

APPENDIX B.
AMENDED SPENDING PLAN (DRAFT

BOROUGH OF FLORHAM PARK*Fourth Round HE&FSP Spending Plan***BOROUGH OF FLORHAM PARK
AFFORDABLE HOUSING TRUST FUND SPENDING PLAN****I. INTRODUCTION**

The Borough of Florham Park, Morris County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301). COAH approved the Borough's Spending Plan on February 4, 2003. A Development Fee Ordinance creating a dedicated revenue source for affordable housing was adopted by the Borough on May 5, 2001, by way of Ordinance No. 9-01; and subsequently amended on April 26, 2005 by Ordinance No. 18-05, on March 18, 2008 by Ordinance No. 08-10, and on October 17, 2013 by Ordinance No. 13-12. Said Development Fee Ordinance established the Borough's Affordable Housing Trust Fund. Finally, this Spending Plan has been prepared as part of the Housing Element and Fair Share plan.

As of January 31, 2025, the Borough had a balance of \$3,619,208.84 in the Affordable Housing Trust Fund, which is resulting from a collection of \$5,715,144.12 and an expenditure of \$2,095,935.28. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing Affordable Housing Trust Fund at Valley National Bank, located at 187 Columbia Turnpike in the Borough of Florham Park, for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.

BOROUGH OF FLORHAM PARK*Fourth Round HE&FSP Spending Plan***1. REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated during the fourth round prospective need period (2025-2035), the Borough considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Currently, there are no actual or committed payments in lieu of construction from any developer, although such payments may be collected in the future.

(c) Other funding sources:

Funds from other sources have not been collected.

(d) Projected interest:

Interest on the projected revenue in the municipal Affordable Housing Trust Fund at the current average interest rate 0.50% simple interest.

2. REVENUE PROJECTION

The Borough of Florham Park, as reported by the New Jersey Department of Community Affairs (NJCA) Construction Code Reporter, issued permits authorizing the new construction of eleven (11) 1- and 2-family housing units and thirty-seven (37) multifamily units during 2017; as well as, building permits for 8,680 square feet of office space. In 2018, the Borough issued thirty-one (31) permits authorizing the new construction of 1- and 2-family housing units and one-hundred and sixty (160) multi-family housing units. In 2019, the Borough issued ninety (90) permits authorizing the new construction of 1- and 2-family housing units and sixty-two (62) multi-family housing units, as well as 1,960 square feet of office space. In 2020, the Borough issued seventy-nine (79) permits authorizing the new construction of 1- and 2-family housing units and one-hundred and eight (108) multi-family housing units, as well as 6,085 square feet of office space. In 2021, the Borough issued permits for the new construction of one-hundred and sixteen (116) 1- and 2-family housing units and one-hundred and forty-five (145) multifamily units, as well as 19,232 square feet of office space. In 2022, the Borough issued forty-eight (48) permits authorizing the new construction of 1- and 2-family housing units and one-hundred and fourteen (114) multi-family housing units, as well as 21,110 square feet of office space. In 2023, the Borough

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issued twenty-eight (28) permits authorizing the new construction of 1- and 2-family housing units and one (1) multi-family housing unit, as well as 2,880 square feet of office space.

The Borough anticipates issuing permits authorizing approximately one-hundred and fifty (150) units over the balance of the prospective Fourth Round period (2025-2035). This estimated projection is based on the fact that, (i) the Borough is virtually a fully developed community, (ii) that many residential building permits are for tear-down/rebuilds or additions to existing dwellings, and (iii) that in the preceding 4-year period (2017-2023), the Borough issued permits authorizing the new construction of 403 housing units that were largely related to 1 and 2 family projects, which has been decreasing over that time period.

The projection of development fees realized from residential development requires the application of the Borough's equalization rate and establishment of an average equalized assessed value for housing. The Borough's equalization rate for 2024 was 75.4% and the average residential assessment in the Borough is \$672,641. Dividing the average value of housing by the equalization rate yields the average equalized assessed value for housing, being thusly \$892,096 ($\$672,641 / 0.754$). As this plan assumes the approximate development of an estimated 150 units over the prospective remainder of the Fourth Round period, the Borough may potentially realize a development fee collection of \$2,007,216 – this is based on the multiplication of average equalized housing value of \$892,096 x 150 units x the residential development fee of 1.5% of equalized assessed value.

The Borough may also receive nonresidential development fees pursuant to N.J.S.A. 40:55D-8.1 et. seq., under which a fee equal to (i) 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots; or (ii) 2.5% of the increase in equalized assessed value, of the additions to existing structures to be used for non-residential purposes, is to be paid.

The Borough collected development fees for non-residential uses from 2002 to 2025 in the amount of \$2,645,741. However, non-residential development fees were not collected between 2010 and 2013, and the Stimulus Act Refunded fees in 2009, and thus the average will be calculated based on only the years they were collected, or 20 years. Thus, the average non-residential development fees collected by the Borough represents \$132,287 per year. It is anticipated that the Borough will therefore collect \$1,322,870 through 2035. Any such funds will be used to help fund (i) the Borough's Rehabilitation Program, (ii) affordable housing programs, including Extension of Controls, (iii) Affordability Assistance, and (iv) Administrative costs.

The Borough, as of January 31, 2025, had an amount of \$3,619,208 in the Affordable Housing Trust Fund. When adding the potential development fee collection amount of \$3,330,086 and existing account interest of \$18,096 (assuming a 0.50% fixed interest rate), a projected total development fee revenue of \$3,348,182 results. Combined with the existing funds, this results in a total of \$6,967,390.

