seller’s or buyer’s attorney. Once all documents are filed, recorded and returned to Piazza & Associates, we will process a release of the original documents.
- P. A copy of the HUD Closing Statement or Closing Disclosure form required by the TILA-RESPA Integrated Disclosure Rule, as appropriate, must be submitted to our office after the sale of the home.
- Q. Note: We do not guarantee that the Buyer can sell an affordable home for the Maximum Sales Price. An affordable home is also susceptible to market conditions, and the Fair Market Value of an affordable home may be lower than the Maximum Selling Price. In this case, the Seller may not be able to sell the home for more than its Fair Market Value
- R. Our office is available to both the Seller and the Buyer throughout the process to answer any questions they may have.

III. MARKETING

Direction of Marketing Activity: Based on demographic data from the 2020 census, this table provides a comparison of race and ethnic origin between Housing Region 1 and the Village of Ridgefield Park. The most significant negative differences point to the greatest need for affirmative marketing. Overall, the municipality appears to generally reflect the diversity of the region and county, and, in fact, has a higher percentage of Hispanic/Latino (46.8 % v. 31.4%)

The U. S. Census Data 2020:

Subject	RACE							HISPANIC OR LATINO	
	Total population	Race alone or in combination with one or more other races: [1]						Total population	
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Hispanic or Latino (of any race)	Not Hispanic or Latino
Bergen	955,732	543,849	54,831	4,535	158,630	217	96,383	204,683	751,049
Sussex	144,221	121,879	3,088	336	3,002	20	4,469	14,310	129,911
Hudson									

	724,854	248,561	79,498	7,388	124,555	417	159,950		293,019	431,835
Passaic	524,118	229,573	57,809	6,383	30,852	195	134,687		224,030	300,088
Region 1	2,346,925	1,143,862	195,226	18,642	317,039	849	395,489		736,042	1,612,883
% Region 1	100%	48.7%	8.3%	0.8%	13.5%	0.0%	16.9%		31.4%	68.6%
Ridgefield Park Village	13,224	5,272	851	115	1,489	5	2,960		6,189	7,035
%Ridgefield Park	100%	39.9%	6.4%	0.9%	11.3%	0.0%	22.3%		46.8%	53.2%

Difference	-8.8%	-1.9%	0.1%	-2.2%	0.0%	5.4%		15.4%	-15.4%
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[1] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race. Source: U.S. Census Bureau, 2020 Census of Population and Housing, Demographic Profile Summary File.

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

REQUIRED (Piazza & Associates)

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

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

Regional Newspapers (Developer)

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

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

TARGETS PARTIAL HOUSING REGION 1

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

Housing Search Websites – D – Digital (Piazza & Associates)

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

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

<i>List below all housing search websites to be used:</i>		
www.housingquest.com		
ELECTIVES		
If you selected a print newspaper(s) as your regional paper above, select TWO additional strategies below with AT LEAST ONE NON-DIGITAL MARKETING STRATEGY.		
If you selected a digital newspaper(s) as your regional paper above, select AT LEAST TWO NON-DIGITAL MARKETING STRATEGIES below.		
<input type="checkbox"/> Specific Radio and Television Stations – ND – Non-Digital		
<i>5:80-26.16(e)1 lists specific radio stations, and television stations throughout the housing region as marketing opportunities. If choosing this option, make sure your proposed stations cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.</i>		
<input type="checkbox"/>		
AND Paid Targeted Digital Advertising (must be selected in addition to stations above) – D – Digital		
<i>5:80-26.16(e)1 offers paid targeted digital advertising as an option. Some common platforms are listed below.</i>		
<input type="checkbox"/>	Google Ads	
<input type="checkbox"/>	Microsoft Ads	
<input type="checkbox"/>	Bing Ads	
<input type="checkbox"/>	Other (please list)	
X Specific Newspapers and Other Publications (Developer)		
<i>5:80-26.16(e)2 lists “specific newspapers and other publications circulated within the housing region” as an option, including neighborhood-oriented weekly papers, religious publications, and organizational newsletters. If choosing this option, make sure your proposed publications cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.</i>		
		D-Digital or ND-Non-Digital
<input type="checkbox"/>	Jewish Link NJ https://www.jewishlinknj.com/	
<input type="checkbox"/>	Jewish Voice and Opinion https://thejewishvoiceandopinion.com/	
<input type="checkbox"/>	News India Times http://www.newsindiatimes.com	
<input type="checkbox"/>	PLUS - New Jersey & Pennsylvania http://www.tygodnikplus.com/	
<input type="checkbox"/>	Zaman Amerika http://zamanamerika.com	
<input type="checkbox"/>	Jewish Standard http://jewishstandard.timesofisrael.com	
<input type="checkbox"/>	Arab Voice http://arabvoice.com	
<input type="checkbox"/>	Catholic Beacon, The https://rcdop.org/the-beacon	
<input type="checkbox"/>	Ahora News http://ahoranews.net	

