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**In the Matter of the Application of the
Borough of Ringwood, County of Passaic.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Passaic County
Docket No. PAS-L-000284-25

**CIVIL ACTION
(Mount Laurel)**

**Consent Order Final Compliance
Certification (N.J.S.A. 52:27D-304(q))**

THIS MATTER having come before the Court via the joint request of the Borough of Ringwood, via counsel Mark J. Semeraro, Esq. (of Semeraro & Fahrney, LLC), as well as Fair Share Housing Center, via counsel Ariela Rutbeck-Goldman, Esq. (on behalf of Fair Share Housing Center); and

WHEREAS, the Borough of Ringwood (the “Borough” or “Ringwood”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action on January 23, 2025; and

WHEREAS, the Court entered an Order on March 20, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of twenty-six (26) units and a Prospective Need of one hundred thirty-three (133) units; and

WHEREAS, the Borough filed its Housing Element and Fair Share Plan (“HEFSP”) on June 4, 2025; and

WHEREAS, the Borough’s Governing Body thereafter adopted Resolution No. 2025-133

on June 17, 2025 endorsing the 2025 Housing Element and Fair Share Plan as adopted by the Planning Board, which was filed on June 26, 2025; and

WHEREAS, Fair Share Housing Center (“FSHC”) filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on September 2, 2025 seeking additional information and documentation before the HEFSP could be approved by the Program and trial court; and

WHEREAS, no other interested party filed a challenge or any other communication; and

WHEREAS, the Court thereafter entered a Case Management Order on October 16, 2025 directing the Borough and FSHC to work through the issues raised in the FSHC filing and to prepare and present a proposed form of consent order resolving those issues and setting forth any outstanding conditions to be met prior to the statutory March 15, 2026 implementation deadline; and

WHEREAS, the Borough and FSHC thereafter presented a Consent Order Conditional Compliance Certification, which was entered by the Court on January 22, 2026; and

WHEREAS, on March 2, 2026, the Court entered its Decision and Order Approving Municipal Housing Element and Fair Share Plan for the Fourth Round Housing Cycle, approving the Borough’s HEFSP and authorizing the Borough to proceed, without further delay, to notice and adopt the implementing ordinances and resolutions proposed to ensure implementation of its Fourth Round HEFSP on or before March 16, 2026, whereupon the Court would issue and enter its formal Certification of Compliance and repose from builder’s remedy and/or exclusionary zoning litigation in the Fourth Round housing cycle and the period of 2025 to 2035; and

WHEREAS, on March 13, 2026, the Borough filed the remaining implementing materials required to satisfy the outstanding March 16 implementation conditions, namely: (1) Ordinance

No. 2026-04, repealing and replacing Section 40-16, “Fair Share Housing,” of the Borough’s Zoning Regulations; (2) Resolution No. 2026-53, adopting the Borough’s Fourth Round Affordable Housing Trust Fund Spending Plan; (3) Resolution No. 2026-54, adopting the Borough’s Affirmative Marketing Plan; and (4) Resolution No. 2026-55, adopting the Borough’s Rehabilitation Program Manual; and

WHEREAS, FSHC has reviewed the Borough’s filings in accordance with the parties’ prior consent order and confirms that the Borough has complied with all terms outlined in the Consent Order Conditional Compliance Certification and the Court’s March 2, 2026 Decision and Order; and

WHEREAS, the Court has reviewed the Borough’s HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the Program and the Court’s prior orders, and has determined that they meet the “objective standard” and are in compliance with the Fair Housing Act and the *Mount Laurel* doctrine; and

WHEREAS, the Court incorporates the Court’s prior Orders and for good cause shown:

IT IS on this 29th day of April, 2026, **ORDERED** as follows:

1. The Borough’s Fourth Round HEFSP and attachments, and applicable implementing ordinances and resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibits P-1 through P-7, are hereby admitted into evidence and entered into the record. For purposes of this Order, Exhibits P-2 through P-7 shall be referred to as the “Implementing Ordinances & Resolutions.” Said exhibits consist of:
 - a. (P-1) the Housing Element and Fair Share Plan, Ringwood Borough, Passaic County, dated June 2, 2025;

- b. (P-2) the June 2, 2025 Planning Board Resolution adopting the 2025 Housing Element and Fair Share Plan for the Borough of Ringwood;
 - c. (P-3) Resolution Number 2025-133, Resolution Endorsing the 2025 Housing Element and Fair Share Plan as Adopted by the Planning Board;
 - d. (P-4) Ordinance No. 2026-04, An Ordinance Repealing and Replacing Section 40-16, “Fair Share Housing” of the Borough of Ringwood’s Zoning Regulations;
 - e. (P-5) Resolution No. 2026-53, A Resolution of the Mayor and Council of the Borough of Ringwood, in the County of Passaic, State of New Jersey Adopting Fourth Round Affordable Housing Spending Plan;
 - f. (P-6) Resolution No. 2026-54, Resolution of the Mayor and Governing Body of the Borough of Ringwood, County of Passaic, State of New Jersey Adopting the “Affirmative Marketing Plan” for the Borough of Ringwood;
and
 - g. (P-7) Resolution No. 2026-55, Resolution of the Mayor and Governing Body of the Borough of Ringwood, County of Passaic, State of New Jersey Adopting the “Rehabilitation Program Manual” for the Borough of Ringwood.
2. The Borough of Ringwood’s Fourth Round Fair Share Plan, together with the Implementing Ordinances & Resolutions, is hereby approved and deemed to meet the “objective standard” pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) of complying with the Fair Housing Act and the Mount Laurel doctrine, and the Borough is granted a Compliance Certification as to its entire affordable housing obligation including, but not limited to: its Rehabilitation Obligation

(“Present Need”), its Prior Round Obligation (1987-1999), its Third Round Obligation (consisting of both its Gap Obligation for 1999-2015 and its Prospective Need Obligation for 2015-2025), and its Fourth Round obligation pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”), the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), applicable Council on Affordable Housing (“COAH”) substantive rules, and *Mount Laurel* case law, including New Jersey Supreme Court’s *Mount Laurel IV* decision.

3. The Borough’s Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and ending on June 30, 2035, and during this ten (10) year period the Borough shall have repose from exclusionary zoning litigation, including, but not limited to, builder’s remedy lawsuits, as provided for in the FHA, N.J.S.A. 52:27D-301 *et seq.* The Borough’s Compliance Certification shall remain subject, however, to revocation or other Order of the Court that does or may hereafter issue, on notice of motion to the Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth Round housing cycle.
4. As set forth in the Borough’s HEFSP and earlier Court Orders, the Borough’s Present Need or Rehabilitation Obligation is twenty-six (26), the Borough’s Prior Round Obligation (1987-1999) is fifty-one (51), the Borough’s Third Round Obligation (1999-2025) is one hundred ninety-nine (199), and the Borough’s Fourth Round Prospective Need (2025-2035) is one hundred thirty-three (133).
5. The Borough shall address its Present Need via participation in the Passaic County Rehabilitation Program and the establishment of a municipal rehabilitation program.
6. The Borough’s Prior Round obligation is fifty-one (51), of which twenty-six (26) units have been met, together with nine (9) bonus credits, leaving a sixteen (16) unit shortfall.