BOROUGH OF FLORHAM PARK*Fourth Round HE&FSP Spending Plan***TABLE 1: PROJECTED REVENUES HOUSING TRUST FUND
FLORHAM PARK, MORRIS COUNTY, NEW JERSEY**

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND – JUNE 30, 2025 THROUGH JUNE 30, 2035											
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development fees:												
1. Approved Development												
2. Development Pending Approval												
3. Projected Development	\$302,735	\$302,735	\$302,735	\$302,735	\$302,735	\$302,735	\$302,735	\$302,735	\$302,735	\$302,736	\$302,735	\$3,330,086
(b) Payments in Lieu of Construction												
(c) Other Funds												
(d) Interest on Existing Balance*	\$1,645	\$1,645	\$1,645	\$1,645	\$1,645	\$1,645	\$1,645	\$1,645	\$1,645	\$1,646	\$1,645	\$18,096
Total	\$304,380	\$304,380	\$304,380	\$304,380	\$304,380	\$304,380	\$304,380	\$304,380	\$304,380	\$304,382	\$304,380	\$3,348,182

*Table assumes a 0.50% fixed interest rate

The Borough of Florham Park projects a potential total of \$3,330,086 in revenue collected between June 30, 2025 and June 30, 2035. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

BOROUGH OF FLORHAM PARK*Fourth Round HE&FSP Spending Plan***3. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

The following procedural sequence for the collection and distribution of Development Fee revenues shall be followed by the Borough of Florham Park:

(a) Collection of Development Fee revenues:

Collection of Development Fee revenues shall be consistent with the Borough of Florham Park's Development Fee Ordinance for both residential and non-residential developments in accordance with the updated DCA rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7), as amended.

At the time of construction permit application, the construction official will notify the tax assessor and request an initial calculation of the equalized assessed value (EAV) of the proposed development and the resulting fee to be posted. One-half of the fee will be due at the time of issuance of the first building permit. For non-residential development only, the developer will be provided a copy of Form N – RDF "State of New Jersey Non-Residential Development Certification/Exemption". This form will be used by the tax assessor to verify exemptions and to prepare estimated and final assessments.

At the time of request for the final inspection, the construction official will notify the tax assessor and request confirmation of, or modification of, the initial (EAV) as the case may be. The final (EAV) will be provided to the developer within ten (10) days of the request for final inspection. Payment of the fee will then become a condition of issuance of the certificate of occupancy.

(b) Distribution of Development Fee revenues:

A general description of the distribution of revenues is provided below:

The Municipal Housing Liaison forwards a requisition of affordability assistance and administrative costs (routine expenditures) and rehabilitation expenditures and costs for municipally sponsored 100% affordable housing development (significant expenditures) to the Finance Department recommending the expenditure of development fee revenues as set forth in this spending plan. The Finance Department reviews the request for consistency with the spending plan.

Once a request is approved by the Finance Department, the request is presented to the Borough Council for approval. After receiving Borough Council approval, the Borough of Florham Park Administrator releases the requested revenue from the trust fund for the specific use

BOROUGH OF FLORHAM PARK*Fourth Round HE&FSP Spending Plan***4. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS****(a) Extension of Affordability Controls (N.J.A.C. 5:93-8.16(a))**

In order to facilitate the extension of controls on existing affordable units, the Borough will dedicate funds to extend the controls on 155 existing rental units through this program. The compensation required to extend the affordability controls will be as set forth under the Uniform Housing Affordability Control rules (N.J.A.C. 5:80-26.1, 26.2, 26.4 through 26.27, and Appendices A through Q), or \$10,000 to \$17,500 per rental unit and \$20,000 per owner unit. With 155 rental unit controls being extended, this expenditure is anticipated to be as much as \$2,712,500 in total. Because the controls are expiring at different times for the units, this line item represents a cumulative sum of the expense, but the amounts may differ at the time of distribution from the account.

Extension of Affordability Controls Expenditure: \$2,712,500.00

(b) Rehabilitation projects N.J.A.C. 5:93-8.16(a)

The Borough has an Inter-local Services Agreement with Morris County to participate in the Morris County Community Development and Home Program dated April 24, 2017. To comply with the Present Need requirement, the Borough adopted a rehabilitation manual entitled "Home Improvement Program, Policies and Procedures Manual for the Borough of Florham Park", dated February 27, 2019.

The Borough of Florham Park will dedicate \$1,320,000 as hard costs for the rehabilitation of up to 52 owner occupied and at least 14 rental units. In the event that the County program sufficiently addresses the Borough's rehab obligation for owner occupied units, the Borough reserves the right to amend the Spending Plan to allocate funds to other affordable housing activities.

Total rehabilitation program expenditure: \$1,320,000.00
66 units @ \$20,000/unit

(c) Accessory Apartments N.J.A.C. 5:93-8.16(a)

The Borough of Florham Park will dedicate \$220,000 to provide ten (10) year forgivable loan funding for the creation of up to eleven (11) accessory apartments. Funding will be provided at a minimum of \$10,000 and a maximum of \$20,000 per low or moderate income apartment unit to be converted or created. dwelling to assist in the funding of conversions. Should the Affordable Accessory Apartment not be produced or rented to a qualified low or moderate-income household the subsidy shall be returned to the Borough and deposited in the Housing Trust Fund. The Affordable Accessory Apartment shall only be rented to a qualified household.

Accessory Apartment expenditure: \$220,000.00

BOROUGH OF FLORHAM PARK*Fourth Round HE&FSP Spending Plan***(d) Special Needs/Supportive Housing Subsidy**

The Borough of Florham Park will dedicate \$589,939 towards the creation of Special Needs/Supportive Housing units. The Borough recognizes the growing need for specialized housing, and sets aside these funds to help create Special Needs/Supportive Housing units either through a private or non-profit organization/operator, or through the creation of these units as a segment of a larger inclusionary multi-family project. The Borough has contributed a similar amount for a Special Needs/Supportive Housing project in the Third Round that was successful. It is anticipated that affordability assistance funding as further described below could also be utilized for the creation of very-low income supportive needs units.