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

IV. SUMMARY

Non-Digital Outreach	Digital Outreach

V. APPLICATIONS *(Piazza & Associates)*

Applications for affordable housing or notices thereof, if offered online, for the above units will be available in all County Administration Buildings and Libraries for all counties in the housing region

	BUILDING	LOCATION
X	Sussex County Administration Building	1 Spring Street, Newton, NJ 07860 (973)579-0200
X	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860 (973)948-3660
X	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306 (201) 795-6000
X	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
X	Passaic County Library	195 Gregory Avenue, Passaic, NJ 07055 (973) 779-0474
X	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
X	Bergen County	21-00 Route 208 South, Suite 130, Fair Lawn, NJ 07410 bccls@bccls.org

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Village of Ridgefield Park
 234 Main St, Ridgefield Park, NJ 07660
 Phone: (20) 641-4950

Ridgefield Park Public Library
 107 Cedar Street
 Ridgefield Park, NJ 07660
 Phone: (20) 641-0689
circ@ridgefieldpark.bccls.org

4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality’s substantive certification

Frank Piazza, Jr.
 Name (Type or Print)

Administrative Agent, Village of Ridgefield Park
 Title/Municipality



4 March 2026

Signature

Date

Chapter 172. Fair Share Housing

Article I. Affordable Housing Requirements

A. Purpose, Applicability & Interpretation

1. This section of the Code sets forth regulations regarding the creation, use, occupancy, administration and preservation of very low, low- and moderate-income affordable housing units in Village of Ridgefield Park consistent with the Mount Laurel doctrine; the New Jersey Fair Housing Act, as amended by P.L. 2024, c.2, N.J.S.A. 52:27D-301 et seq., (hereinafter the “Act,” “FHA” or FHA-2”); the regulations promulgated pursuant thereto by the New Jersey Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., (“Affordable Housing Rules”), and the Housing and Mortgage Finance Agency’s (HMFA) Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.; and the and the municipality’s 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 in accordance with applicable statutory and regulatory requirements. The provisions of this Code 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 Village of Ridgefield Park 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 the Mt. Laurel doctrine, the FHA N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, et seq., as may be amended and supplemented.
5. Applicability
 - a. Except where specifically exempted hereinafter, the provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - b. Except where specifically exempted hereinafter, this Ordinance shall apply to all developments that contain very low, low- and moderate-income housing units included in the Municipal HEFSP, as well as any unanticipated future development or redevelopment projects that will include, are proposed to provide or required by the municipality to provide very low-, low- and moderate-income housing units.
 - c. Projects receiving federal Low Income Housing Tax Credit financing shall be required to follow the UHAC unless exempt pursuant to N.J.A.C. 5:80-26.1,

including but not limited to developments with anticipated funding from the Federal Low-Income Housing Tax Credit (LIHTC) pursuant to Section 42 of the Internal Revenue Code. Developers, landlords and program sponsors shall be required to comply with administration and affirmative marketing of the affordable units within such developments.

- d. A waiver from any provision of this Code may be granted by the County-level Mount Laurel Judge, the Program or any trial court if it would advance the interests of low-and moderate-income households or if strict compliance would cause an unreasonable result.

B. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities 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 not produced on a site zoned for an inclusionary development, as was modified by 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 but not limited to any affordable unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a

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

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

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

“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 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. .1 et seq.

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

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

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

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

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

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

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

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

C. Monitoring and Reporting Requirements

1. In accordance with the Act and N.J.A.C. 5:99 et seq., the Village is required to annually provide updated affordable housing monitoring activity and affordable housing trust fund activity through the Department’s Affordable Housing Monitoring Service on or before February 15 annually.

2. All developers, program sponsors and landlords of developments or projects containing affordable housing in the Village shall be required to provide all necessary information related to the status of construction and occupancy of each affordable unit within the respective developer, program sponsor or landlord’s development to the municipality’s Municipal Housing Liaison by no later than January 2 annually for the previous year.

- a. 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.