7. The Borough shall satisfy its Third Round Prospective Need of one hundred ninety-nine (199) units as follows, with a remaining one hundred forty-five (145) unit shortfall:
 - a. Eighteen (18) proposed units at the Greenwood Lake Turnpike Inclusionary Zone;
 - b. Four (4) units at Peters Mine (100% Affordable); and
 - c. Thirty-two (32) age-restricted rental units at Sisters of St. Francis.

8. The Borough's Fourth Round obligation has been adjusted through a Fourth Round Vacant Land Adjustment to a realistic development potential ("RDP") of zero (0). Due to the lack of sewer capacity, FSHC and the Borough agree that the Borough is entitled to a durational adjustment of two hundred ninety-four (294) units pursuant to N.J.A.C. 5:93-4.3(c). In furtherance of that adjustment and consistent with the Borough's HEFSP and prior consent order, the Borough shall continue to comply with the following commitments:
 - a. Currently Unforeseen Sites Proposed for Inclusionary Development: Should an appropriate party propose inclusionary development on currently unforeseen sites within the Borough with a realistic plan for providing public sewer and/or water, and if the Borough is unable to demonstrate that there is a realistic plan for public sewer and/or water to be provided to alternative sites within the Round for it to satisfy its fair share obligations, then the Borough shall be required to expeditiously cooperate with the party in order to amend its HEFSP and to rezone the sites to permit the requested inclusionary development.

- i. Should the party and the Borough disagree as to what is proposed, or the Borough does not cooperate, the party may submit a motion to the Court in the Borough's declaratory judgment action (or the appropriate alternative forum) for a summary determination, pursuant to Rule 4:46, as to whether what is proposed is consistent with sound land use planning and, if so, whether the Borough must comply.
- ii. The Borough reserves the right to oppose a proposal for an inclusionary development in the process described above if it believes such proposal does not comply with principles of sound land use and infrastructure planning, or if the potential developer fails to provide a feasible and realistic plan for providing public water and sewer to the property.

b. Municipal Commitment to Assist in the Provision of Public Water and Sewer:

The Borough shall cooperate with appropriate parties, and act in good faith and with continuity of purpose, to assist any proposed inclusionary developments within the Borough in facilitating the provision of public water and sewer to those sites. Such cooperation shall include, but not be limited to, expeditiously supporting and endorsing and if necessary becoming a co-applicant on:

- i. Any application to the New Jersey Department of Environmental Protection ("NJDEP") or its agent to provide infrastructure for a site;

- ii. Any applications for the inclusion of any parcels in any appropriate sewer service area or wastewater management plan;
 - iii. Any applications made to any State, county, local, or other body politic or utility authority necessary in order to provide public sewer and water service; and
 - iv. Any other reasonable steps necessary or required to help facilitate the provision of public water and sewer.
 - c. Municipal Commitment to Reserve New Public Water and/or Sewer Capacity: Should public water and/or sewer become available in Ringwood, it shall be required, pursuant to N.J.A.C. 5:93-4.3(c)(1), to reserve and set aside the water and/or sewer capacity, when it becomes available, for very low-, low-, and moderate-income housing on a priority basis until it has satisfied its fair share obligations.
9. The Borough's Compliance Certification shall be subject to required ongoing monitoring as follows:
- a. The Borough by February 15, 2026, and annually, shall provide the Department of Community Affairs with a detailed accounting of all development fees and any other payments into its trust fund that have been collected and expended in the previous year.
 - b. The Borough by February 15, 2026, and annually, shall provide the Department of Community Affairs with an up-to-date municipal status report based on its collection and publication of information concerning the number affordable of housing units actually constructed, construction starts,

certificates of occupancy granted, the start and expiration dates of deed restrictions, and residential and non-residential development fees collected and expended, including purposes and amounts of such expenditures, along with the current balance in the municipality's affordable housing trust funds. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the municipality or other interested party may file an action through the program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site in the housing element and fair share plan that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

10. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Borough's adopted Fourth Round HEFSP.

11. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.

/s/ Darren J. Del Sardo

HON. DARREN J. DEL SARDO, P.J.Cv.

On behalf of the Borough of Ringwood:



Mark Semeraro, Esq.
Dated: April 9, 2026

On behalf of Fair Share Housing Center:

/s/ Ariela Rutbeck-Goldman

Ariela Rutbeck-Goldman, Esq.
4/9/2026

EXHIBIT P-1



HOUSING ELEMENT AND FAIR SHARE PLAN

Ringwood Borough, Passaic County

June 2, 2025

Prepared by:



**J Caldwell
& Associates, LLC**

Community Planning Consultants

2025 Housing Element and Fair Share Plan
Ringwood Borough
Passaic County, New Jersey

Ringwood Borough Planning Board


Robert Steirs, Chair
Andrew Burgoyne, Vice-Chair
Sean Noonan, Class I, Mayor's Designee
James Martocci, Class II
Zoltan Kiraly, Class III, Council Member
John Speer, Class IV, Executive Secretary
Joseph Cortina, Class IV
Jennifer Larson, Class IV
Angelo Martino, Class IV
John Caillie, Alternate #1
Robert Monroe, Alternate #2

Allison Winkler, Board Secretary
Jameson Van Eck, Esq., Board Attorney
David Hals, P.E., Board Engineer
Jessica Caldwell, P.P., A.I.C.P., Board Planner

JUNE 2025

Prepared by:





Jessica C. Caldwell, PP, AICP, LEED-GA
NJPP License #5944

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Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035