Special Needs/Supportive Housing expenditure: **\$589,939**

(e) Affordability Assistance N.J.A.C. 5:93-8.16(c)

Projected minimum Affordability Assistance requirement:

TABLE 2: PROJECTED MINIMUM AFFORDABILITY ASSISTANCE REQUIREMENTS FLORHAM PARK, MORRIS COUNTY, NEW JERSEY		
Actual Development Fees through 01/31/25		\$ 4,389,949
Development fees projected 2025-2035	+	\$3,330,086
Interest projected 2025-2035	+	\$18,096
Less housing activity expenditures through 01/31/25	-	\$1,066,830
TOTAL	=	\$6,671,301
30 percent requirement	x 0.30 =	\$2,001,390
Less Affordability assistance expenditures through 1/31/25	-	\$255,000
PROJECTED MINIMUM Affordability Assistance Requirement 06/30/2025 through 6/30/2035	=	\$1,746,390
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 06/30/2025 through 6/30/2035	÷ 3 =	\$582,130

The Borough of Florham Park will dedicate \$1,746,390 from the Affordable Housing Trust Fund to render units more affordable. Of this amount, \$582,130 will be utilized to encourage private sector provision of low- and moderate-income units through the offering of a subsidy for the development of said units or will be utilized to create very-low income units from existing or new low- and moderate-income units. The Borough reserves the right to use even more of its affordability assistance funds to help subsidize these units.

The Borough has an existing Affordability Assistance program manual, which includes the following programs:

For For-Sale Units, in the form of down-payment assistance loans, homeowner assistance loans for Condominium or Homeowner Association fees, and qualified closing cost assistance.

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For Rental Units, in the form of security deposit assistance and first month rental assistance, which are enhanced for very low-income households.

Total Affordability Assistance Expenditure: \$1,746,390

(f) **Administrative Expenses N.J.A.C. 5:93-8.16(e)**

The Borough of Florham Park projects that up to an additional \$1,038,561 will be available from the Affordable Housing Trust Fund to be used for administrative purposes based upon collected and projected income, which includes the subtraction of \$774,105 expended to date. Additionally, based upon actual development fees and revenues to date, \$368,923 are currently available for administrative costs.

TABLE 3: PROJECTED MAXIMUM ADMINISTRATIVE EXPENSES FLORHAM PARK, MORRIS COUNTY, NEW JERSEY		
Development fees/interest collected to date		\$4,973,730
Other Payments	+	\$741,413
Development fees projected 2025-2035	+	\$3,330,086
Interest projected 2025-2035		\$18,096
Less RCA Expenditures	-	\$0.00
TOTAL	=	\$9,063,325
20 percent maximum permitted administrative expenses	x 0.20 =	\$1,812,665
Less administrative expenditures through to date	-	\$774,105
Projected allowed administrative expenditures	=	\$1,038,561

Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- 1) Personnel wages, salaries and benefits for administering affordable housing activities;
- 2) Consulting fees for the preparation of Housing Element/Fair Share Plans, assisting in rehabilitation programs and other affordable housing activities including, but not limited to, professional planner and professional engineer consultant fees;
- 3) Fees for other consulting activity as may be found necessary supportive of affordable housing provision, including office supplies;
- 4) Legal fees; and
- 3) Fees for the administration of Affordability Assistance programs by qualified entities retained by the Borough of Florham Park.

Total Administrative Expenses Expenditures Thru 2035: \$1,038,561

BOROUGH OF FLORHAM PARK

Fourth Round HE&FSP Spending Plan

5. EXPENDITURE SCHEDULE

The Borough of Florham Park intends to use Affordable Housing Trust Fund revenues for the creation of affordable housing units and for affordable housing programs. Where applicable, the funding schedule below parallels the proposed strategies presented thus far by the Borough's HEFSP, and is summarized as follows.

BOROUGH OF FLORHAM PARK*Fourth Round HE&FSP Spending Plan***TABLE 3: PROJECTED EXPENDITURE SCHEDULE 2025 - 2035
FLORHAM PARK, MORRIS COUNTY, NEW JERSEY**

Program <i>[Individually list programs and projects e.g. Rehab, Accessory Apartments, for-sale and rental municipally sponsored, etc].</i>	Number of Units Projected	Funds Expended and/or Dedicated	PROJECTED EXPENDITURE SCHEDULE 2025 - 2035											
			2025-2035	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Extension of Affordability Controls Program	155	\$2,187,500	\$525,000						\$1,312,500	\$875,000				\$2,712,500
Supportive/Special Needs Housing	10+	\$589,939						\$589,939						\$589,939
Rehabilitation Program	66	\$660,000		\$66,000	\$66,000	\$66,000	\$66,000	\$66,000	\$66,000	\$66,000	\$66,000	\$66,000	\$66,000	\$660,000
Accessory Apartment Program	11	\$220,000				\$44,000	\$44,000	\$44,000	\$44,000	\$44,000				\$220,000
			\$525,000						\$1,312,500	\$875,000				
Total Programs	201+	\$4,182,439		\$525,000	\$66,000	\$66,000	\$110,000	\$110,000	\$699,939	\$1,422,500	\$985,000	\$66,000	\$66,000	\$3,657,439
Affordability Assistance		\$1,746,390		\$174,639	\$174,639	\$174,639	\$174,639	\$174,639	\$174,639	\$174,639	\$174,639	\$174,639	\$174,639	\$1,746,390
Administration		\$1,038,561	\$94,414	\$94,414	\$94,415	\$94,415	\$94,415	\$94,415	\$94,415	\$94,415	\$94,415	\$94,414	\$94,414	\$1,038,561
Total		\$1,436,746	\$94,414	\$619,414	\$335,054	\$335,054	\$379,054	\$379,054	\$968,993	\$1,691,554	\$1,254,054	\$335,053	\$335,053	\$6,967,390

BOROUGH OF FLORHAM PARK*Fourth Round HE&FSP Spending Plan***6. EXCESS OR SHORTFALL OF FUNDS**

The Borough of Florham Park acknowledges that the actual amount of the Development Fees collected may be less than what is projected in this spending plan for a variety of reasons, including, but not limited to: (a) a moratorium on collection of fees may be imposed by law; (b) the actual amount of development in the Borough may be less than what is anticipated; and (c) developers may choose to provide inclusionary developments in lieu of Development Fees. The Borough has already provided more than enough units to satisfy its Prior Round obligation through already constructed and/or approved projects (as set forth in the Housing Element and Fair Share Plan). Likewise, the Borough has already begun fulfilling its Rehabilitation Obligation and has set aside further funding for this program; and thus, in the event of a shortfall of funds, any shortfall will first be deducted from the Rehabilitation Program.

