

ORDINANCE 2383

AN ORDINANCE AMENDING CHAPTER 540, ENTITLED "ZONING," OF THE GENERAL CODE OF THE BOROUGH OF SOUTH PLAINFIELD TO CREATE THE OBC-3 AFFORDABLE HOUSING OVERLAY DISTRICT AND THE AH-6 AFFORDABLE HOUSING ZONE PURSUANT TO THE MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

WHEREAS, the Borough of South Plainfield ("Borough" or "South Plainfield") adopted a binding resolution in accordance with the amended Fair Housing Act ("FHA") (N.J.S.A. 52:27D-301 et. seq.), committing to its affordable housing obligation for the Fourth Round and filed the resolution and a declaratory judgement action pursuant to the FHA with the Affordable Housing Dispute Resolution Program ("Program") on January 23, 2025; and

WHEREAS, on April 4, 2025 an Order was entered by the Court setting the Borough's Fourth Round Fair Share obligations as a Present Need of 54 units and a Prospective Need of 206 units; and

WHEREAS, on June 24, 2025 the Borough Planning Board adopted a Fourth Round Housing Element and Fair Share Plan ("HEFSP"), establishing the mechanisms in which the Borough would meet its Fair Share obligation; and

WHEREAS, the Borough filed its Fourth Round HEFSP with the Program on June 26, 2025; and

WHEREAS, on August 20, 2025 the Fair Share Housing Center ("FSHC") filed a challenge to the Borough's Fourth Round HEFSP with the Program; and

WHEREAS, the Borough and FSHC agreed to amicably resolve the issues set forth in the challenge through a mediation agreement that was executed in December 2025; and

WHEREAS, a component of the mediation agreement is to establish a new affordable housing overlay zone and a new affordable housing zone to accommodate affordable housing development at these locations.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, New Jersey as follows:

Section 1. The South Plainfield General Code Section 540-39.1, entitled "OBC-3 Affordable Housing Overlay District" is hereby established to read as follows:

A. Purpose.

- (1) The purpose of the OBC-3 Affordable Housing Overlay District is to provide a development opportunity that contributes to the Borough of South Plainfield's municipal affordable housing obligation.
- (2) There is hereby established the OBC-3 Affordable Housing Overlay District, which shall consist of Block 254 Lot 1.04, which is situated on Case Drive, adjacent to the Golden Acres Shopping Center on Oak Tree Avenue.
- (3) This section is designed to implement the terms of the Mediation Agreement between the Borough and the Fair Share Housing Center in association with the Borough's Fourth Round compliance.

B. Permitted Uses.

- (1) Multifamily inclusionary development, either in a mixed-use building with ground floor commercial uses as permitted pursuant to §540-39, or in a standalone residential structure.
- (2) A 100% affordable housing multifamily development

C. Development Standards.

- (1) Minimum Lot Area: 1.5 acres
- (2) Maximum Permitted Building Height: three stories and 45 feet
- (3) Maximum Residential Density: 16 dwelling units per acre
- (4) Maximum Impervious Coverage: 80%
- (5) Minimum principal building front yard setback: 15 feet
- (6) Minimum principal building side yard setback: 10 feet
- (7) Off-street parking requirements
 - (a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses with the exception that for a commercial or personal service establishment portion of a mixed-use development may be reduced to three spaces for each 1,000 square feet of floor area.
 - (b) Parking for residential uses shall be pursuant to the Residential Site Improvement Standards.
 - (c) Parking may be provided on site or through a shared parking agreement with the adjacent shopping center, so long as adequate parking pursuant to Article VI of this chapter for each use in the shopping center continues to be provided. Any shared parking arrangement shall be reviewed by the Borough Attorney and Board Attorney at time of site plan application and prior to being filed with the County.
 - (d) All other off-street parking requirements shall be met in accordance with Article VI of this chapter.

D. Affordable Housing Requirements

- (1) A minimum of 20% of the units in inclusionary development shall be affordable to very low-, low-, and moderate-income households.
- (2) All affordable housing units shall be developed in accordance with N.J.A.C. 5:80-26 et seq. and Chapter 504 of the Borough's Code, including a 40-year deed restriction on all affordable units.

Section 2. The South Plainfield General Code Section 540-51.3, entitled "AH-6 Affordable Housing Zone" is hereby established to read as follows:

A. Purpose.

- (1) The purpose of the AH-6 Affordable Housing Zone District is to provide the opportunity for multifamily residential development that contributes to the Borough of South Plainfield's municipal affordable housing obligation.
- (2) There is hereby established the AH-6 Affordable Housing Zone, which includes an area shown on the Borough's Tax Map as Block 541 Lots 1, 2, 3, 4, 5, 6.01, 13, and 21 and Block 478 Lots 1, 1.02, 2, 3, and 4.01 along Durham Avenue at its intersection with Hamilton Boulevard totaling approximately 8.3 acres.
- (3) The development of this zone encourages the consolidation of smaller lots to facilitate larger cohesive developments. Regardless of lot agglomeration, it is the intent of this zone to produce a total of 17 affordable housing units.
- (4) This section is designed to implement the terms of the Mediation Agreement between the Borough and the Fair Share Housing Center in association with the Borough's Fourth Round compliance.

B. Principal Uses.

- (1) Mixed-use development with ground floor non-residential uses permitted pursuant to the uses of the OPA-1 in §540-41 and residential inclusionary development with a mandatory 20% affordable housing set-aside for all development.
 - (a) The residential use shall be located on the second floor and higher with the exception of ground floor entrance and lobby space.
- (2) Inclusionary residential development with a mandatory 20% affordable housing set-aside. Development may be through townhouse/stacked townhouse-style buildings or multifamily apartment buildings.

C. Development Standards

- (1) Minimum Lot Area: 22,000 square feet
- (2) Maximum Permitted Height: three stories or 45 feet
- (3) Maximum Residential Density: 10 dwelling units per acre
- (4) Maximum Impervious Coverage: 70%
- (5) Minimum principal building front yard setback: 35 feet
- (6) Minimum principal building side and rear yard setback: 20 feet
- (7) Off-street parking requirements
 - (a) For mixed-use development, the number of off-street parking spaces required shall be the sum of the requirements for the various individual uses with the exception that for a commercial or personal service establishment portion of a mixed-use development may be reduced to three spaces for each 1,000 square feet of floor area.

(b) Parking for residential shall be pursuant to the Residential Site Improvement Standards.

(c) All other off-street parking requirements shall be met in accordance with Article VI of this chapter.

D. Affordable Housing Requirements

- (1) A minimum of 20% of the units shall be affordable to very low-, low-, and moderate-income households.
- (2) All development shall be large enough to produce at least one affordable unit (e.g. a minimum of 5 units in an inclusionary development will produce one affordable unit). It is the intent of this zone to produce a total of 17 affordable housing units.
- (3) All affordable housing units shall be developed in accordance with N.J.A.C. 5:80-26 et seq. and Chapter 504 of the Borough's Code, including a 40-year deed restriction on all affordable units.