1. Introduction

1.1 Community Overview

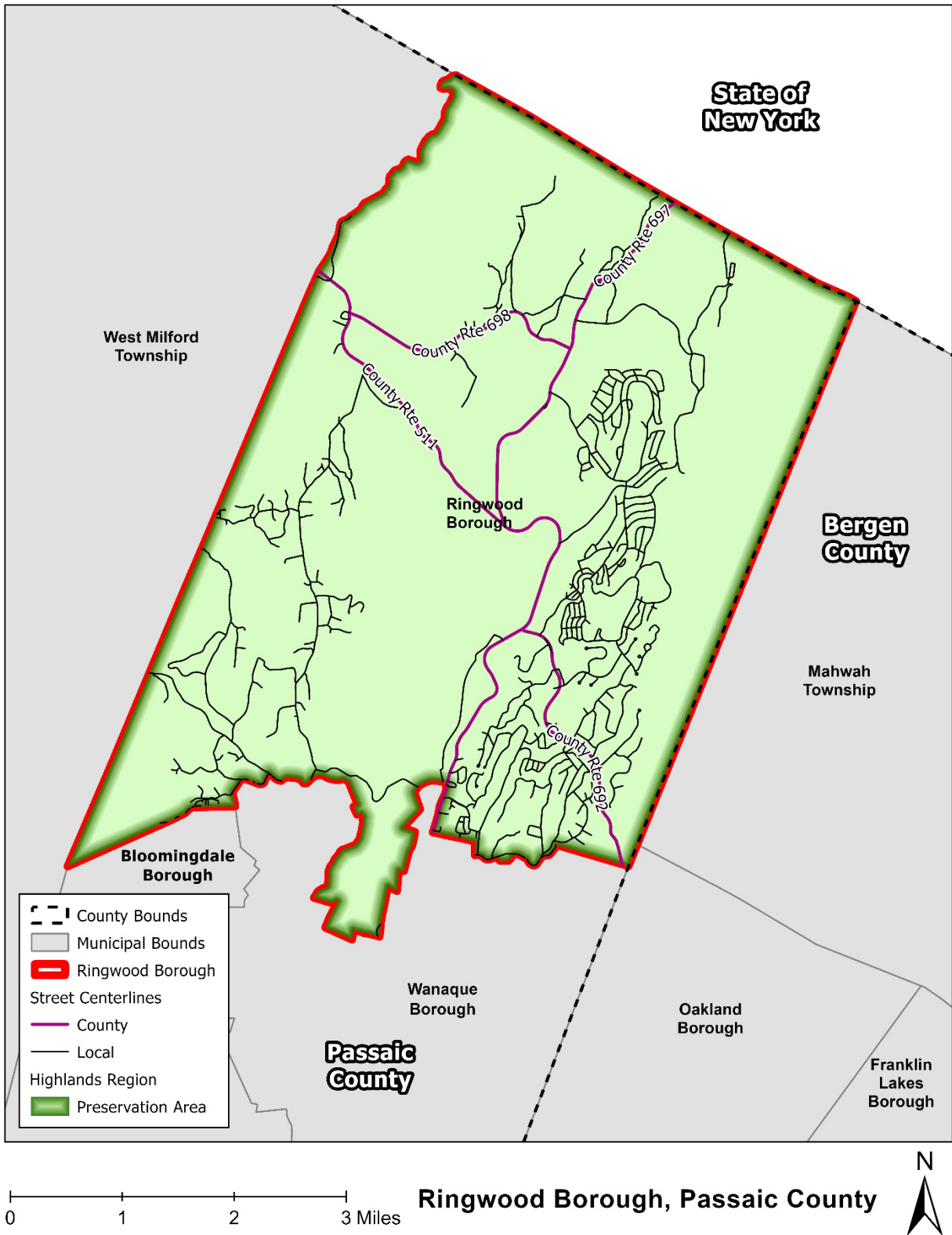
The Borough of Ringwood is located in northeastern Passaic County, New Jersey and lies in the Ramapo Mountains. Geographically, it is about 25 miles northwest of New York City. The Borough has a land area of 27.4 square miles, making it one of the larger municipalities in Passaic County by area. The Borough had a population of 11,735 people and 4,364 total housing units, according to the 2020 U.S. Decennial Census and the American Community Survey (ACS) 5-Year Estimates data. County Routes 511 and 692 traverse through the southwestern portion of the Borough. Land use in the municipality is predominantly a mix of open space and residential neighborhoods, with commercial, recreation, industrial, and business uses to a lesser degree.

Ringwood shares its northern border with three municipalities located in New York (state) including the Town of Warwick and the Town of Tuxedo in Orange County, and the Town of Ramapo in Rockland County. In New Jersey, the Borough shares its western border with West Milford Township in Passaic County; its southern border with Bloomingdale Borough and Wanaque Borough in Passaic County; and its eastern border with Mahwah Township and Oakland Borough in Bergen County.

The Borough is located entirely within the Preservation Area of the Highlands Region (18,230 acres). The municipality's Petition for Plan Conformance was approved by the Highlands Council on October 13, 2011.

Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035

Figure 1. Context Map



Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035

1.2 Relationship to Other Plans

Municipal Master Plan

The most recent comprehensive Master Plan Update was prepared in February 1991, with Reexamination Reports prepared in 2006, 2012, and 2022. The 2022 Master Plan Reexamination Report recommended updating the Borough's Housing Element and Fair Share Plan. The following goals and objectives, which are of particular relevance to this Housing Element and Fair Share Plan, are as follows:

1. To abide by the New Jersey Fair Housing Act and any regulations under the Act.
2. To provide a range of housing opportunities within the Borough.
3. To develop housing strategies to address the needs of various age groups, including affordable housing for senior citizens.
4. To provide for residential densities and lot sizes that do not exceed the capabilities and limitations of natural systems and available infrastructure.

State Development and Redevelopment Plan (2001)

At the time of the preparation of this Housing Element and Fair Share Plan (HEFSP), the update to the New Jersey State Development and Redevelopment Plan (SDRP) is expected to be completed in late 2025. The last update to the SDRP was adopted in 2001. The State Development and Redevelopment Plan's Planning Areas do not apply to Highlands Preservation Area communities. Therefore, the State Plan is generally superseded by the Highlands Regional Master Plan in Highlands conforming municipalities. Nonetheless, the SDRP has goals for the state with respect to housing as follows:

Housing: Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general – and in particular affordable, senior citizen, special needs and family housing – is developed with access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

Highlands Regional Master Plan

The Highlands Regional Master Plan was adopted in 2008 in response to the Highlands Water Policy and Planning Protection Act (N.J.S.A. 13:20-1 et. seq.) of 2004. This RMP has been updated several times, in 2018, 2019, and 2024. The entirety (100%) of Ringwood Borough is situated within the Highlands Preservation Area where conformance with the RMP is mandatory.

The Highlands Council adopted, "RMP Addendum 2024-3: Highlands Affordable Housing Guidelines" on July 18, 2024, which established standards for identifying locations for affordable housing and availability of land and resources in the region. This guidance was used as part of the preparation of this HEFSP. This HEFSP also supports the RMP's Housing and Community Facilities Goal 60: "Market rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social, and environmental considerations and constraints."

Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035

County Comprehensive Plan

The Passaic County Highlands Master Plan Element was adopted on July 7, 2011 to provide guidance of the County's development in a sustainable manner. This HEFSP is consistent with the following goals and policy objectives outlined in the Passaic County Highlands Master Plan Element:

1. To guide the appropriate use or development of all lands in a manner that will promote public health, safety, convenience, and general welfare.
2. To promote development of Passaic County that does not conflict with the development and general welfare of neighboring counties or the state as a whole.
3. To promote and coordinate with municipalities on the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
4. To promote the provisions of sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all citizens.
5. To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
6. To encourage shared services and coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

Surrounding Municipalities' Master Plans

Mahwah Township, Bergen County

Ringwood shares just over five (5) miles of its eastern border with Mahwah Township, where currently a road connection does not exist between the 2 municipalities. Mahwah last prepared a Reexamination Report and an amendment to its 2013 Master Plan in 2022; this HEFSP does not significantly impact Mahwah's Master Plan.

Oakland Borough, Bergen County

Just under a half-mile (about 0.21 miles) of Ringwood's eastern border is shared with the Borough of Oakland. This results in no road connection(s) between the two municipalities. This HEFSP does not impact Oakland's 2000 Master Plan, which was last reexamined in 2016.

Bloomingtondale Borough, Passaic County

A portion (approximately 1.5 miles) of Ringwood's southern border is shared with the Borough of Bloomingtondale. There are no local roads that provide direct connections between Ringwood and Bloomingtondale. Bloomingtondale's 1996 Master Plan was last reexamined in 2014 and amended in 2015. This HEFSP does not significantly impact this or other notable features of Bloomingtondale.

Wanaque Borough, Passaic County

Ringwood shares its remaining southern border with the Borough of Wanaque (approximately eight (8) miles). Several local roads provide access between Ringwood and Wanaque including Ringwood Avenue / Greenwood Lake Turnpike / County Road 511, Skyline Drive / County Road 692, Conklingtown Road, Canterbury Road, Manning Road, and Westbrook Road. This HEFSP

Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035

does not significantly impact the Borough of Wanaque or its Master Plan, which was last reexamined in 2010.