In the event that the shortfall exceeds the amount devoted to the Rehabilitation Program, any shortfall in funds necessary to fund the Rehabilitation Program shall be supplemented through the Borough's participation in Morris County's Home Improvement Grant Program. The Borough will take the steps necessary to apply for and obtain funds from the Morris County Home Improvement Grant Program in the amount necessary to cover any shortfall in funds collected through the Development Fees, which are needed to satisfy the Borough's rehabilitation obligation as set forth in the Housing Element and Fair Share Plan.

Should there be a shortfall of funds; the Borough agrees that in no event shall it utilize more than 20% of the Development Fees collected for administration.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to supplement the Borough's Rehabilitation and Affordability Assistance Programs.

II. SUMMARY

The Borough of Florham Park intends to spend Affordable Housing Trust Fund revenues pursuant to N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Housing Element and Fair Share Plan.

The Borough of Florham Park had a balance of \$3,619,208.84 as of January 2025 and anticipates an additional \$3,330,086 in revenues over the Fourth Round prospective need period with interest in the amount of \$18,096, for a total of \$6,967,390. The municipality will dedicate \$2,712,500 towards an Extension on Affordability Controls Program; \$589,939 towards subsidizing a Supportive Housing/Special Needs project; \$660,000 towards the Present Need obligation via a Rehabilitation Program; \$220,000 towards the Accessory Apartment Program; \$1,746,390 to render units more affordable; and \$1,038,561 to cover administrative costs. The municipality anticipates that the balance of revenues collected less expenses from 2025 to 2035 will be as close to zero dollars (\$0) as possible whereas any excess funds would be dedicated toward supplementing the various Affordable Housing and Affordability Assistance Programs described herein.

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TABLE 4: SPENDING PLAN SUMMARY FLORHAM PARK, MORRIS COUNTY, NEW JERSEY	
Balance as of 01/31/2025	\$3,619,208.84
PROJECTED REVENUE 06/2025 – 6/2035	
Development fees	+ \$3,330,086.00
Payments in lieu of construction	+ \$00.00
Other funds	+ \$00.00
Interest on existing funds	+ \$18,096.00
TOTAL REVENUE	= \$3,348,182.00
TOTAL EXISTING AND PROJECTED INCOME	= \$6,967,390.84
EXPENDITURES	
Funds Used for Extension of Affordability Controls	- \$2,712,500.00
Funds Used for Rehabilitation Program	- \$660,000.00
Funds Used for Supportive Housing/Special Needs	- \$589,939.00
Accessory Apartment Program	- \$220,000.00
Affordability Assistance	- \$1,746,390.00
Administration	- \$1,038,561.00
TOTAL PROJECTED EXPENDITURES	= \$6,967,390.00
REMAINING BALANCE	= \$00.00

APPENDIX C.
AMENDED MANDATORY SET-ASIDE ORDINANCE
(DRAFT)



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS
STATE OF NEW JERSEY**

DRAFT ORDINANCE #XX-XX

**AN ORDINANCE OF THE BOROUGH OF FLORHAM PARK, COUNTY OF MORRIS AND STATE OF NEW JERSEY
AMENDING THE CODE OF THE BOROUGH OF FLORHAM PARK, CHAPTER 250 ENTITLED “ZONING”, ARTICLE 1
ENTITLED “GENERAL PROVISIONS”, SECTION 7.4 ENTITLED “MANDATORY SET-ASIDES”**

WHEREAS, the State of New Jersey has a longstanding and well-established commitment to maximizing the opportunities for the development of housing affordable for very low-, low-, and moderate-income households; and

WHEREAS, the provision of “safe, decent and attractive housing that [lower-income households] can afford serves the community’s interest in achieving an integrated, just and free society and promotes the general welfare of all citizens.” De Simone v. Greater Englewood Hous. Corp., 56 N.J. 428, 441 (1970); and

WHEREAS, in the Mount Laurel decisions, the New Jersey Supreme Court held that the State’s Constitution makes it “plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulation.” S. Burlington Cty. NAACP v. Mount Laurel, 67 N.J. 151, 179 (1975) (Mount Laurel I); and

WHEREAS, the Court thus found that “each . . . municipality [must] affirmatively . . . plan and provide, by its land use regulations, the reasonable opportunity for an appropriate variety and choice of housing, including, of course, low and moderate cost housing, to meet the needs, desires and resources of all categories of people who may desire to live within its boundaries.” Ibid; and

WHEREAS, the New Jersey Legislature itself affirmed this commitment when it enacted the Fair Housing Act of 1985, which established that it is in the State’s interest “to maximize the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State.” N.J.S.A. 52:27D-302; and

WHEREAS, accordingly, the New Jersey Supreme Court has determined that “[a]ffordable housing is a goal that is no longer merely implicit in the notion of the general welfare. It has been expressly recognized as a governmental end and codified under the FHA.” Holmdel Builders Ass’n v. Holmdel, 121 N.J. 550, 567 (1990); and

WHEREAS, since then, New Jersey's courts have consistently recognized that "[t]he public policy of this State has long been that persons with low and moderate incomes are entitled to affordable housing," and furthermore that those policies do not end when a municipality has satisfied its minimum obligation under the FHA because "[t]here cannot be the slightest doubt that shelter, along with food, are the most basic human needs." Homes of Hope, Inc. v. Eastampton Tp. Land Use Planning Bd., 409 N.J. Super. 330, 337 (App. Div. 2009) (quoting Mount Laurel I, 67 N.J. at 178); and

WHEREAS, the Borough of Florham Park has a fair share obligation consisting of a prior round obligation of 66 units, a third round need of 326 units, and a fourth round obligation of 305; and

WHEREAS, the Borough of Florham Park adopted Ordinance No. 18-20 on October 18, 2018, which established a Mandatory Set-Aside requirement for all sites that benefits from a rezoning, variance or redevelopment plan approved by the Borough in multi-family residential development of five (5) dwelling units or more produces affordable housing; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Florham Park, Morris County, New Jersey, that the Land Development Regulations set forth in Chapter 250 entitled "Zoning", Article 1 entitled "General Provisions", Section 7.4 entitled "Mandatory Set-Asides", is hereby amended, modified and supplemented as follows:

Section I. Section 250-7.4.A shall be amended and replaced in its entirety, as follows:

- A. If Florham Park permits the construction of multifamily or single-family attached residential development that is "approvable" and "developable," as defined at N.J.A.C. 5:93-1.3, at a gross residential density of five or more units per acre, the Borough shall require that an appropriate percentage of the residential units be set aside for low- and moderate-income households, as defined by applicable state law or regulations. For all inclusionary projects regardless of tenure, the very-low, low-, and moderate-income units shall be provided at a set-aside percentage of 20%.