Section 3. The South Plainfield General Code Section 540-7, entitled "List of Zone" is hereby amended to read as follows:

The Borough of South Plainfield is hereby divided into the following zones:

R-15	Residential
R-10	Residential
R-7.5	Residential
R-1-2	Residential
OBC-1	Local Business
OBC-2	Central Business
OBC-1 and OBC-2	Affordable Housing Overlay
OBC-3	Regional Business
OBC-3	Affordable Housing Overlay
OBC-4	Special Business
OPA-1	Professional Office
OPA-1	Affordable Housing Overlay
OPA-2	Professional Office and Research
M-1	Industrial
M-2	Industrial
M-3	Industrial

M-3A	Industrial Overlay
PRD-1	Planned Residential Development
AH-1	Affordable Housing 1
AH-2	Affordable Housing 2
AH-3	Affordable Housing 3
AH-4	Affordable Housing 4
AH-5	Affordable Housing 5
AH-6	Affordable Housing 6
SC-1	Senior Citizen Residential
SC-2	Multifamily Residential
HDD	Historic Downtown
HDD	Affordable Housing Overlay
RH	Regional Hospitality

Section 4. The South Plainfield Zoning Map is hereby amended to include the following blocks and lots in the OBC-3 Affordable Housing Overlay: Block 254 Lot 1.04

Section 5. The South Plainfield Zoning Map is hereby amended to include the following blocks and lots in the AH-6 Affordable Housing Zone: Block 541 Lots 1, 2, 3, 4, 5, 6.01, 13, and 21 and Block 478 Lots 1, 1.02, 2, 3, and 4.01

ATTEST:



Amy Antonides, Clerk
Borough of South Plainfield
Adopted: 3/16/2026



Matthew P. Anesh, Mayor
Borough of South Plainfield

NOTICE OF INTRODUCTION

This Ordinance #2383 published herewith was introduced and passed upon first reading at the regular meeting of the Borough Council of the Borough of South Plainfield held on March 2, 2026. It will be further considered for final passage after a public hearing to be held on March 16, 2026, at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any person's desire to be heard upon the same will be given an opportunity to be heard. Copies are available free of charge at the Municipal Clerk's Office prior to the public hearing. This ordinance shall take effect immediately after final passage and publication according to law.

Amy Antonides

Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga						X	
Councilman McConville			X				
Councilman Smith			X				
Councilman White	X		X				
Councilman Wolak			X				
Council President Faustini		X	X				
			5	0			
Mayor Anesh – TIE ONLY							

NOTICE OF ADOPTION

ORDINANCE 2383

AN ORDINANCE AMENDING CHAPTER 540, ENTITLED "ZONING," OF THE GENERAL CODE OF THE BOROUGH OF SOUTH PLAINFIELD TO CREATE THE OBC-3 AFFORDABLE HOUSING OVERLAY DISTRICT AND THE AH-6 AFFORDABLE HOUSING ZONE PURSUANT TO THE MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

The ordinance #2383 read by title upon second reading herewith has been adopted at the meeting of the Mayor and Borough Council of the Borough of South Plainfield, held on March 16, 2026, and the 20-day period of limitation within which a suit, action or the validity of such ordinance can be commenced, has begun to run from the date of the publication of this notice.

Amy Antonides

Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman McConville			X				
Councilman Smith	X		X				
Councilman White		X	X				
Councilman Wolak			X				
Council President Faustini						X	
			5	0			
Mayor Anesh – TIE ONLY							

ORDINANCE 2384

AN ORDINANCE AMENDING THE GENERAL CODE OF THE BOROUGH OF SOUTH PLAINFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS AND DEVELOPMENT FEES PERTAINING TO THE BOROUGH'S AFFORDABLE HOUSING TRUST FUND

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA authorized the Department of Community Affairs ("DCA") and the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") as administrative rulemaking entities to amend and update the regulations related to the collection of residential and non-residential development fees and the Uniform Housing Affordability Controls ("UHAC") respectively; and

WHEREAS, the DCA Division of Local Planning Services promulgated new rules at N.J.A.C. 5:99-1 et seq. for the collection of residential and non-residential development fees, which became effective on December 15, 2025; and

WHEREAS, the NJHMFA promulgated new UHAC rules at N.J.A.C. 5:80-1 et seq., which became effective November 6, 2025; and

WHEREAS, the Amended FHA and the Affordable Housing Dispute Resolution Program Administrative Directive #14-24 require that municipal ordinances related to the collection of development fees and the application of the UHAC be updated to be consistent with the new rules no later than March 15, 2026; and

WHEREAS, the Governing Body of the Borough of South Plainfield, County of Middlesex, New Jersey, desires to repeal and replace Chapter 504 "Affordable Housing" of the General Code of the Borough of South Plainfield to address the requirements of the Amended FHA, N.J.A.C. 5:80-1 et seq., as amended and supplemented, and N.J.A.C. 5:99-1 et seq., as amended and supplemented.

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY as follows:

Section 1. Chapter 504, entitled "Affordable Housing" is hereby repealed as replaced as follows:

504-1 Introduction & Applicability

- A. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Borough of South Plainfield consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
- B. This Ordinance is intended to ensure that very-low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100 percent affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to affirmative marketing and random selection procedures set forth in UHAC.
- C. The Borough of South Plainfield 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 Borough shall address its fair share of very-low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- E. Applicability
 - (1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that are proposed to be created pursuant to the Borough’s most recently adopted HEFSP.
 - (2) This Ordinance shall apply to all developments that contain very-low-, low- and moderate-income housing units included in the Borough HEFSP, including any unanticipated future developments that will provide very-low-, low- and moderate-income housing units.
 - (3) Projects receiving federal Low Income Housing Tax Credit financing and proposed for credit in the Borough’s most recently adopted HEFSP shall comply with the affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

504-2 Definitions

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

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

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

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

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

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

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

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

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

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

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

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by

the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities 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 were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

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

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

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

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

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

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

"Supportive housing unit" means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project's Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

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

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

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

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

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

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

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

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

“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.

504-3 Monitoring and Reporting Requirements

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

(1) The Borough shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at

<https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.

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

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

504-4 Borough-wide Mandatory Set-Aside

A. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20 percent.

- B. In any such development for which the Borough's land use ordinances or an adopted redevelopment plan already permitted residential development as of February 6, 2017, this requirement shall only apply if the Borough permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this agreement.
- C. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
- D. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
- E. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
- F. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the Borough to grant such rezoning, variance or other relief.
- G. This Borough-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
- H. In the event that the inclusionary set-aside of 20 percent of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit; or

504-5 Affordable Housing Programs

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

- (3) All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - (4) The Borough shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 - (5) The Borough shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L. 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
 - (6) Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - (a) If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
 - (b) If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - (c) Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - (d) At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
- C. New Construction Programs (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).
- (1) The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
 - (2) Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

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

(3) Design. The following design requirements apply to affordable housing developments, excluding prior round units.