West Milford Township, Passaic County

Ringwood Borough shares approximately 10 miles of its western border with West Milford Township and is connected via Greenwood Lake Turnpike / County Road 511, Burnt Meadow Road, and Westbrook Road. In addition, the Highlands Preservation Area entirely encompasses both municipalities therefore, strategic land use planning of this section is vital. The recommendations set forth in this HEFSP do not negatively impact West Milford, its planning efforts, or its Master Plan, which was last reexamined in 2023.

1.3 History of Affordable Housing

Overview

The New Jersey Supreme Court, in Mount Laurel I (1975) and Mount Laurel II (1983) required all New Jersey municipalities to take affirmative actions toward providing their “fair share” of the region’s need for affordable housing for low- and moderate-income households. . In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act (FHA) in 1985. This act created the Council on Affordable Housing (COAH) to assess the statewide need for affordable housing, allocated that need on a municipal fair share basis, and review and approve housing plans aimed at implementing the local fair share obligation.

Subsequently, the New Jersey Municipal Land Use Law (MLUL) was amended to require a housing element as a mandatory element of the municipal master plan. According to the MLUL, “a municipality’s housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing (52:27D-310).”

Ringwood Borough received substantive certification of its Fair Share and Housing Plan Element from COAH pursuant to the regulations of the First and Second Round. Ringwood passed Ordinance No. 1997-29 for Fair Housing with the purpose of setting regulations regarding low- and moderate-income housing units in the Borough of Ringwood that are consistent with the provisions of N.J.A.C. 5:93 et seq. as effective on June 6, 1994. These rules are pursuant to the Fair Housing Act of 1985 and the Borough of Ringwood’s constitutional obligation to provide for its fair share of low- and moderate-income housing.

Ringwood created a Special Residence District with Ordinance No. 1999-09 to help meet the Borough’s low- and moderate-income housing obligation by providing a realistic opportunity for the construction of affordable housing. It also meets the Master Plan objectives for the construction of senior citizen housing. This zone also takes environmental constraints into consideration by following the environmental objectives of the Master Plan.

COAH adopted its Third Round rules in December 2004. On January 25, 2007, the Appellate Division issued a decision on an appeal of COAH’s Third Round regulations, which required COAH to revise its Third Round Rules and precluded COAH from issuing Third Round Substantive Certifications until the new rules were adopted. Subsequent to the Appellate Division ruling, the Highlands Council adopted the Highlands Regional Master Plan (RMP) on July 17, 2008. The RMP provides the basis to determine the capacity of the Highlands Region to accommodate appropriate economic growth while ensuring the sustainability of the resources in the region.

Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035

On September 5, 2008, Governor Corzine issued Executive Order 114, which addressed implementation of the Highlands RMP and the need for coordination between the Highlands Council and COAH. On November 12, 2008, COAH granted an extension from the December 31, 2008 petition deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction, based on certain conditions.

Following the submission, on October 8, 2010, the Appellate Division invalidated COAH's Rules in In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010). The decision stated, among other things, that growth share methodology was invalid, and directed COAH to adopt rules utilizing methodologies similar to those used in the First and Second Round Rules.

Ringwood has previously participated in COAH and submitted an adopted Housing and Fair Share Plan in 2005. The Borough then updated its Fair Share Plan to respond to COAH's revised 2008 Third Round rules and comply with COAH's amended regulations and the Highlands RMP, which identified affordable housing obligations for 2004-2014. The revised rules extended the Third Round affordable housing obligations by four years and relied upon a "growth share" methodology. However, this methodology was later invalidated, as stated above.

On September 26, 2013 the Supreme Court affirmed the Appellate Division's 2010 decision and remanded to COAH to undertake new rulemaking based on COAH's prior round rules and methodologies. COAH failed to formally adopt amended Third Round Rules. The Supreme Court on March 10, 2015 ordered the following:

- A. The Fair Housing Act's exhaustion of administrative remedies requirements is dissolved and the Courts may resume their role as the forum of first resort for evaluating municipal compliance with Mount Laurel obligations.
- B. The effective date of the Order was June 8, 2015.

Ringwood Borough filed for declaratory judgement on July 6, 2015 seeking a declaration of its compliance with the Mount Laurel and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., in accordance with the In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgement process, the Borough and FSHC have agreed to settle the litigation and to present the settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households. The Settlement Agreement was finalized on October 15, 2024. The settlement was approved at a Fairness Hearing on May 8, 2025.

On March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2), which set forth the rules and regulations governing the Fourth Round (2025-2035) of affordable housing obligations in New Jersey. This law abolished COAH and shifted implementation of the Fair Housing Act to the New Jersey Department of Community Affairs (DCA), creating the Affordable Housing Dispute Resolution Program (the Program).

On October 18, 2024, the Department of Community Affairs (DCA) prepared and submitted a non-binding report ("DCA Report")¹ on the Fourth Round affordable housing fair share obligations for all municipalities within the State of New Jersey. The DCA indicated that Ringwood Borough's

¹ NJ DCA, Affordable Housing Obligations for 2025-2035 (Fourth Round): Methodology and Background, October 2024.

Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035

Fourth Round Present Need/Rehabilitation Obligation is 26 units and the Prospective Need is 133 units. The FHA, as amended by P.L. 2024, c.2, (“Amended FHA”) explicitly stated the DCA’s numbers are non-binding.

On January 21, 2025, pursuant to P.L.2024, c.2, the Borough Council adopted Resolution #2025-47, committing to its fair share obligation for the Fourth Round (2025-2035). This Resolution set forth the following obligations (not including any durational or vacant adjustments):

Fourth Round Rehabilitation/Present Need Obligation (pursuant to P.L. 2024, c.2 ²)	26
Fourth Round (2025-2035) Prospective Need Obligation (pursuant to P.L. 2024, c.2 ³)	133

Following, pursuant to the Amended FHA and Directive #14-24, the Borough filed a Declaratory Judgment action in Superior Court seeking approval of a Housing Element and Fair Share Plan proposed to be approved by June 30, 2025. Pursuant to the Amended FHA, given that there were no challenges by interested parties to the adopted number, the above obligations were established by default on March 1, 2025.

² David N. Kinsey, PhD, PP, FAICP, New Jersey Low- and Moderate-Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology, May 2016.

³ Ibid.

Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035

1.4 Purpose and Goals

The purpose of this Housing Element and Fair Share Plan is to provide a realistic opportunity to address the housing needs of Ringwood Borough residents across all income levels. This plan proposes multiple opportunities to develop a variety of housing types to meet these needs, which can be integrated into the existing land use pattern and character of the Borough. This Plan has been prepared to meet the requirements of the Municipal Land Use Law (MLUL), Fair Housing Act (FHA), the New Jersey State Development and Redevelopment Plan (SDRP), and Bill A4/S50 (P.L. 2024, c.2).

This HEFSP supports the goals of the Borough’s 2022 Master Plan Reexamination, specifically the following:

1. To abide by the New Jersey Fair Housing Act and any regulations under the Act.
2. To provide a range of housing opportunities within the Borough.
3. To develop housing strategies to address the needs of various age groups, including affordable housing for senior citizens.
4. To provide for residential densities and lot sizes that do not exceed the capabilities and limitations of natural systems and available infrastructure.

This HEFSP also supports the goals of the 2008 Highlands RMP, specifically the Housing and Community Facilities Goal 60: “Market rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social, and environmental considerations and constraints.”