Section II.

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

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

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

Effective Date and Scope. This Ordinance shall immediately take effect upon its passage and publication, and as otherwise provided for by law. The provisions of this Ordinance

shall be applicable within the entire municipality upon final adoption and shall become a part of the Code once completed and adopted.

INTRODUCED the _____ day of _____, 2025.

ADOPTED the _____ day of _____, 2025.

APPENDIX D.

ASCO/50 HANOVER ROAD REDEVELOPMENT PLAN BOROUGH COUNCIL RESOLUTION NO. 20-94 DECLARING AN AINR AND AUTHORIZING PREPARATION OF A REDEVELOPMENT PLAN



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
RESOLUTION # 20-94**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK DECLARING A CERTAIN AREA KNOWN AS BLOCK 303, LOTS 5 AND 12; BLOCK 301, LOTS 15 AND 16; BLOCK 502, LOT 1; BLOCK 901, LOT 1; BLOCK 1401, LOT 1; BLOCK 1402, LOT 1.02; BLOCK 1701, LOTS 9 AND 14; BLOCK 1907, LOT 9; BLOCK 2101, LOT 23; BLOCK 2702, LOT 1; BLOCK 3902, LOT 2; BLOCK 4001, LOT 71; AND BLOCK 4201, LOT 29 IN THE BOROUGH OF FLORHAM PARK IS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Borough Council of the Borough of Florham Park (the "Borough Council") considered it to be in the best interest of the Borough to have the Borough Planning Board conduct such an investigation of an area consisting of certain property located in the Borough, which property is identified as Block 303, Lots 5 and 12; Block 301, Lots 15 and 16; Block 502, Lot 1; Block 901, Lot 1; Block 1401, Lot 1; Block 1402, Lot 1.02; Block 1701, Lots 9 and 14; Block 1907, Lot 9; Block 2101, Lot 23; Block 2702, Lot 1; Block 3902, Lot 2; Block 4001, Lot 71; and Block 4201, Lot 29 on the official Tax Map of the Borough of Florham Park, to determine whether such property, or any portions thereof, is a non-condemnation redevelopment area; and

WHEREAS, in Resolution # 20-41, adopted January 23, 2020, the Borough Council authorized and directed the Planning Board of the Borough of Florham Park is to conduct a preliminary investigation to determine whether the area shown as Block 303, Lots 5 and 12; Block 301, Lots 15 and 16; Block 502, Lot 1; Block 901, Lot 1; Block 1401, Lot 1; Block 1402, Lot 1.02; Block 1701, Lots 9 and 14; Block 1907, Lot 9; Block 2101, Lot 23; Block 2702, Lot 1; Block 3902, Lot 2; Block 4001, Lot 71; and Block 4201, Lot 29 on the official Tax Map of the Borough of Florham Park (collectively, the "Property"), or any portions thereof, constitute a non-condemnation "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5 of the LRHL; and

WHEREAS, the Borough Council believes the Property is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Borough; and

WHEREAS, on behalf of the Planning Board, Harbor Consultants prepared a report entitled "Preliminary Investigation Report for the 50 Hanover Road Study Area as a 'Non-Condemnation Area in Need of Redevelopment'", dated June 6, 2020, which concluded, for the reasons stated therein, that the Property meets the criteria under the LRHL supporting a declaration that the Property is a non-condemnation redevelopment area (the "Preliminary Investigation"); and

WHEREAS, N.J.S.A. 40A:12A-6.b(4)-(5) of the LRHL provides in pertinent part relative to the Planning Board's public hearing on the Preliminary Investigation and whether the Property should be designated a non-condemnation "area in need of redevelopment":

"(4) At the hearing, which may be adjourned from time to time, the planning board shall hear all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record.

(5) (a) After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area"; and

WHEREAS, the Planning Board held a duly noticed public hearing on June 22, 2020 and received public comment, objections and evidence concerning the above-referenced Preliminary Investigation; and

WHEREAS, at the June 22, 2020, the Planning Board further concurred and agreed with the reasons stated in the Preliminary Investigation that the Property constitutes and meets the criteria under the LRHL supporting the recommendation that the Property be determined and declared a non-condemnation "area in need of redevelopment"; and

WHEREAS, in a letter to the Borough Council, dated June 25, 2020, the Planning Board, through its counsel, recommended to the Mayor and Borough Council that the Property be declared a non-condemnation "area in need of redevelopment" under the LRHL in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, the Borough Council concurs and agrees with Planning Board's recommendation as supported by the reasons stated in the Preliminary Investigation that the Property constitutes and meets the criteria under the LRHL that the Property should be determined and declared a non-condemnation "area in need of redevelopment."