(a) Design of 100 percent affordable developments:

- [1] 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.
- [2] Each bedroom in each restricted unit must have at least one window.
- [3] 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.

- [1] 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.
- [2] 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.
- [3] 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.
- [4] 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.

- [5] 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.
 - [6] Each bedroom in each restricted unit must have at least one window.
 - [7] Restricted units must be of the same unit type as market-rate units within the same building.
 - [8] Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- (c) Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- [1] 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.
 - [2] 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.
 - [3] 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.
 - [4] 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.
 - [5] 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).
 - [6] 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.

[7] Each bedroom in each restricted unit must have at least one window; and

[8] 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 percent of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units. The Borough has chosen to not allow rounding.

(c) Within rental developments, of the total number of affordable rental units, at least 13 percent, 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:

[1] At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;

[2] Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;

[3] The combined number of efficiency and one-bedroom units shall be no greater than 20 percent, rounded down or rounded up, of the total number of low- and moderate-income units. The Borough has chosen to allow rounding.

[4] At least 30 percent of all low- and moderate-income units, rounded up or down, shall be two-bedroom units. The Borough has chosen to allow rounding.

[5] At least 20 percent of all low- and moderate-income units, rounded up or down, shall be three-bedroom units. The Borough has chosen to allow rounding.

[6] 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 five percent of those restricted units.

(6) Accessibility requirements.

- (a) Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
- (b) Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - [1] An adaptable toilet and bathing facility on the first floor;
 - [2] An adaptable kitchen on the first floor;
 - [3] An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - [4] 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;
 - [5] If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - [6] 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 Borough has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - (i) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

- (ii) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
- (iii) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- (iv) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
- (v) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.

[7] 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.

D. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).

- (1) An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - (a) The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - (b) The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - (c) The Borough shall obtain a continuing certificate of occupancy or a certified statement from the Borough building inspector stating that the restricted unit meets all code standards.
 - (d) If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the Borough shall fund and complete the work.
 - (e) The Borough shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100 percent affordable developments.

(f) The deed restriction for the extended control period shall be filed with the County Clerk.

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

- (1) An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
- (2) The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
- (3) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
- (4) Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
- (5) Low- and moderate-income residents cannot be charged any upfront fees.
- (6) The units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - (b) The deed restriction may be on the facility, rather than individual apartments or rooms;
 - (c) Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
- (7) Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

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

- (1) The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - (a) The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - (b) Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - (c) Occupancy shall not be restricted to youth under 18 years of age.
 - (d) In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.

- (e) The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - [1] Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan, if applicable, approved by the sponsoring program;
 - [2] Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- (f) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- (g) Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- (h) The following documentation shall be submitted by the sponsor to the Borough prior to marketing the completed units or facility:
 - [1] An Affirmative Marketing Plan in accordance with D1 above; and
 - [2] If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- (i) The sponsor/owner shall complete annual monitoring as directed by the MHL.

504-6 Regional Income Limits.

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

504-7 Maximum Initial Rents And Sales Prices.

- A. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
- B. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
- C. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60 percent 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.
- D. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. Very low-income units, if required, should be distributed between each bedroom count as proportionally as possible to the total number of restricted units within each bedroom count, and shall be part of the low-income requirement.
- E. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70 percent of median income, and each affordable housing development must achieve an affordability average that does not exceed 55 percent for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
- F. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
- G. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - (1) A studio or efficiency unit shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (3) A two-bedroom unit shall be affordable to a three-person household;
 - (4) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (5) A four-bedroom unit shall be affordable to a six-person household.

- H. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
- (1) A studio or efficiency unit shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
- I. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
- J. 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.
- K. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following a minimum 90-day notice provided to the occupant household, 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." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3 and published by the Agency. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

504-8 Affirmative Marketing.

- A. The Borough shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for “housing for older persons” as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, 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 3 and is required to be followed throughout the period of deed restriction.
- C. 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.
 - (1) Where the Borough 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.
 - (2) There shall be a regional preference for all households that live and/or work in Housing Region 3 comprising Hunterdon, Middlesex, and Somerset Counties.
 - (3) Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - (4) 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.
- D. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough 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.
- E. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent should consider the use of language translations where appropriate.

- F. 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.
- G. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
- H. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of HUD-certified housing counselors or otherwise experienced entities approved by the Division providing counseling services on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- I. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy and may begin before construction commences. For owner-occupied units, affirmative marketing advertising and outreach activities must continue until all of the marketed units have been sold, except that paid advertising may cease when the number of applications received is at least three times the number of units to be sold. For rental units, affirmative marketing advertising and outreach activities must continue, as long as applications are being accepted, except that paid advertising may cease when the number of applications received is at least three times the number of units to be filled.
- J. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of owner-occupied units, in which case, applications must be accepted for no less than 30 days.
- K. 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.

504-9 Selection of Occupants of Affordable Housing Units.

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

504-10 Occupancy Standards.

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - (1) Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;

- (2) Provide a bedroom for every two adult occupants;
- (3) With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
- (4) Avoid placing a one-person household into a unit with more than one bedroom.

504-11 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
- B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
- D. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
- E. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - (1) If the Borough exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - (2) If the Borough does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
- F. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the Borough shall record a preliminary instrument provided by the Administrative Agent.
- G. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- H. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

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

504-12 Price Restrictions for Restricted Ownership Units and Resale Prices.

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
- (1) The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - (2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - (a) If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - (b) If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 - (3) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - (a) those that render the unit suitable for a larger household or the addition of a bathroom.
 - (b) The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - (4) No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the

Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

504-13 Buyer Income Eligibility.

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

percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- (1) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
- (2) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
- (3) The household is currently in substandard or overcrowded living conditions;
- (4) The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

504-14 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent 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).

504-15 Control Periods for Restricted Rental Units.

- A. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
- B. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9 percent Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
- C. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
- D. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
- E. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the Borough shall record a preliminary instrument provided by the Administrative Agent.

- F. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
- G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit;
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - (4) The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

504-16 Rent Restrictions for Rental Units; Leases and Fees.

- A. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
- B. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
- C. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - (1) Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
- D. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- E. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
- F. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
- G. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.

- H. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

504-17 Tenant Income Eligibility.

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

504-18 Municipal Housing Liaison.

- A. The Municipal Housing Liaison shall be approved by municipal resolution.

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

504-19 Administrative Agent.

- A. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
- B. The fees for administrative agents shall be paid as follows:
 - (1) Administrative agent fees related to rental units shall be paid by the developer/owner.
 - (2) Administrative agent fees related to initial sale of units shall be paid by the developer.
 - (3) Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - (4) Administrative agent fees related to ongoing administration and enforcement shall be paid by the Borough.