1.5 Contents of the Plan

Municipal Land Use Law (N.J.S. § 52:27D-310) and the Fair Housing Act (P.L. 1985, c.222) require that the Housing Element and Fair Share Plan include the following:

- A. An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor’s office, including but not limited to the property record cards;
- B. A projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- C. An analysis of the municipality’s demographic characteristics, including but not necessarily limited to, household size, income level, and age;
- D. An analysis of the existing and probable future employment characteristics of the municipality;
- E. A determination of the municipality’s present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective

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housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);

- F. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- G. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L. 2021, c. 273 (C.52:27D-329.20);
- H. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L. 2004, c. 120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build-Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- I. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

2. Demographic Characteristics

2.1 Population

Population change, 1990-2020

The Borough of Ringwood encompasses a total land area of approximately 27.4 square miles (17,536 acres) and had a population of 11,735 people according to the 2020 U.S. Decennial Census which translates to a population density of about 428.3 people per square mile. This section analyzes population changes in Ringwood Borough, Passaic County, and the State of New Jersey over the 30-year period from 1990 to 2020. The data reflects Decennial population counts reported by the U.S. Census Bureau.

Between 1990 and 2020, the Borough experienced a gradual but consistent population decline. In 1990, the population was 12,623, which decreased by 1.8% to 12,396 in 2000. This downward trend continued into 2010 with a further 1.4% drop to 12,228 residents, and a more pronounced 4.0% decline by 2020, bringing the population to 11,735. In contrast, both Passaic County and the State of New Jersey saw steady population growth during the same period. Passaic County's population increased from 453,302 in 1990 to 524,118 in 2020, reflecting an overall growth of 15%. Similarly, New Jersey's population rose from 7,730,188 to 9,288,994 over the 30-year period, representing a 20% increase. These figures indicate that while the broader region and state experienced population growth, Ringwood's population declined modestly but consistently, suggesting potential shifts in local demographics, housing patterns, or economic factors that may warrant further analysis and strategic planning.

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Table 1. Population Change, 1990 - 2020

	1990	% Change	2000	% Change	2010	% Change	2020
Borough of Ringwood	12,623	-1.8%	12,396	-1.4%	12,228	-4.0%	11,735
Passaic County	453,302	8%	490,337	2%	501,226	5%	524,118
New Jersey	7,730,188	9%	8,414,347	4%	8,791,894	6%	9,288,994

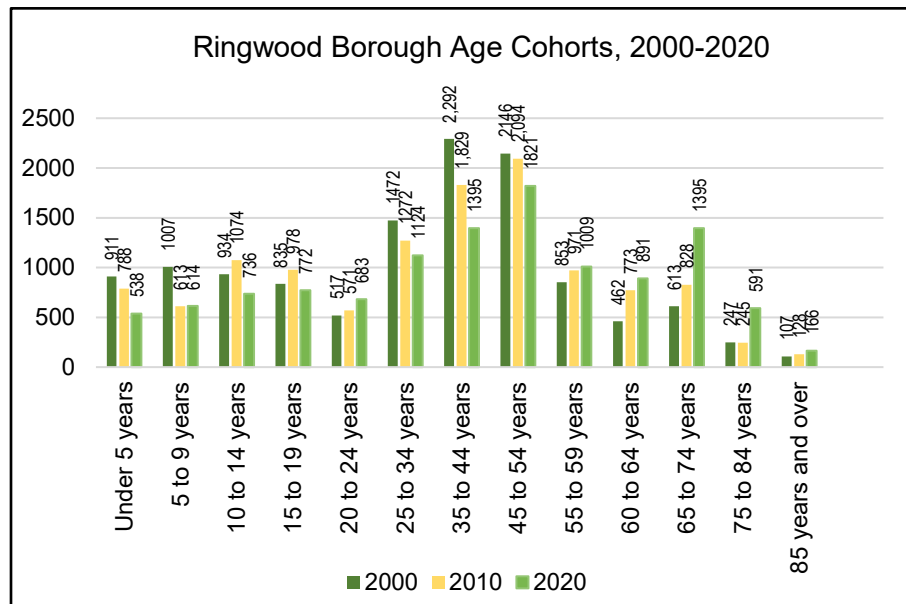
Sources:
 U.S. Census Bureau. (2010). POPULATION AND HOUSING UNITS: 1990 TO 2010; AND AREA MEASUREMENTS AND DENSITY: 2010.
 U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. Decennial Census, Profile of General Population and Housing Characteristics, Table DP1.

Age

Between 2000 and 2020, Ringwood Borough experienced notable demographic shifts in age distribution, reflecting an aging population and declining numbers of younger residents. The population under 15 years of age declined across all three age brackets (under 5, 5-9, and 10-14 years), indicating a decrease in young families or births. Similarly, the 15-24-year age cohorts also saw a steady decline, suggesting outmigration of younger adults, possibly for education or employment opportunities elsewhere.

Conversely, the 45–64-year age cohorts grew significantly from 2000 to 2010, peaking in that decade, then slightly declined or stabilized by 2020. This trend points to a large segment of the population aging in place. Most notably, the 65 and older population increased across all age groups, with the 75-84 and 85+ cohorts growing significantly between 2010 and 2020. For example, the 75-84 age group nearly doubled from 247 in 2010 to 501 in 2020. This reflects both increased longevity and a maturing resident base, confirming an aging community.

Figure 2. Age Cohorts, 2000-2020



Sources:
 U.S. Census Bureau. (2000). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. Decennial Census, DEC Demographic Profile, Table DP1.
 U.S. Census Bureau. (2010). DEMOGRAPHIC AND HOUSING ESTIMATES. American Community Survey, ACS 5-Year Estimates Data Profile, DP05.
 U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. Decennial Census, DEC Demographic Profile, Table DP1.

Overall, the data illustrates that Ringwood’s population is aging, with fewer young residents and a growing senior population. These trends may have implications for local services, housing needs, and long-term planning, suggesting the importance of adapting to an older demographic while exploring strategies to attract and retain younger families.

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Households

From 2000 to 2020, Ringwood Borough saw relatively stable total household numbers, with only a modest increase from 4,108 households in 2000 to 4,180 in 2020. However, there were notable shifts in household composition. One-person households increased both in number and as a percentage of total households, rising from 492 (12%) in 2000 to 617 (14.8%) in 2020, indicating a growing trend towards individuals living alone, possibly tied to the aging population or changing lifestyle preferences. Two-person households also saw growth, from 1,288 (31.4%) in 2000 to 1,472 (34.7%) in 2020, making it the most common household size by 2020. In contrast, the proportion of larger households, specifically those with four-or-more-persons declined steadily from 35.6% in 2000 to 30.6% in 2020, while three-person households saw a slight decline as well.

These patterns mirror broader regional and state-level trends, where smaller households have become more prevalent. At the county and state levels, both one- and two-person households have steadily increased, while larger households have generally declined as a share of the total. In Ringwood, the shift toward smaller household sizes may reflect aging residents remaining in their homes after children move out, fewer families with multiple children, and broader societal trends such as delayed marriage and lower birth rates. These changes may have future implications for housing needs, social services, and community planning, suggesting an increased demand for smaller housing units and services geared toward older or single-resident populations.