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Florham Park, State of New Jersey, that the property shown as Block 303, Lots 5 and 12; Block 301, Lots 15 and 16; Block 502, Lot 1; Block 901, Lot 1; Block 1401, Lot 1; Block 1402, Lot 1.02; Block 1701, Lots 9 and 14; Block 1907, Lot 9; Block 2101, Lot 23; Block 2702, Lot 1; Block 3902, Lot 2; Block 4001, Lot 71; and Block 4201, Lot 29 on the official Tax Map of the Borough

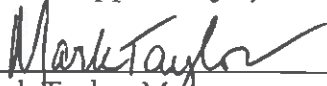
of Florham Park is hereby designated a non-condemnation "area in need of redevelopment" under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that the Borough Council hereby directs the Borough Clerk to (a) serve this Resolution declaring that the property shown as Block 303, Lots 5 and 12; Block 301, Lots 15 and 16; Block 502, Lot 1; Block 901, Lot 1; Block 1401, Lot 1; Block 1402, Lot 1.02; Block 1701, Lots 9 and 14; Block 1907, Lot 9; Block 2101, Lot 23; Block 2702, Lot 1; Block 3902, Lot 2; Block 4001, Lot 71; and Block 4201, Lot 29 on the official Tax Map of the Borough of Florham Park is designated a non-condemnation redevelopment area upon the Commissioner of the Community Affairs in accordance with N.J.S.A. 40A:12A-6.b(5)(c), and (b) serve notice of such designation, within ten (10) days hereof, upon all record owners of property located within the delineated area, those whose names are listed in the tax assessor's records, and upon each person who filed a written objection thereto and stated an address to which notice of determination may be sent in accordance with N.J.S.A. 40A:12A-6.b(5)(d).

BE IT FURTHER RESOLVED, that the Borough Council hereby authorizes the Planning Board and Harbor Consultants to prepare a redevelopment plan for the property shown as Block 303, Lots 5 and 12; Block 301, Lots 15 and 16; Block 502, Lot 1; Block 901, Lot 1; Block 1401, Lot 1; Block 1402, Lot 1.02; Block 1701, Lots 9 and 14; Block 1907, Lot 9; Block 2101, Lot 23; Block 2702, Lot 1; Block 3902, Lot 2; Block 4001, Lot 71; and Block 4201, Lot 29 on the official Tax Map of the Borough of Florham Park for review and consideration by the Borough Council in accordance with the LRHL.

This Resolution shall take effect immediately.

Council Approval: July 16, 2020


Mark Taylor, Mayor

Attest:

Sheila A. Williams, R.M.C. Borough Clerk

Certified as a true original of a Resolution adopted by the Governing Body of Florham Park on July 16, 2020.


Sheila A. Williams, R.M.C.

APPENDIX E.
REZONING ORDINANCE FOR SUN VALLEY
IV TOWNHOMES (DRAFT, UNADOPTED)

Explanation: This Ordinance amends Article XIII entitled “MF-4 Multifamily Residential Zones” by amending section 250-78 to re-zone Block 4201, Lot 31 to the MF-4 Zone and add standards for one-bedroom townhomes.



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS
STATE OF NEW JERSEY**

DRAFT ORDINANCE #XX-XX

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF FLORHAM PARK IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING SECTION 250 “ZONING” OF
THE BOROUGH CODE, ARTICLE XIII, MF-4 MULTIFAMILY RESIDENTIAL ZONES**

WHEREAS, the State of New Jersey has a longstanding and well-established commitment to maximizing the opportunities for the development of housing affordable for very low-, low-, and moderate-income households; and

WHEREAS, the Borough of Florham Park has a fair share obligation consisting of a prior round obligation of 66 units, a third round need of 326 units, and a fourth round obligation of 305; and

WHEREAS, the Borough has been substantially compliant in meeting its fair share obligations historically;

WHEREAS, the Borough has conducted a Fourth Round Vacant Land Adjustment, which establishes an RDP of 11, and with a 25% of the adjusted prospective need set aside for sites likely to redevelop for an additional obligation of 3, for a total adjusted obligation of 14; and

WHEREAS, the Borough has prepared a Fourth Round Housing Element and Fair Share Plan, which identifies zoning for sites likely to redevelop; and

WHEREAS, Block 4201, Lot 31 has been identified as an available, approvable, developable, and suitable site, and which site has been proposed by the developer to provide a set-aside of affordable units; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Florham Park, Morris County, New Jersey, that the Land Development Regulations set forth in Chapter 250 entitled

“Zoning”, Article XIII entitled “MF-4 Multifamily Residential Zones”, is hereby amended, modified and supplemented as follows:

Section 1. The MF-4 Zone shall be amended to include the property known as Block 4201, Lot 31, which shall be re-zoned from its present C-1 Zone.

Section 2. Section 250-81 shall be amended to add (1)(a) and (2)(a) as follows:

- (1)(a) Minimum lot size (Block 4201, Lot 31): 1 acre
- (2)(a) Maximum gross density (for Block 4201, Lot 31): 12 total one-bedroom townhome units

Section 3. Section 250-81 shall be amended to add Item C as follows:

- C. The affordable housing set-aside for Block 4201, Lot 31 shall be 3 units.
 - 1. The affordable unit set-aside may be permitted to be provided by converting existing market rate units within the adjacent Sun Valley buildings to affordable units via deed restriction.
 - 2. The bedroom distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.3.
 - 3. The developer shall have an obligation to deed restrict the Affordable Units as very low-income, low-income, or moderate-income affordable units for a period of at least forty (40) years, until such time and under conditions as the Borough elects to release the deed restriction, so that the Borough may count the Affordable Units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Borough Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.
 - 4. The income distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.3.

Section 4.

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

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

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

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

INTRODUCED the _____ day of _____, 2025.

ADOPTED the _____ day of _____, 2025.

APPENDIX F.