- C. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
- D. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
- (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - (2) Affirmative marketing:
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough and the provisions of N.J.A.C. 5:80-26.16.
 - (b) Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - (3) Household certification.
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households.
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility within five (5) business days of the determination thereof.
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
 - (4) Affordability controls.
 - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - (b) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.

- (c) Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - (d) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- (5) Records retention.
- (a) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - (b) Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of the Borough constitute public records of the Borough as defined by N.J.S.A. 47:3-16, and are legal property of the Borough.
- (6) Resales and re-rentals.
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - (b) Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- (7) Processing requests from unit owners.
- (a) Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - (c) Notifying the Borough of an owner's intent to sell a restricted unit.
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (8) Enforcement.
- (a) Securing annually from the Borough a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

- (c) Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - (d) Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - (e) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- (9) The Administrative Agent(s) shall, as delegated by the Borough, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

504-20 Responsibilities of The Owner of a development containing affordable units.

- A. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
- (1) Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - (2) The total number of units in the project and the number of affordable units.
 - (3) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - (4) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - (5) A projected construction schedule.
 - (6) The location of any common areas and elevators.
 - (7) The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
- B. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
- (1) Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - (2) Provide to the administrative agent a description of any applicable fees.

- (3) Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - (4) Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - (5) Provide to the administrative agent a proposed form of lease for any rental units.
 - (6) Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - (7) Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
- C. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- (1) Proposed pricing for all units, including any purchaser options and add-on items.
 - (2) Realistic condominium or homeowner association fees and any other applicable fees.
 - (3) Estimated real property taxes.
 - (4) Sewer, water, trash disposal, and any other utility assessments.
 - (5) Flood insurance requirement, if applicable.
 - (6) The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

504-21 Enforcement of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the Borough may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (a) A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every

day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

- (b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- C. The Borough 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.
- D. The Borough may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
- (1) Such judgment shall be enforceable, at the option of the Borough, 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 Borough, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (2) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the Borough 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 Borough 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 Borough 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 Borough 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 Borough 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 Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the owner or forfeited to the Borough.
 - (3) Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as

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

- (4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Borough may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 - (5) Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the Borough, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - (6) The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- E. 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.
- F. 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.

G. 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.

H. Appeals

- (1) Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

504-22 Development Fees.

A. Purpose

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

B. Basic Requirements

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

C. Residential Development Fees

(1) Imposed fees

- (a) Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (b) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0 percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

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

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

D. Non-Residential Development Fees

(1) Imposition of fees

- (a) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5 percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (b) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5

percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5 percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
 - (d) Developers that convert any portion of an existing residential structure to a nonresidential use shall pay a development fee of 2.5%. The development fee shall be calculated based on the increase in the equalized assessed value of the converted structure.
- (2) Eligible exactions, ineligible exactions and exemptions for non-residential development
- (a) The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5 percent development fee, unless otherwise exempted below.
 - (b) The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - (c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
 - (d) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - (e) If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough as a lien against the real property of the owner.
 - (f) Exempted from these provisions shall be approvals for the following classes of development:
 - [1] Utility facilities.

- [2] Educational, cultural and outdoor recreational facilities.
- [3] Quasi-public uses, including clubs, lodges and similar uses.
- [4] Public uses.
- [5] Hospital uses.

E. Collection Procedures

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- (2) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (3) The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- (5) The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Borough fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- (8) Fifty percent (50 percent) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

F. Appeal of development fees

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

G. Affordable Housing Trust Fund

- (1) A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the Borough for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the Borough and if approved by a Borough prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - (b) Funds contributed by developers to make 10 percent of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- (3) The Borough shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the Borough, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.

- (4) Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
- (a) Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - (b) Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - (c) Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - (d) Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - (e) Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - (f) Revocation of compliance certification or a judgment of compliance and repose;
 - (g) Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 - (h) Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- (5) All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

H. Use of Funds

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

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

- (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - (b) Affordability assistance for very low-income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
- (4) No more than 20 percent 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 Borough of resolving a challenge.

I. Monitoring

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

J. Ongoing Collection of Fees

- (1) The ability to impose, collect and expend development fees shall continue so long as the Borough retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- (2) If the Borough fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited

shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

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

Repealer

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

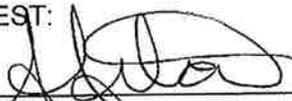
Severability

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.

ATTEST:



 Amy Antonides, Clerk
 Borough of South Plainfield
 Adopted: 3/16/2026



 Matthew P. Anesh, Mayor
 Borough of South Plainfield

NOTICE OF INTRODUCTION

This Ordinance #2384 published herewith was introduced and passed upon first reading at the regular meeting of the Borough Council of the Borough of South Plainfield held on March 2, 2026. It will be further considered for final passage after a public hearing to be held on March 16, 2026, at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any person's desire to be heard upon the same will be given an opportunity to be heard. Copies are available free of charge at the Municipal Clerk's Office prior to the public hearing. This ordinance shall take effect immediately after final passage and publication according to law.

Amy Antonides

Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga						X	
Councilman McConville		X	X				
Councilman Smith			X				
Councilman White	X		X				
Councilman Wolak			X				
Council President Faustini			X				
			5	0			
Mayor Anesh – TIE ONLY							

NOTICE OF ADOPTION

ORDINANCE 2384

AN ORDINANCE AMENDING THE GENERAL CODE OF THE BOROUGH OF SOUTH PLAINFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS AND DEVELOPMENT FEES PERTAINING TO THE BOROUGH'S AFFORDABLE HOUSING TRUST FUND

The ordinance #2384 read by title upon second reading herewith has been adopted at the meeting of the Mayor and Borough Council of the Borough of South Plainfield, held on March 16, 2026, and the 20-day period of limitation within which a suit, action or the validity of such ordinance can be commenced, has begun to run from the date of the publication of this notice.

Amy Antonides

Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilman McConville			X				
Councilman Smith	X		X				
Councilman White			X				
Councilman Wolak			X				
Council President Faustini						X	
			5	0			
Mayor Anesh – TIE ONLY							

ORDINANCE 2385

AN ORDINANCE AMENDING CHAPTER 540, ENTITLED "ZONING," OF THE GENERAL CODE OF THE BOROUGH OF SOUTH PLAINFIELD TO EXPAND THE OBC-1 AFFORDABLE HOUSING OVERLAY DISTRICT

WHEREAS, the Borough of South Plainfield ("Borough" or "South Plainfield") adopted a binding resolution in accordance with the amended Fair Housing Act ("FHA") (N.J.S.A. 52:27D-301 et. seq.), committing to its affordable housing obligation for the Fourth Round and filed the resolution and a declaratory judgement action pursuant to the FHA with the Affordable Housing Dispute Resolution Program ("Program") on January 23, 2025; and

WHEREAS, on April 4, 2025 an Order was entered by the Court setting the Borough's Fourth Round Fair Share obligations as a Present Need of 54 units and a Prospective Need of 206 units; and