Table 2. Household Size, 2000-2020

Household Size	2000	%	2010	%	2020	%
Total Households (Ringwood)	4,108	100%	4,182	100%	4,180	100%
1-person household	492	12.0%	605	14.5%	617	14.8%
2-person household	1,288	31.4%	1,306	31.2%	1,452	34.7%
3-person household	867	21.1%	890	21.3%	832	19.9%
4-or-more-person household	1,461	35.6%	1,381	33.0%	1,279	30.6%
Total Households (County)	163,856	100%	166,785	100%	177,075	100%
1-person household	36,287	22.1%	37,706	22.6%	40,719	23.0%
2-person household	44,744	27.3%	44,433	26.6%	47,081	26.6%
3-person household	29,034	17.7%	29,357	17.6%	31,761	17.9%
4-or-more-person household	53,791	32.8%	55,289	33.1%	57,514	32.5%
Total Households (State)	3,064,645	100%	3,214,360	100%	3,426,102	100%
1-person household	751,353	24.5%	811,221	25.2%	876,661	25.6%
2-person household	927,354	30.3%	957,682	29.8%	1,026,368	30.0%
3-person household	531,987	17.4%	558,029	17.4%	592,617	17.3%
4-or-more-person household	853,951	27.9%	887,428	27.6%	930,456	27.2%

Source:

U.S. Census Bureau. (2000). HOUSEHOLD SIZE. *Decennial Census, DEC Summary File 1, Table H016.*

U.S. Census Bureau. (2010). HOUSEHOLD SIZE. *Decennial Census, DEC Summary File 1, Table H13.*

U.S. Census Bureau. (2020). HOUSEHOLD SIZE. *Decennial Census, Demographic and Housing Characteristics, Table H9.*

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Income

From 1999 to 2020, Ringwood experienced a significant upward shift in household income distribution, reflecting increasing household wealth and rising affluence within the community. The percentage of households earning \$200,000 or more nearly quadrupled, rising from 6% in 1999 to 23.4% in 2020, making it the fastest-growing income bracket in the Borough. Additionally, households earning between \$150,000 to \$199,999 also saw a substantial increase, from 7.6% in 1999 to 17.7% in 2020. Together, these figures underscore the growth of high-income households in Ringwood over the past two decades.

In contrast, lower-income brackets experienced consistent declines. Households earning under \$25,000 dropped sharply from a combined 8.4% in 1999 to just 2.8% in 2020, while those earning between \$35,000 and \$74,999 also decreased notably. Mid-range income groups, particularly those between \$75,000 and \$149,999 remained consistent.

The rise in income levels is further illustrated by growth in Ringwood’s median household income, which increased from \$81,636 in 1999 to \$123,559 by 2020. This far surpasses both the Passaic County median of \$73,532 and the New Jersey state median of \$85,245 in 2020. These figures point to Ringwood’s transformation into a relatively affluent community, likely influenced by regional economic conditions, real estate trends, and demographic shifts. However, the declining share of middle- and lower-income households may present challenges for socioeconomic diversity and affordability, emphasizing the need for inclusive economic planning moving forward.

Table 3. Income in the Past 12 Months, 2000 - 2020

Household Income	Percent of Households		
	1999	2010	2020
Total Households	4,091	3,889	4,256
Less than \$10,000	1.0%	1.5%	0.9%
\$10,000 to \$14,999	2.2%	1.4%	1.1%
\$15,000 to \$24,999	5.2%	3.6%	0.8%
\$25,000 to \$34,999	4.4%	3.5%	4.5%
\$35,000 to \$49,999	9.7%	7.5%	5.5%
\$50,000 to \$74,999	20.3%	11.8%	12.4%
\$75,000 to \$99,000	21.5%	15.5%	15%
\$100,000 to \$149,999	22.1%	25.4%	18.6%
\$150,000 to \$199,999	7.6%	16.7%	17.7%
\$200,000 or more	6.0%	13.0%	23.4%
Ringwood Median Household Income	\$81,636	\$109,139	\$123,559
Passaic County Median Household Income	\$49,210	\$53,993	\$73,562
New Jersey Median Household Income	\$55,146	\$67,681	\$85,245

Source:

U.S. Census Bureau. (2000). PROFILE OF SELECTED ECONOMIC CHARACTERISTICS: 2000. *Decennial Census*, DEC Summary File 4 Demographic Profile, Table DP3.

U.S. Census Bureau. (2010). INCOME IN THE PAST 12 MONTHS (IN 2010 INFLATION-ADJUSTED DOLLARS). *American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1901*.

U.S. Census Bureau. (2020). INCOME IN THE PAST 12 MONTHS (IN 2020 INFLATION-ADJUSTED DOLLARS). *American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1901*.

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2.2 Employment Characteristics

Workforce

In 2020, the Borough demonstrated strong labor force⁴ participation and relatively low unemployment compared to county and state levels. Of the 10,130 residents aged 16 and older, 7,113 were in the labor force, which is an indicator of an economically active population. All individuals in the labor force were classified within the civilian labor force, with no residents reported in the armed forces. Among those in the labor force, 6,670 were employed while 443 were unemployed.

Table 4. Employment Status, 2020

Employment Status	Estimate	%
Population 16 years and older	10,130	
In labor force	7,113	70.2%
Civilian labor force	7,113	70.2%
Employed	6,670	65.8%
Unemployed	443	4.4%
Armed Forces	0	0.0%
Not in labor force	3,017	29.8%
Unemployment rate (Ringwood)		
		5.7%
Unemployment rate (County)		
		6.3%
Unemployment rate (State)		
		5.8%

Source:

U.S. Census Bureau. (2020). SELECTED ECONOMIC CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP03.

Ringwood's unemployment rate of 5.7% was notably lower than that of Passaic County (6.3%) and slightly below the New Jersey state average (5.8%), suggesting relative economic stability within the Borough. Furthermore, 29.8% of residents aged 16 and over were not in the labor force, which could reflect retirees, students, caregivers, or others not actively seeking employment. Given the Borough's aging population and high median household income, this share of non-participants may include older adults who are voluntarily retired.

Overall, these figures indicate that Ringwood had a robust employment environment in 2020, marked by high labor force participation and a competitive unemployment rate. This economic stability likely contributes to the Borough's increasing household incomes and overall affluence, while also supporting a strong base for future workforce development and community investment.

⁴ According to the United States Census Bureau Glossary, "The labor force includes all people classified in the civilian labor force, plus members of the U.S. Armed Forces (people on active duty with the United States Army, Air Force, Navy, Marine Corps, or Coast Guard). The civilian labor force consists of people classified as employed or unemployed."

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Commuting Characteristics

In 2020, commuting patterns in Ringwood Borough reflected a predominantly car-dependent workforce with significant out-of-county commuting and relatively long travel times. Of the 6,503 workers aged 16 and over, 5,872 (approximately 90.3%) commuted to work outside the home, while the remaining portion worked from home. The vast majority of commuters relied on personal vehicles, 88.9% using a car, truck or van. Among those, 83.5% drove alone and 5.4% carpooled. Alternative transportation modes such as public transit (2.2%), walking (1.2%), and bicycles (0%) were used by only a small minority, underscoring the limited role of public or non-motorized transit options in the Borough.

A substantial portion of Ringwood's working population were employed outside their immediate area. While 88.9% worked within New Jersey, only 41.5% worked within Passaic County, and a larger 47.4% commuted outside the county. Additionally, 11.1% worked outside the State, suggesting that Ringwood functions largely as a commuter town for nearby employment hubs, possibly including New York City and surrounding metro areas.