DRAFT ORDINANCE FOR EXTENSION OF
CONTROLS (DRAFT, UNADOPTED)

**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS
STATE OF NEW JERSEY**

DRAFT ORDINANCE #XX-XX

**AN ORDINANCE OF THE BOROUGH OF FLORHAM PARK, COUNTY OF MORRIS
AND STATE OF NEW JERSEY EXTENDING AFFORDABILITY CONTROLS OF THE
PROPERTY REFERRED TO AS WARD PLACE/WOODFIELD ESTATES, LOCATED
AT 188 PARK AVENUE, OTHERWISE DESIGNATED AS BLOCK 1201, LOT 4 ON THE
BOROUGH'S OFFICIAL TAX MAP**

WHEREAS, within the Borough of Florham Park (the "Borough") there exists a rental residential community hereinafter referred to as "Ward Place/Woodfield Estates," located 804 Ward Place, otherwise designated as Block 1201, Lot 4 on the Borough's official tax map ("Woodfield Estates"); and

WHEREAS, Woodfield Estates is a residential community containing 155 affordable, family rental units, which was approved and constructed in 2 phases – with Phase 1 consisting of 125 affordable units and Phase 2 consisting of 30 affordable units; and

WHEREAS, a resolution of approval was granted for an additional thirty (30) affordable units as part of Woodfield Estates Phase 2, and the Borough records include a certificate of occupancy for the property dated August, 1996; and

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

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

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

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

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

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

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

WHEREAS, pursuant to the Borough's power to regulate and control residential rental rates set forth under N.J.S.A. 40:48-2 of the Home Rule Act, and in accordance with the Borough's authority under the FHA, and the UHAC, the Mayor and Council find and declare that it is in the best interests of the Borough and its residents to extend the affordability controls for Woodfield Estates.

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

Section 1.

Extension of Controls. In accordance with the New Jersey Fair Housing Act, N.J.S.A. § 52:27D-301 et, seq. ("FHA"), Title 5, Chapter 80, subchapter 26 of the New Jersey Administrative Code (N.J.A.C. §§ 5:80-26.1 thru -26.26), known as the Uniform Housing Affordability Control ("UHAC"), the Boroughs' Affordable Housing Ordinances, the affordability controls governing the 30 affordable rental units in Phase 2 of Ward Place/Woodfield Estates be and hereby are extended for a period of thirty (30) years with a new release date of January 1, 2056.

Section 2.

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

Section 3.

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

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

Section 4.

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

Section 5.

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

INTRODUCED the _____ day of _____, 2025.

ADOPTED the _____ day of _____, 2025.

**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS
STATE OF NEW JERSEY**

DRAFT ORDINANCE #XX-XX

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1.

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

Section 2.

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

Section 3.

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

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

Section 4.

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

Section 5.

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

INTRODUCED the _____ day of _____, 2025.

ADOPTED the _____ day of _____, 2025.

**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS
STATE OF NEW JERSEY**

DRAFT ORDINANCE #XX-XX

**AN ORDINANCE OF THE BOROUGH OF FLORHAM PARK, COUNTY OF MORRIS
AND STATE OF NEW JERSEY EXTENDING AFFORDABILITY CONTROLS OF THE
PROPERTY REFERRED TO AS SUN VALLEY I, LOCATED AT 55-61 PASSAIC
AVENUE OTHERWISE DESIGNATED AS BLOCK 4201, LOT 29 ON THE
BOROUGH'S OFFICIAL TAX MAP**

WHEREAS, within the Borough of Florham Park (the "Borough") there exists a rental residential community hereinafter referred to as "Sun Valley I," located at 55, 57, and 61 Passaic Avenue, otherwise designated as Block 4201, Lot 29 on the Borough's official tax map; and

WHEREAS, Sun Valley I is a rental residential community containing seventy-five (75) affordable, family rental units; and

WHEREAS, an affordable housing deed restriction was executed by Sun Valley I, and the Borough recorded same in June 2018; and

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

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

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

WHEREAS, the FHA, the UHAC, and the Borough's Affordable Housing Ordinances now govern the control, use, sale and rental of restricted affordable housing units and affordable

developments throughout this State created under the Act, and establishes uniform standards as to: (i) the minimum applicable period(s) of time in which the ownership, sale, use and rental of such affordable housing is to remain restricted to low and moderate income households, otherwise known as “Affordability Control Period(s)” or “Control Period(s)”; (ii) the rental amounts for such affordable units; and (iii) the method and manner in which a municipality is permitted to exercise its right to release or extend the Control Period(s) on affordable housing in this State created pursuant to the FHA; and

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

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

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

WHEREAS, pursuant to the Borough’s powers to enact ordinances to regulate and control residential rental rates set forth under N.J.S.A. 40:48-2 of the Home Rule Act, and in accordance with the Borough’s authority under the FHA, and the UHAC, the Mayor and Council find and declare that it is in the best interests of the Borough and its residents to extend the affordability controls for Sun Valley I.

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

Section 1.

Extension of Controls. In accordance with the New Jersey Fair Housing Act, N.J.S.A. § 52:27D-301 et, seq. (“FHA”), Title 5, Chapter 80, subchapter 26 of the New Jersey Administrative Code (N.J.A.C. §§ 5:80-26.1 thru -26.26), known as the Uniform Housing Affordability Control (“UHAC”), the Boroughs’ Affordable Housing Ordinances, the affordability controls governing the seventy-five (75) affordable rental units in Sun Valley I be and hereby are extended for a period of thirty (30) years, in accordance with the following schedule:

Initial Move-In Date	Physical Address	New Release Date
5/1/2002	1001 Sun Valley Way Florham Park, NJ 07932	5/1/2062

10/1/2002	1002 Sun Valley Way Florham Park, NJ 07932	10/1/2062
1/13/2012	1003 Sun Valley Way Florham Park, NJ 07932	1/13/2072
4/1/2002	1004 Sun Valley Way Florham Park, NJ 07932	4/1/2062
4/1/2002	1005 Sun Valley Way Florham Park, NJ 07932	4/1/2062
4/1/2002	1006 Sun Valley Way Florham Park, NJ 07932	4/1/2062
8/1/2002	1007 Sun Valley Way Florham Park, NJ 07932	8/1/2062
3/1/2003	1008 Sun Valley Way Florham Park, NJ 07932	3/1/2063
4/1/2002	1009 Sun Valley Way Florham Park, NJ 07932	4/1/2062
4/5/2003	1010 Sun Valley Way Florham Park, NJ 07932	4/5/2063
9/15/2002	1011 Sun Valley Way Florham Park, NJ 07932	9/15/2062
11/8/2002	1012 Sun Valley Way Florham Park, NJ 07932	11/8/2062
4/1/2002	1013 Sun Valley Way Florham Park, NJ 07932	4/1/2062
4/1/2002	1014 Sun Valley Way Florham Park, NJ 07932	4/1/2062
6/1/2002	1015 Sun Valley Way Florham Park, NJ 07932	6/1/2062
11/1/2002	1016 Sun Valley Way Florham Park, NJ 07932	11/1/2062
4/1/2002	1017 Sun Valley Way Florham Park, NJ 07932	4/1/2062
11/1/2002	1018 Sun Valley Way Florham Park, NJ 07932	11/1/2062
4/20/2002	1019 Sun Valley Way Florham Park, NJ 07932	4/20/2062
3/8/2003	1020 Sun Valley Way Florham Park, NJ 07932	3/8/2063
11/1/2002	1021 Sun Valley Way Florham Park, NJ 07932	11/1/2062
4/1/2002	1022 Sun Valley Way Florham Park, NJ 07932	4/1/2062