WHEREAS, on June 24, 2025 the Borough Planning Board adopted a Fourth Round Housing Element and Fair Share Plan ("HEFSP"), establishing the mechanisms in which the Borough would meet its Fair Share obligation; and

WHEREAS, the Borough filed its Fourth Round HEFSP with the Program on June 26 2025; and

WHEREAS, South Plainfield has a long history of planning for and providing opportunities for the creation of affordable housing for the region's low- and moderate-income households in accordance with the Mt. Laurel doctrine; and

WHEREAS, in 2017 during the Third Round, South Plainfield adopted Ordinance 2086 establishing overlay districts throughout the Borough, including the OBC-1 Affordable Housing Overlay Zone that allows for multi-family development at increased densities with required affordable housing set-asides; and

WHEREAS, as part of South Plainfield's Fourth Round mechanisms, the Borough wishes to expand the boundaries of the OBC-1 Affordable Housing Overlay Zone to include additional properties that may be developed with inclusionary development.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, New Jersey as follows:

Section 1. The South Plainfield General Code Section 540-38.1, entitled "OBC-1 and OBC-2 Affordable Housing Overlay Districts" shall be amended to include the additional following provisions:

§540-38.1 OBC-1 and OBC-2 Affordable Housing Overlay Districts

A. Purpose

(3) The OBC-1 Affordable Housing Overlay District shall also include the lots fronting on Plainfield Avenue in Blocks 91 and 188, containing approximately 8.5 acres.

E. Block 91 Lots 26, 27, 28 and Block 188 Lots 55, 56, and 57

(1) Block 91 Lots 26, 27, 28 and Block 188 Lots 55, 56, and 57 shall be developed in accordance with the uses and standards above, with the exception of the following:

[a] The lots shall be developed at a maximum residential density of 20 dwelling units per acre with a mandatory 20% set-aside for affordable housing units for all development.

[b] All affordable housing units shall be developed in accordance with N.J.A.C. 5:80-26 et seq. and Chapter 504 of the Borough's Code, including a 40-year deed restriction on all affordable units.

Section 1. The South Plainfield Zoning Map is hereby amended to include the following blocks and lots in the OBC-1 Affordable Housing Overlay: Block 91 Lots 26, 27, 28 and Block 188 Lots 55, 56, and 57

ATTEST:



Amy Antonides, Clerk
Borough of South Plainfield
Adopted: 3/16/2026



Matthew P. Anesh, Mayor
Borough of South Plainfield

NOTICE OF INTRODUCTION

This Ordinance #2385 published herewith was introduced and passed upon first reading at the regular meeting of the Borough Council of the Borough of South Plainfield held on March 2, 2026. It will be further considered for final passage after a public hearing to be held on March 16, 2026, at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any person's desire to be heard upon the same will be given an opportunity to be heard. Copies are available free of charge at the Municipal Clerk's Office prior to the public hearing. This ordinance shall take effect immediately after final passage and publication according to law.

Amy Antonides

Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga						X	
Councilman McConville			X				
Councilman Smith		X	X				
Councilman White			X				
Councilman Wolak	X		X				
Council President Faustini			X				
			5	0			
Mayor Anesh – TIE ONLY							

NOTICE OF ADOPTION

ORDINANCE 2385

AN ORDINANCE AMENDING CHAPTER 540, ENTITLED "ZONING," OF THE GENERAL CODE OF THE BOROUGH OF SOUTH PLAINFIELD TO EXPAND THE OBC-1 AFFORDABLE HOUSING OVERLAY DISTRICT

The ordinance #2385 read by title upon second reading herewith has been adopted at the meeting of the Mayor and Borough Council of the Borough of South Plainfield, held on March 16, 2026, and the 20-day period of limitation within which a suit, action or the validity of such ordinance can be commenced, has begun to run from the date of the publication of this notice.

Amy Antonides

Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman McConville			X				
Councilman Smith		X	X				
Councilman White	X		X				
Councilman Wolak			X				
Council President Faustini						X	
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION # 26-130

**AUTHORIZING THE PROFESSIONAL SERVICE APPOINTMENT
OF CGP&H FOR HOUSING REHABILITATION SERVICES**

WHEREAS, there exists a need for certain services to administer the Borough’s affordable Housing Rehabilitation Program, and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et.seq) requires that the resolution authorizing the award of the contracts for "Professional Services" without competitive bidding must be publicly advertised; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with **CGP&H is located at 1249 South River Road, Ste. 301, Cranbury, NJ 08512** to provide services for affordable housing rehabilitation for the Borough.
2. This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. The fees indicated in the company’s proposal submission is a variable fee structure pursuant to their proposed submission.
4. the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised: A copy of this resolution shall be published on the Borough’s website at: www.southplainfieldnj.com as required by law within ten days of its passage

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. MP Planning LLP

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilman McConville			X				
Councilman Smith			X				
Councilman White	X		X				
Councilman Wolak			X				
Council President Faustini						X	
			5	0			
Mayor Anesh – TIE ONLY							

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of South Plainfield Borough on March 16, 2026

Amy Antonides

Amy Antonides, RMC/CMC/CMR
Municipal Clerk – South Plainfield Borough

Borough of South Plainfield

Resolution No. 26-131

**RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD ADOPTING AN
“AFFIRMATIVE MARKETING PLAN” FOR THE IMPLEMENTATION OF AFFORDABLE
HOUSING**

WHEREAS, in accordance with P.L. 2024, Chapter 2 and the New Jersey Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 *et seq.*), the Borough of South Plainfield 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 3, the Housing Region encompassing the Borough of South Plainfield

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

Affirmative Marketing Plan

- A. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of South Plainfield is located in Housing Region 3, consisting of Hunterdon, Middlesex, and Somerset Counties.
- B. The Borough of South Plainfield 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 designated by and/or under contract to the Borough of South Plainfield 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 South Plainfield 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;

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilman McConville			X				
Councilman Smith			X				
Councilman White	X		X				
Councilman Wolak			X				
Council President Faustini						X	
			5	0			
Mayor Anesh – TIE ONLY							

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of South Plainfield Borough on March 16, 2026

Amy Antonides

Amy Antonides, RMC/CMC/CMR
Municipal Clerk – South Plainfield Borough

AFFIRMATIVE FAIR HOUSING MARKETING PLAN For the **BOROUGH OF SOUTH PLAINFIELD (REGION 3)**

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		Development or Program Name, Address	
Number of: Affordable Units Total	Affordable Rental Units	Affordable For-Sale Units	
Affordable Age Restricted Units			
Affordable Non-Age Restricted Units			
Affordable Supportive Housing Units			
Price or Rental Range From: To:	Approximate Starting Dates Advertising: Occupancy:		
Counties Hunterdon, Middlesex , Somerset	Preferences, if any: (veteran, regional, NJ) REGIONAL PREFERENCE: There will be a preference for applicants who live and/or work in Housing Region 3 (Hunterdon, Middlesex, Somerset Counties). STATE PREFERENCE: Subordinate to regional preference, there shall be a preference for households that live and/or work in New Jersey. (As Applicable)		
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

3a. 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 3 and the Borough of South Plainfield. 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 African Americans (10.9% v. 8.9%).