Travel times further support this pattern of long-distance commuting. While only 4.2% of commuters traveled less than 10 minutes to work, 46.5% had commutes of 30 minutes or more. In fact, 13.7% reported travel times of 60 minutes or longer. The average commute time for Ringwood workers was 35.1 minutes, which is longer than both state and national averages and highlighting the Borough's strong dependence of regional employment markets and auto-based transportation.

These commuting trends suggest the need for continued investment in regional transportation infrastructure, as well as local employment opportunities and remote work options that could reduce reliance on lengthy daily commutes.

Table 5. Commuting Characteristics, 2020

Commuting Characteristics	Estimate
Workers 16 years and over	6,503
Did not work from home	5,872
Means of transportation to work	%
Car, truck, or van	0.9%
Drove alone	0.8%
Carpooled	5.4%
Public transportation (excluding taxicab)	2.2%
Walked	1.2%
Bicycle	0.0%
Taxicab, motorcycle, or other means	0.0%
Place of work	%
Worked in state of residence	88.9%
Worked in county of residence	41.5%
Worked outside county of residence	47.4%
Worked outside state of residence	11.1%
Travel time to work	%
Less than 10 minutes	4.2%
10 to 14 minutes	6.0%
15 to 19 minutes	11.6%
20 to 24 minutes	13.3%
25 to 29 minutes	7.8%
30 to 34 minutes	10.6%
35 to 44 minutes	17.4%
45 to 59 minutes	15.4%
60 or more minutes	13.7%
Mean Travel time to work (minutes)	35.1

Source:

U.S. Census Bureau. (2020). COMMUTING CHARACTERISTICS BY SEX. *American Community Survey, ACS 5-Year Estimates Subject Tables, Table S0801.*

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Employment by Industry

The employment landscape of Ringwood Borough in 2020 was largely concentrated in service-oriented sectors, with a strong emphasis on education, healthcare, and professional services. Of the 6,670 civilians employed, the largest share (25%) worked in “educational services, health care, and social assistance,” reflecting the community’s significant reliance on public service and care-based professions. The second largest sector was “professional, scientific, and management services” (11.1%), followed closely by “manufacturing” (10.1%), showing that while service industries dominate, traditional industries still maintain a notable presence.

Other prominent sectors included “arts, entertainment, and accommodation and food services” (8.7%), “wholesale trade” (8.2%), and “finance, insurance, and real estate” (8.1%). These figures suggest a diverse economic base with a mix of white-collar, service, and industrial occupations. “Retail trade” (7.7%) and “public administration” (7.1%) also contributed meaningfully to local employment.

Meanwhile, lower employment was seen in sectors such as “transportation and warehousing” (3.7%), “other services excluding public administration” (1.7%), and “information” (1.6%). No employment was recorded in “agriculture, forestry, fishing, hunting, or mining,” indicating the absence of primary sector activity in the Borough.

Overall, Ringwood’s workforce distribution in 2020 reflects a modern suburban economy that leans heavily toward education, healthcare, and professional services, while still maintaining roles in manufacturing and trade. This balanced mix suggests economic stability with a foundation in both public sector and private enterprise employment.

Table 6. Industries of Employment, 2020

Industry	Estimate	%
Civilian employed population 16 years and over	6,670	100%
Educational services, and health care and social assistance	1,665	25.0%
Professional, scientific, and management, and administrative and waste management services	740	11.1%
Manufacturing	674	10.1%
Arts, entertainment, and recreation, and accommodation and food services	578	8.7%
Wholesale trade	545	8.2%
Finance and insurance, and real estate and rental and leasing	542	8.1%
Retail trade	513	7.7%
Public administration	476	7.1%
Construction	471	7.1%
Transportation and warehousing, and utilities	250	3.7%
Other services, except public administration	111	1.7%
Information	105	1.6%
Agriculture, forestry, fishing and hunting, and mining	0	0.0%

Source:
U.S. Census Bureau. (2020). SELECTED ECONOMIC CHARACTERISTICS. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP03.*

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3. Housing Characteristics

3.1 Inventory of housing stock

Housing Occupancy and Tenure

As of 2020, Ringwood exhibited a high rate of homeownership and housing stability, distinguishing itself from both Passaic County and New Jersey overall. Of the 4,364 total housing units in the Borough, 95.8% (4,180 units) were occupied, with a striking 89.9% of those being owner-occupied. This homeownership rate is significantly higher than that of Passaic County (48.7%) and the State of New Jersey (55.8%), highlighting Ringwood's character as a predominantly owner-occupied, suburban residential community.

Renter occupied units in Ringwood made up only 5.9% of all occupied housing, which is substantially lower than the County's 48.6% and the State's 35.3%, further emphasizing the Borough's limited rental market. Additionally, the total vacancy rate in Ringwood was low at 4.2%, with a homeowner vacancy rate of 1.5%, and a rental vacancy rate of 3.3%.

These figures suggest a strong preference for homeownership in Ringwood, supported by relatively low vacancy rates and a stable housing market. This high rate of ownership likely contributes to the community's residential stability and investment in long-term property maintenance, while also presenting challenges for those seeking affordable rental options or first-time homeownership in a predominantly owner-occupied market.

Vacancy Status

The Borough of Ringwood reported a total of 184 vacant housing units comprising 4.2% of the Borough's total housing stock in 2020. The largest share of these vacant units (31.5%) was classified as "for sale only," indicating the active real estate market with homes available for purchase. This was followed by units categorized for "seasonal, recreational, or occasional use" (25%) and "other vacant" units (25.6%). The "other vacant" category includes a variety of situations,⁵ as follows:

Table 7. Housing Occupancy and Tenure, 2020

Housing Occupancy and Tenure	Estimate	%
Ringwood		
Total housing units	4,364	100%
Occupied housing units	4,180	95.8%
Owner-occupied	3,922	89.9%
Renter-occupied	258	5.9%
Vacant housing units	184	4.2%
Homeowner vacancy rate	1.5%	
Rental vacancy rate	3.3%	
Passaic County		
Total housing units	185,367	100%
Occupied housing units	177,075	95.5%
Owner-occupied	90,297	48.7%
Renter-occupied	86,778	46.8%
Vacant housing units	8,292	4.5%
Homeowner vacancy rate	1.1%	
Rental vacancy rate	3.5%	
New Jersey		
Total housing units	3,761,229	100%
Occupied housing units	3,426,102	91.1%
Owner-occupied	2,098,500	55.8%
Renter-occupied	1,327,602	35.3%
Vacant housing units	335,127	8.9%
Homeowner vacancy rate	1.5%	
Rental vacancy rate	5.7%	

Source: United States Census Bureau, 2020 Decennial Census, DP1, Profile of General Population and Housing Characteristics.

⁵ Kresin, M. "Other" Vacant Housing Units: An Analysis from the Current Population Survey/Housing Vacancy Survey." U.S. Census Bureau, Social, Economic, and Housing Statistics Division. Retrieved from <https://www.census.gov/housing/hvs/files/qtr113/PAA-poster.pdf>

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1. The owner does not want to rent or sell;
2. The owner is elderly and living in a nursing home or with family members;
3. The unit is being held by the settlement of an estate;
4. The unit is being renovated; or
5. The unit being foreclosed.

Only a small portion of the vacant housing stock was available for rent (4.9%) or classified as “rented, not occupied” (1.6%), which aligns with Ringwood’s overall low rental housing presence. Additionally, 10.3% of the vacant units had been sold but not yet occupied.