4/1/2002	1023 Sun Valley Way Florham Park, NJ 07932	4/1/2062
4/1/2002	1024 Sun Valley Way Florham Park, NJ 07932	4/1/2062
11/13/2001	1101 Sun Valley Way Florham Park, NJ 07932	11/13/2061
11/1/2001	1102 Sun Valley Way Florham Park, NJ 07932	11/1/2061
11/1/2001	1103 Sun Valley Way Florham Park, NJ 07932	11/1/2061
11/1/2001	1104 Sun Valley Way Florham Park, NJ 07932	11/1/2061
10/27/2001	1105 Sun Valley Way Florham Park, NJ 07932	10/27/2061
11/3/2001	1106 Sun Valley Way Florham Park, NJ 07932	11/3/2061
11/1/2001	1107 Sun Valley Way Florham Park, NJ 07932	11/1/2061
4/1/2002	1108 Sun Valley Way Florham Park, NJ 07932	4/1/2062
11/1/2001	1109 Sun Valley Way Florham Park, NJ 07932	11/1/2061
7/15/2002	1110 Sun Valley Way Florham Park, NJ 07932	7/15/2062
11/1/2001	1111 Sun Valley Way Florham Park, NJ 07932	11/1/2061
11/1/2001	1112 Sun Valley Way Florham Park, NJ 07932	11/1/2061
12/15/2001	1113 Sun Valley Way Florham Park, NJ 07932	12/15/2061
1/1/2002	1114 Sun Valley Way Florham Park, NJ 07932	1/1/2062
2/1/2002	1115 Sun Valley Way Florham Park, NJ 07932	2/1/2062
11/1/2001	1116 Sun Valley Way Florham Park, NJ 07932	11/1/2061
11/1/2001	1117 Sun Valley Way Florham Park, NJ 07932	11/1/2061
1/31/2003	1118 Sun Valley Way Florham Park, NJ 07932	1/31/2063
11/1/2001	1119 Sun Valley Way Florham Park, NJ 07932	11/1/2061

4/18/2003	1120 Sun Valley Way Florham Park, NJ 07932	4/18/2063
11/1/2001	1121 Sun Valley Way Florham Park, NJ 07932	11/1/2061
12/2/2001	1122 Sun Valley Way Florham Park, NJ 07932	12/2/2061
11/1/2001	1123 Sun Valley Way Florham Park, NJ 07932	11/1/2061
12/13/2001	1124 Sun Valley Way Florham Park, NJ 07932	12/13/2061
10/4/2002	1201 Sun Valley Way Florham Park, NJ 07932	10/4/2062
11/1/2002	1202 Sun Valley Way Florham Park, NJ 07932	11/1/2062
9/4/2002	1203 Sun Valley Way Florham Park, NJ 07932	9/4/2062
3/1/2003	1204 Sun Valley Way Florham Park, NJ 07932	3/1/2063
8/26/2002	1205 Sun Valley Way Florham Park, NJ 07932	8/26/2032
11/1/2002	1206 Sun Valley Way Florham Park, NJ 07932	11/1/2062
2/1/2003	1207 Sun Valley Way Florham Park, NJ 07932	2/1/2063
9/15/2002	1208 Sun Valley Way Florham Park, NJ 07932	9/15/2062
9/1/2002	1209 Sun Valley Way Florham Park, NJ 07932	9/1/2062
10/25/2002	1210 Sun Valley Way Florham Park, NJ 07932	10/25/2062
10/1/2002	1211 Sun Valley Way Florham Park, NJ 07932	10/1/2062
7/2/2003	1212 Sun Valley Way Florham Park, NJ 07932	7/2/2063
11/1/2002	1213 Sun Valley Way Florham Park, NJ 07932	11/1/2062
12/1/2002	1214 Sun Valley Way Florham Park, NJ 07932	12/1/2062
12/1/2002	1215 Sun Valley Way Florham Park, NJ 07932	12/1/2062
12/2/2002	1216 Sun Valley Way Florham Park, NJ 07932	12/2/2062

11/15/2002	1217 Sun Valley Way Florham Park, NJ 07932	11/15/2062
2/18/1976	1218 Sun Valley Way Florham Park, NJ 07932	2/18/2062
8/28/2002	1219 Sun Valley Way Florham Park, NJ 07932	8/28/2062
8/21/2002	1220 Sun Valley Way Florham Park, NJ 07932	8/21/2062
8/8/2002	1221 Sun Valley Way Florham Park, NJ 07932	8/8/2062
8/9/2002	1222 Sun Valley Way Florham Park, NJ 07932	8/9/2062
2/1/2004	1223 Sun Valley Way Florham Park, NJ 07932	2/1/2064
1/17/2003	1224 Sun Valley Way Florham Park, NJ 07932	1/17/2063
4/5/2003	1225 Sun Valley Way Florham Park, NJ 07932	4/5/2063
8/8/2002	1226 Sun Valley Way Florham Park, NJ 07932	8/8/2062
9/28/2002	1227 Sun Valley Way Florham Park, NJ 07932	9/28/2062

Section 2.

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

Section 3.

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

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

Section 4.

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

Section 5.

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

INTRODUCED the _____ day of _____, 2025.

ADOPTED the _____ day of _____, 2025.