The U. S. Census Data 2020:

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

		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
Hunterdon Co.	128,947	106,790	3,174	282	5,714	23	4,105	10,929	118,018
Middlesex Co.	863,162	361,742	84,360	4,614	228,813	340	105,028	193,687	669,475
Somerset Co.	345,361	185,499	31,842	1,520	67,309	98	27,854	57,379	287,982
Total Region 3	1,337,470	654,031	119,376	6,416	301,836	461	136,987	261,995	1,075,475
% Region 3	100%	48.9%	8.9%	0.5%	22.6%	0.0%	10.2%	19.6%	80.4%
S. Plainfield Boro	24,338	12,350	2,650	128	4,610	6	2,166	4,555	19,783
% S. Plainfield	100%	50.7%	10.9%	0.5%	18.9%	0.0%	8.9%	18.7%	81.3%

Difference	1.8%	2.0%	0.0%	-3.7%	0.0%	-1.3%	-0.9%	0.9%
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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 3			D-Digital or ND-Non-Digital
<input checked="" type="checkbox"/>	Star-Ledger (online only)	https://www.nj.com/starledger/	Hunterdon, Middlesex, Somerset

TARGETS PARTIAL HOUSING REGION 3

<input checked="" type="checkbox"/>	Home News Tribune	https://www.mycentraljersey.com/news/home-news-tribune/	Middlesex
	Echoes-Sentinel	www.echoes-sentinel.com	Somerset
<input checked="" type="checkbox"/>	Courier News	https://www.mycentraljersey.com/	Somerset, Hunterdon
<input type="checkbox"/>	Hunterdon Review	https://www.newjerseyhills.com/hunterdon_review/	Hunterdon
<input type="checkbox"/>	The Amboy Guardian	https://www.amboyguardian.com/	Middlesex
<input type="checkbox"/>	Branchburg News	https://readingtonnews.com/	Somerset

TARGETS ENTIRE HOUSING REGION 3

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.
- List below all housing search websites to be used:

www.housingquest.com

ELECTIVES

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

Specific Radio and Television Stations – ND – Non-Digital

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

<input type="checkbox"/>	

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

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

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

Specific Newspapers and Other Publications (Developer)

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

		D-Digital or ND-Non-Digital
<input checked="" type="checkbox"/>	Latinos Unidos de Nueva Jersey http://lunj.net/index.html	
<input checked="" type="checkbox"/>	Desi Talk New York https://www.desitalk.com , http://epaper.desitalk.com/2018_10_05/	
<input type="checkbox"/>		
<input type="checkbox"/>		
<input 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.

X 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.	
X 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.southplainfieldnj.com/spnj/	
https://www.co.hunterdon.nj.us/	
https://www.morriscountynj.gov	
www.co.somerset.nj.us	
X 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 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 njgis-newjersey.opendata.arceis.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 Middlesex County Administration Bldg	75 Bayard, New Brunswick, NJ 08903
X Somerset County Admin. Bldg	20 Grove Street, Somerville, NJ 08876
X Hunterdon County Administration Bldg.	71 Main Street, Bldg. 1, 3 rd Floor, Flemington, NJ 08822
X Somerset County Library Headquarters	1 Vogt Drive, Bridgewater, NJ 08807
X Hunterdon County Library Headquarters	314 State Highway 12, Bldg. 3 Flemington, NJ 08822
Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Borough of South Plainfield 2480 Plainfield Avenue South Plainfield, NJ 07080 (908) 754-9000 gcullen@southplainfieldnj.com	
South Plainfield Public Library 2484 Plainfield Avenue South Plainfield, NJ 07080 (908) 754-7885 https://southplainfield.lib.nj.us/	
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 Municipality's compliance and/or any state funding.

Frank Piazza, Jr.
Name (Type or Print)