- D. New Construction - 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 and 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 for 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. The Village has chosen to allow rounding.
 - iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units. The Village has chosen to allow rounding.
 - v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units. The Village has chosen to allow rounding.
 - 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 multi-floor 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 one or more of the foregoing requirements in b.i. through b.iv. above cannot 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.

E. Affordable Housing Programs

- ~~+~~ 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.” .” These crediting mechanisms are expressed as way of an example, and the list is non-exhaustive of potential crediting mechanisms, and any crediting requirements shall be pursuant to the regulatory, statutory, or legal requirements detailing the crediting mechanism. While not anticipated, should there be a conflict between this subsection and the regulatory requirements for crediting of the following mechanisms, the pertinent valid regulations shall control.

2. Rehabilitation Programs
3. Market to Affordable Programs
4. Extension of Expiring Controls Program in accordance with prevailing law.
5. Supportive Housing and Group Homes

F. 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.

G. 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.
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.

H. Affirmative Marketing.

1. Upon approval by a court, developers, program sponsors and landlords of affordable developments shall be required to comply with the Village's most recently approved Affirmative Marketing Plan with respect to the marketing of initial sales and rentals and resales and re-rentals of affordable units within the Village.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant

- to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
- b. There shall be a regional preference for all households that live and/or work in Housing Region 1 comprising Bergen, Passaic and Hudson and Sussex Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The 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 Plan describes 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. in accordance with applicable law, as well as the following community and regional organizations: Fair Share Housing Center; the Latino Action Network; East Orange NAACP; Newark NAACP; the Morris County Housing Alliance; Morris County NAACP; Housing Partnership for Morris County; Community Access Unlimited; Northwest New Jersey Community Action Program. Inc; Homeless Solutions of Morristown: and the Supportive Housing Association. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

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.

I. 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.

J. 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.

K. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. The initial control periods for restricted ownership on all new units shall be for a period of at least 30 years and in accordance with the UHAC, as may be amended and supplemented, with the Township reserving the right to extend the affordability control period for an additional period of time thereafter.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of at least 10 years.
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
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.
 - c. Notwithstanding the foregoing, nothing herein shall eliminate the right of the municipality to extend the affordability controls of any 95/5.

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 an affordable housing deed restriction approved by the Village, 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.
10. Extensions of Affordability Controls for Ownership Units
 - a. The Village retains the right preserve its existing and any newly constructed very low-income, low-income and moderate-income affordable ownership units located within the Village by extending the initial affordable control period for an additional period of time beyond the original control period established in any judgment of compliance, judgment of repose or other judgment, court order, grant of substantive certification, master deed, affordable housing plan, affordable housing agreement, deed restriction, restrictive covenant, declaration of restrictive covenants, public offering statement, contract, settlement agreement, grant agreement, developer's agreement or other agreement. The Village retains and reserves this right extend the affordability controls on all existing and any newly constructed affordable ownership units within the Village regardless of the date the affordable unit(s) was/were created.
 - b. The right of the Village to extend the affordability controls on any restricted ownership unit shall not otherwise be limited or circumscribed by any term, condition or provision contained within any master deed, affordable housing plan, affordable housing agreement, deed restriction, restrictive covenant, declaration of restrictive covenants, public offering statement, contract, settlement agreement, grant agreement, developer's agreement or other agreement.
 - c. The Village shall exercise such right by ordinance adopted by the Village Board of Commissioners.

- d. During the initial control period and any extended control period, no seller of a restricted unit in the Village may utilize the repayment option or exit sale, but may sale the restricted unit to another qualifying household at the then applicable maximum resale price determined by the Agency.
- L. 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.

M. 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

N. 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).

O. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the UHAC and shall remain subject to the requirements of this ordinance for a period of at least 30 years, with the Township reserving the right to extend the affordability controls for an additional period of time in accordance with the Act and UHAC.
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 shall comply with applicable law.
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.
8. Nothing herein is intended to prevent a municipality from extending the deed restriction on any affordable unit and securing an additional credit by demonstrating that (1) the restriction of the initial unit expires in Round 4, (2) the total period of restriction with the extension is at least 60 years, (3) the household residing in the unit has been informed in a timely fashion that the municipality is extending the deed restriction for the benefit of the protected class, and (4) the municipality offers to pay for such improvements as may be necessary to enable the seller or landlord to obtain a certificate of occupancy or a continuing certificate of occupancy for the unit that is the subject of the additional credit.

P. 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.

Q. 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.

R. 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.

S. 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. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.

- v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
- vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- d. Affordability controls.
 - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
 - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
 - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
 - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.

- iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
 - h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
 - i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.
- T. 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 than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to 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.

U. 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 \$1,000 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The Village 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 Village 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 Village, 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 Village, 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 Village.

- 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 Village shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or

municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals
 - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

V. Development Fees.

1. Purpose

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

2. Basic Requirements

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

3. Residential development fees.

- a. Imposition of fees.
 - i. Within the Village of Ridgefield Park, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
 - ii. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6% 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.
- b. Eligible exactions, ineligible exactions and exemptions for residential developments.
 - i. Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Village of Ridgefield Park, shall be exempt from the payment of development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of this chapter shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a zoning permit and/or construction permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the construction permit is issued.
 - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- c. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee

requirements. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

- d. Developers of one and two owner-occupied dwelling units that are demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.

4. **Nonresidential development fees.**

- a. Imposition of fees.

- i. Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- ii. Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, 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 nonresidential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

- b. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- i. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
- ii. The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- iii. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

- iv. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Nonresidential 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 nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.
- v. If a property which was exempted from the collection of a nonresidential 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 Village of Ridgefield Park as a lien against the real property of the owner.

5. Collection procedures.

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a construction permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the 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 construction permit shall notify the Village Tax Assessor of the issuance of the first construction permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of such notification, the Village Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- e. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Village Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Village 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 Village of Ridgefield Park 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 (C.40:55D-8.6).
- h. Except as provided in § 57-54A(3) hereinabove, 50% of the initially calculated 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 the certificate of occupancy.

6. Appeal of development fees.

- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Village of Ridgefield Park. 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, N.J.S.A. 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 nonresidential 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 Village of Ridgefield Park. 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, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund

- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

- i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the Village and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - iii. Rental income from municipally operated units;
 - iv. Repayments from affordable housing program loans;
 - v. Recapture funds;
 - vi. Proceeds from the sale of affordable units; and
 - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The Village 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. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

8. Use of Funds

- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion

of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.

- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.
9. 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 be consistent with N.J.A.C. 5:99-4.1.

Repealer

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

Severability

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

Effective Date

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

ORDINANCE NO. 2026-08**AN ORDINANCE REPEALING AND REPLACING CHAPTER 172, "FAIR SHARE HOUSING," OF THE VILLAGE OF RIDGEFIELD PARK, TO ADDRESS THE REQUIREMENTS OF THE FOURTH ROUND FAIR SHARE HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE VILLAGE'S AFFORDABLE HOUSING OBLIGATIONS**

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

WHEREAS, the Board of Commissioners of the Village desires to create a realistic opportunity for the creation of affordable housing within the Village; and

WHEREAS, the Village voluntarily brought a timely declaratory judgment action pursuant to the procedures set forth by the Supreme Court in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mt. Laurel IV") seeking approval of a Housing Element and Fair Share Plan that satisfies the Village's obligation to provide for its fair share of the regional need for low- and moderate-income housing; and

WHEREAS, the Village filed a resolution of participation in the Affordable Housing Dispute Resolution Program and a declaratory judgement action on January 15, 2025 and where a consent order was signed by the respective parties and approved by the Hon. Lina P. Corriston on January 25, 2026 approving a settlement agreement between the Village of Ridgefield Park and Fair Share Housing Center, which was intended to establish the Village's affordable housing obligations; and

WHEREAS, the Village Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 2024; and

WHEREAS, the Village is desirous of amending and supplementing the Village Code to implement the above-referenced Housing Element and Fair Share Plan, which has been endorsed by the Board of Commissioners and include provisions addressing Ridgefield Park's constitutional obligation to provide for its fair share of low and moderate income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units.

NOW, THEREFORE, BE IT ORDAINED by the Village Commissioners of Ridgefield Park, County of Bergen, State of New Jersey, as follows:

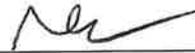
SECTION 1. Ridgefield Park Code Chapter 172, "Fair Share Housing," is hereby repealed and replaced with the attached Ordinance entitled Fair Share Housing, a copy of which is on file with the Village Clerk and is adopted in its entirety by reference hereto.



Commissioner Anlian



Commissioner Gerken



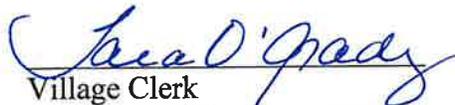
Commissioner Mirza

Absent

Commissioner Portorreal



Mayor MacNeill



Village Clerk
Adopted on March 10, 2026