Administrative Agent, Borough of South Plainfield
Title/Municipality



6 March 2026

Signature

Date

EMPLOYER	ADDRESS	CITY	ZIP	COUNTY
800 Scudders LLC	800 Scudders Mill Rd	Plainsboro	08536	Middlesex
ADT Security Svc	19 Schoolhouse Rd # 108	Somerset	08873	Somerset
Adult Day Club-The Visiting	200 Mount Airy Rd	Basking Ridge	07920	Somerset
Adult Diagnostic & Treatment	8 Production Way # 1	Avenel	07001	Middlesex
Amazon Fulfillment Ctr	8003 Industrial Ave # A	Carteret	07008	Middlesex
Automann USA	251 Docks Corner Rd	Monroe Township	08831	Middlesex
BASF Catalyst Div	33 Wood Ave S	Iselin	08830	Middlesex
Carrier Clinic	252 County Road 601	Belle Mead	08502	Somerset
Celco Partnership	1 Verizon Way	Basking Ridge	07920	Somerset
Children's Specialized Hosp	200 Somerset St	New Brunswick	08901	Middlesex
Chubb Group Of Insurance Co	202 Halls Mill Rd # B	Whitehouse Station	08889	Hunterdon
Chubb Indemnity Insurance Co	202 Halls Mill Rd	Whitehouse Station	08889	Hunterdon
Citiustech Inc	2 Research Way # 2	Princeton	08540	Middlesex
Collabera LLC	110 Allen Rd # 1	Basking Ridge	07920	Somerset
Coregistics	260 Prospect Plains Rd	Cranbury	08512	Middlesex
CSS Facility Svc Inc		North Brunswick	08902	Middlesex
Daiichi Sankyo Inc	211 Mount Airy Rd	Basking Ridge	07920	Somerset
Deloitte	500 College Rd E # 3	Princeton	08540	Middlesex
Dow Jones	4300 US Highway 1	Princeton	08540	Middlesex
Dr Leonard's Healthcare Corp	100 Nixon Ln	Edison	08837	Middlesex
Edison Township Tax Collector	100 Municipal Blvd # 2	Edison	08817	Middlesex
Ethicon USA LLC	55 US Highway 22	Somerville	08876	Somerset
Euclid Technologies LLC	2525 US Highway 130	Cranbury	08512	Middlesex
Firmenich Inc	250 Plainsboro Rd	Plainsboro	08536	Middlesex
Garden State Parkway	1 Turnpike Plz	Woodbridge	07095	Middlesex
Hackensack Meridian Health	530 New Brunswick Ave	Perth Amboy	08861	Middlesex
Hackensack Meridian Health JFK	65 James St	Edison	08820	Middlesex
IEEE Potentials	445 Hoes Ln	Piscataway	08854	Middlesex
Infopro Learning Inc	4390 US Highway 1 # 302	Princeton	08540	Middlesex
Integra Lifesciences Holdings	1100 Campus Rd	Princeton	08540	Middlesex
Janssen Pharmaceuticals	1000 US Highway 202	Raritan	08869	Somerset
Jatec	1295 Livingston Ave	North Brunswick	08902	Middlesex
JFK Hartwyck Nursing Home	2048 Oak Tree Rd	Edison	08820	Middlesex
JFK Johnson Rehab Inst	65 James St	Edison	08820	Middlesex
Johanna Foods Inc	1 Johanna Farms Rd	Ringoes	08551	Hunterdon
Johnson & Johnson	1 Johnson And Johnson Plz	New Brunswick	08933	Middlesex
Johnson-Johnson-Kenvue	199 Grandview Rd	Skillman	08558	Somerset
Masterbuilt Industries LLC	131 Docks Corner Rd	Dayton	08810	Middlesex
Memorial Sloan Kettering	136 Mountainview Blvd # 2	Basking Ridge	07920	Somerset
Messer North America Inc	200 Somerset Blvd # 7000	Bridgewater	08807	Somerset
Met Life	200 Crossing Blvd # 101	Bridgewater	08807	Somerset
Middlesex County College	2600 Woodbridge Ave	Edison	08837	Middlesex
Munich Reinsurance America Inc	555 College Rd E	Princeton	08540	Middlesex
New Jersey Inst For Dsbts	10a Oak Drive Roosevelt Park	Edison	08837	Middlesex
North Brunswick Township BRD	300 Old Georges Rd	North Brunswick	08902	Middlesex
Novo Nordisk Inc	800 Scudders Mill Rd	Plainsboro	08536	Middlesex
Old Bridge Medical Ctr	1 Hospital Plz	Old Bridge	08857	Middlesex
Ortho Clinical Diagnostics	1001 US Highway 202	Raritan	08869	Somerset
Oticon Medical LLC	580 Howard Ave	Somerset	08873	Somerset
Penn Medicine Princeton Med	1 Plainsboro Rd	Plainsboro	08536	Middlesex
Perth Amboy Board Of Education	178 Barracks St	Perth Amboy	08861	Middlesex
Raritan Valley Community Clg	118 Lamington Rd	Branchburg	08876	Somerset
Robert Wood Johnson Univ Hosp	1 Robert Wood Johnson Pl	New Brunswick	08901	Middlesex
Roche Molecular Diagnostics	1080 US Highway 202 S # 500	Branchburg	08876	Somerset
Rutgers Cancer Institute Of NJ	195 Little Albany St	New Brunswick	08901	Middlesex
Rutgers Robert Wood Johnson	125 Paterson St # 3100	New Brunswick	08901	Middlesex
Rutgers School Of Pubc Health	683 Hoes Ln W	Piscataway	08854	Middlesex
Sanofi US	55 Corporate Dr	Bridgewater	08807	Somerset
Sanofi US	65 Corporate Dr	Bridgewater	08807	Somerset
Sansone Nissan	90-100 US Highway 1 N	Avenel	07001	Middlesex
Securitas Securitas Svc USA	825 Georges Rd # 6	North Brunswick	08902	Middlesex
Semaphore Software	1149 Green St	Iselin	08830	Middlesex
SHI International Corp	290 Davidson Ave	Somerset	08873	Somerset
Shoprite Of Piscataway	1306 Centennial Ave	Piscataway	08854	Middlesex
Signify North America Corp	400 Crossing Blvd	Bridgewater	08807	Somerset
Silver Line Building Prod LLC	1 Silverline Dr	North Brunswick	08902	Middlesex
Tris Pharma Inc	2031 US Highway 130 # H	Monmouth Junction	08852	Middlesex
Verizon Operational Hq	1 Verizon Way	Basking Ridge	07920	Somerset
Wakefern Food Corp	5000 Riverside Dr	Keasbey	08832	Middlesex
Walmart	Route 513 And I-78	Clinton	08809	Hunterdon
Wegmans Pharmacy	724 US Highway 202	Bridgewater	08807	Somerset
Wegmans Pharmacy	15 Woodbridge Center Dr	Woodbridge	07095	Middlesex
Wilentz Goldman & Spitzer Pa	90 Woodbridge Ctr Dr # 900	Woodbridge	07095	Middlesex
Wood	53 Frontage Rd # 260	Hampton	08827	Hunterdon

Agency	Address 1	Address 2	City,State,Zip
Highland Park Borough	Housing Authority	242 South 6 th Avenue	Highland Park, NJ 08904
Prince of Peace	2344 US Highway 130		Dayton, NJ 08810
ARC Middlesex County	219 Black Horse Lane, Suite 1		North Brunswick, NJ 08902
Perth Amboy Housing Authority	881 Amboy Ave.	PO Box 390	Perth Amboy, NJ 08862
St. Cecilia's Roman Catholic Church	10 Kingston Lane		Monmouth Junction, NJ 08852
Middlesex Interfaith w/Homeless	60 Clif Prescod Lane		Edison, NJ 08817
Housing Partnership for Middlesex County	2 East Blackwell Street		Dover, NJ 07801
Islamic Society of Central Jersey	4145 Route 1 South	PO Box 628	Monmouth Junction, NJ 08852
Housing Authority of Plainfield	510 East Front Street Suite 1		Plainfield, NJ 07060
Hunterdon/Somerset Association of Realtors	3461 US Highway 22 East, Bldg B		Branchburg, NJ 08876
Delta Community Supports	Gwynedd Hall, Suite 400	1777 Sentry Parkway West	Blue Bell, PA 19422
Hunterdon Cty. Housing Corp.	171 Main Street		Flemington, NJ 08822
Middlesex Cty. Div. Hsng & Community Devel.	75 Bayard St., 2 nd Floor		New Brunswick, NJ 08901
All Nations Mission Church	12 Stults Rd., Ste 110		Dayton, NJ 08810
Franklin Twp. Housing Authority	1 Parkside St.		Somerset, NJ 08873
Middlesex Cty. Office of Aging	75 Bayard Street, 5 th Floor		New Brunswick, NJ 08901
NJ State NAACP	PO Box 638		Lakewood, NJ 08701
New Brunswick Housing Authority	PO Box 110		New Brunswick, NJ 08901
The Housing Coalition of Central Jersey	90 Jersey Ave.		New Brunswick, NJ 08901
Plainfield NAACP, Elks (2nd flr)	1357 W. 3rd flr		Plainfield, NJ 07060
Carteret Borough	Housing Authority	96 Roosevelt Avenue	Carteret, NJ 07008
United Way of Central Jersey	32 Ford Avenue		Milltown, NJ 08850
Latino Action Network	P.O. BOX 943		Freehold, NJ 07728
Community Access Unlimited, Inc.	80 West Grand Street		Elizabeth, NJ 07202
Somerset Community Action Program	PO Box 189		Somerset, NJ 08875
Catholic Charities of Metuchen	319 Maple Street		Perth Amboy, NJ 08861
Middlesex Cty. Board Social Services	181 How Lane		New Brunswick, NJ 08901
Abundant Life Christian Center	2245 US Highway 130, STE 101		Drayton, NJ 08810
Catholic Charities	271 Smith St.		Perth Amboy, NJ 08851
Somerset Cty. Board Social Services	630 Franklin Blvd.		Somerset, NJ 08873
Hunterdon Cty. Dept. Human Servcs.	4 Gauntt Place, Bldg. 1	PO Box 2900	Flemington, NJ 08822
Arc of Hunterdon County	Rosemont Ringoes Road		Sergeantsville, NJ 08557
Somerset Cty. Office on Aging	27 Warren Street		Somerset, NJ 08876
NJ Dept. Community Affairs	45 Kilmer Road		Edison, NJ 08817
Old Bridge Housing Authority	1 Old Bridge Plaza	PO Box 700	Old Bridge, NJ 08857
Somerset Community Action Program	155 Pierce St., Suite F		Somerset, NJ 08873
United Way of Somerset County	1011 US Highway 22	Suite 2	Bridgewater, NJ 08807
Woodbridge Twp. Housing Auth.	20 Bunns Lane		Woodbridge, NJ 07095
United Way Hunterdon	4 Walter Foran Blvd, Suite 104		Flemington, NJ 08822
Civic League of Greater New Brunswick	47 Throop. #49		New Brunswick, NJ 08901
East Brunswick Comm. Hous. Corp.	P.O. Box 185		East Brunswick, NJ 08816
NJ State Conference of the NAACP	13 East Front St.		Trenton, NJ 08608
St. Augustine Roman Catholic Church	45 Henderson Rd.		Kendall Park, NJ 08824
Brunswick & Raritan Housing Corp.	56 Throop Ave.		New Brunswick, NJ 08901
Triple C Housing Inc.	1 Distribution Way		Monmouth Junction, NJ 08852
Fair Share Housing Center	510 Park Blvd		Cherry Hill, NJ 08002
Edison Housing Authority	Building #1	Willard Dunham Drive	Edison, NJ 08837-3570
New Brunswick NAACP	P.O. BOX 235		New Brunswick, NJ 08901
Perth Amboy NAACP	P.O. BOX 1219		Perth Amboy, NJ 08862
Rahway Housing Authority	165 East Grand Ave.		Rahway, NJ 07065
Metuchen NAACP	127 Newman St		Metuchen, NJ 08840
Lutheran Social Ministries of NJ	6 Terri Lane, Suite 300		Burlington, NJ 08016
Metro Centre Association of Realtors	14 Old Bridge Turnpike		South River, NJ 08882
Puerto Rican Action Board	300 Holliman Blvd.		New Brunswick, NJ 08901
Catholic Charities	540 Route 22 East		Somerville, NJ 08876
Hunterdon Social Service	PO Box 2900	Community Services Bldg.	Flemington, NJ 08822
Middlesex Interfaith w/Homeless	100 Mitch Snyder Dr		Edison, NJ 08837
Metuchen Community Services	223 Fayette St.		Perth Amboy, NJ 08861
Somerset Cty. Dept. Community Dev.	27 Warren Street	PO Box 3000	Somerville, NJ 08876
Central Jersey Housing Res. Cen.	600 1 st Avenue, Suite 3		Raritan, NJ 08869
Faith Fellowship	2707 Main Street		Sayerville, NJ 08872
NORWESCAP	350 Marshall Street		Phillipsburg, NJ 08865
South Amboy Housing Authority	250 South Broadway St.		S. Amboy, NJ 08879
Arc of Somerset	22 South Street		Manville, NJ 08835
Plainsboro Non Profit Housing	201 Rockingham Row		Princeton, NJ 08540
The NJ State Conference of the NAACP	4326 Harbor Beach Blvd, #775		Brigantine, NJ 08203
Coming Home of Middlesex County	75 Bayard St.	2nd Floor	New Brunswick, NJ 08901
Triple C Housing	1520 US 130	Sulte 201	North Brunswick, NJ 08902
Mission First Housing Group	c/o Amandia Crossing	100 Mitch Snyder Drive	Edison, NJ 08837
Garden State Home	141 Raritan Avenue		Highland Park, NJ 08904

AGENCY	WEBSITE	EMAIL
Alborada Spanish Dance Theatre	https://www.alboradadance.org/	alboradadance@optonline.net
ArtYard	https://artyard.org/	contact@artyard.org
Center for the Study of White American Culture	https://cswac.org/	info@cswac.org
Coordinated Family Care	http://www.coordinatedfamilycare.org/	contact@coordinatedfamilycare.org
Court Appointed Special Advocates of New Jersey	https://casafnj.org/	info@casafnj.org
Elijah's Promise	https://elijahspromise.org/	info@elijahspromise.org
EverythingPolicy	https://policyvspolitics.org/	info@everythingpolicy.org
Family Promise of Hunterdon County, Inc.	https://familypromisehc.org/	info@familypromisehc.org
Fisherman's Mark	https://www.fishermansmark.org/	info@fishermansmark.org
Frances Clark Center for Keyboard Pedagogy, Inc.	https://pianoinspires.com/	info@cswac.org
Hyacinth AIDS Foundation	https://www.hyacinth.org/	info@hyacinth.org
Hyde and Watson Foundation	https://hydeandwatson.org/	info@hydeandwatson.org
Mane Stream	https://www.manestreamnj.org/	info@manestreamnj.org
Middle Earth	https://www.middleearthnj.org/	office@middleearthnj.org
Multicultural Community Services, Inc.	http://www.multiculturalcommunityservices.org/	info@multiculturalcommunityservices.org
NAMI NJ	https://www.naminj.org/	info@naminj.org
New Jersey Center for Tourette Syndrome & Associated Disorders, Inc.	https://njcts.org/	info@njcts.org
New Jersey Citizen Action Education Fund	https://www.njcaef.org/	info@https://www.njcaef.org
New Jersey Conservation Foundation	https://www.njconservation.org/	info@njconservation.org
PeopleCare Center for Nonprofits	https://peoplecarecenter.org/	info@peoplecarecenter.org
Puerto Rican Action Board (PRAB)	https://www.prab.org/	info@prab.org
Safe + Sound Somerset	https://safe-sound.org/	info@safe-sound.org
SAVE - A Friend to Homeless Animals	https://savehomelessanimals.org/	info@savehomelessanimals.org
Town Clock Community Development Corporation	https://www.townclockcdc.org/	info@townclockcdc.org
Triple C Housing	https://www.triplehousing.org/	info@triplehousing.org
Visions and Pathways	https://visionsandpathways.org/	info@visionsandpathways.org
Wellspring Center for Prevention	https://wellspringprevention.org/	info@wcpnj.org
Women Aware	https://womenaware.net/	info@womenaware.net