These figures reinforce Ringwood’s strong orientation toward owner-occupied housing and limited rental inventory. The high percentage of homes vacant for seasonal or recreational use also suggests that a portion of Ringwood’s housing may function as second homes or vacation properties, reflecting the Borough’s appeal as a scenic or leisure-oriented community. Overall, the composition of vacant units points to a healthy but tight housing market, with minimal rental options and a significant number of properties in transition or part-time use.

Table 8. Vacancy Housing Unit Type, 2020

Vacancy Status	Count	%
Total vacant units	184	4.2%
For rent	9	4.9%
Rented, not occupied	3	1.6%
For sale only	58	31.5%
Sold, not occupied	19	10.3%
For seasonal, recreational, or occasional use	46	25.0%
Other vacant	49	25.6%

Source:
U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. Decennial Census, DEC Demographic Profile, Table DP1.

Units In Structure

In 2020, Ringwood Borough’s housing stock was overwhelmingly comprised of single-family detached homes, with 97.8% (4,270 of 4,368 total housing units) falling into this category. This dominance highlights the community’s strong suburban character, oriented toward low-density residential living. The remaining housing types made up a very small portion of the overall stock including, attached single-family homes (0.4%), two-unit structures (0.9%), and buildings with three or four units (1%).

Notably, there were no reported housing units in larger multi-family structures (five units or more), nor were there any mobile homes or unconventional dwellings such as boats, RVs, or vans. This lack of multi-family or alternative housing types indicates limited diversity in housing form and density.

Table 9. Units In Structure, 2020

Units In Structure	Estimate	%
Total housing units	4,368	100%
1-unit, detached	4,270	97.8%
1-unit, attached	18	0.4%
2-units	38	0.9%
3 or 4 units	42	1.0%
5 to 9 units	0	0.0%
10 to 19 units	0	0.0%
20 or more	0	0.0%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%

Source:
U.S. Census Bureau. (2020). UNITS IN STRUCTURE. American Community Survey, ACS 5-Year Estimates Data Profiles, Table B25024.

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The overwhelming presence of detached single-family units reflects Ringwood’s zoning and development patterns, which prioritize spacious lots, privacy, and owner-occupied housing. While this contributes to a desirable and stable residential environment, it also suggests limited availability of affordable or flexible housing options such as apartments, townhomes, or rental units. As housing needs evolve, particularly among young adults, aging residents, and smaller households, Ringwood may face challenges offering a broader range of housing types to meet the needs of a more diverse population.

Year Structure Built

As of 2020, Ringwood’s housing stock was predominantly older, with the majority of homes built prior to 1980. Of the 4,368 total housing units, 29.1% (1,273 units) were constructed during the 1960s, making it the most common decade for home construction in the municipality. This was followed by homes built in the 1950s (22.8%) and the 1970s (14.8%). A combined 19.5% of the housing stock was built before 1950, including 11.8% that was built in 1939 or earlier, further emphasizing the community’s long-standing residential development history.

Table 10. Age/Year Structure Built

Year Structure Built	Estimate	%
Total	4,368	100%
Built 2014 or later	14	0.3%
Built 2010 to 2013	13	0.3%
Built 2000 to 2009	187	4.3%
Built 1990 to 1999	155	3.5%
Built 1980 to 1989	235	5.4%
Built 1970 to 1979	647	14.8%
Built 1960 to 1969	1,273	29.1%
Built 1950 to 1959	994	22.8%
Built 1940 to 1949	336	7.7%
Built 1939 or earlier	514	11.8%

Source:

U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.

In contrast, newer housing construction has been minimal. Only 0.3% (14 units) of homes were built after 2014 and 0.3% (13 units) were built between 2010 and 2013. Overall, fewer than 9% of homes in Ringwood were built since 1999, suggesting limited recent residential development. The relatively small share of homes built in the 2000s (4.3%) and 1990s (3.5%) reinforces the trend of aging housing stock and slow growth in new construction.

This distribution reflects a mature, established community with limited expansion in recent years. The aging housing inventory may present future challenges related to maintenance, modernization, and energy efficiency. Additionally, the low rate of new construction may constrain housing supply, particularly for new residents or households seeking modern amenities. Strategic planning efforts may need to focus on balancing historic preservation with opportunities for redevelopment or infill housing to ensure a resilient and adaptable housing market in the years ahead.

3.2 Costs and Value

There are numerous methods by which to view the value of Ringwood Borough’s housing stock. The ACS provided counts for the following items: Selected Monthly Owner Costs (SMOC), the values of owner-occupied and renter-occupied units, and mortgage characteristics.

Selected Monthly Owner Costs

SMOC is a figure which consists of all costs associated with homeownership.⁶

⁶ According to the United States Census Bureau Glossary, “Selected monthly owner costs are calculated from the sum of payment for mortgages, real estate taxes, various insurances, utilities, fuels, mobile home costs, and condominium fees. Listing the items separately improves accuracy and provides additional detail.”

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In 2020, Ringwood homeowners experienced higher monthly housing costs than the state average, particularly among those with mortgages. Among the 2,726 owner-occupied housing units with a mortgage, a significant portion (32.3%) paid between \$2,500 and \$2,999 per month, and an additional 25.1% paid \$3,000 or more. Only 1.1% paid less than \$1,000 per month. The median monthly owner cost with a mortgage in Ringwood was \$2,615, which is notably higher than the New Jersey median of \$2,476, though slightly lower than the Passaic County median of \$2,633.

For homeowners without a mortgage, Ringwood also reflected elevated costs. Of the 1,296 such units, 87.2% had monthly costs of \$1,000 or more, and only 0.2% paid under \$600. The median monthly cost for these homeowners was \$1,311 compared to the County and State medians of \$1,227 and \$1,062, respectively. This figure suggests that even homeowners who have paid off their mortgages still face substantial housing-related expenses, likely due to higher property taxes, insurance, and maintenance costs typical of older and larger homes.

These statistics indicate that Ringwood's housing market caters primarily to middle- and upper-income households, with a substantial portion of homeowners bearing high monthly housing costs. The limited number of low-cost options points to affordability challenges, particularly for first-time buyers or residents on fixed incomes. As a result, future housing strategies may need to consider ways to increase affordability and housing diversity to accommodate a broader socioeconomic range.

Table 11. Selected Monthly Owner Costs (SMOC), 2020

SMOC	Count (Ringwood)	%	Count (Passaic County)	%	Count (State)	%
Housing units with a mortgage	2,726	100%	58,259	100%	1,382,654	100%
Less than \$500	0	0.0%	6	0.0%	2,772	0.2%
\$500 to \$999	15	0.6%	624	1.1%	34,504	2.5%
\$1,000 to \$1,499	108	4.0%	2,704	4.6%	138,116	10.0%
\$1,500 to \$1,999	449	16.5%	8,622	14.8%	253,824	18.4%
\$2,000 to \$2,499	589	21.6%	13,538	23.2%	275,392	19.9%
\$2,500 to \$2,999	880	32.3%	13,695	23.5%	231,946	16.8%
\$3,000 or more	685	25.1%	19,070	32.7%	446,100	32.3%
Median	\$2,615		\$2,633		\$2,476	
Housing units without a mortgage	1,296	100%	30,040	100%	711,773	100%
Less than \$250	0	0.0%	517	1.7%	14,747	2.1%
\$250 to \$399	23	1.8%	372	1.2%	18,836	2.6%
\$400 to \$599	2	0.2%	895	3.0%	48,655	6.8%
\$600 to \$799	33	2.5%	1,752	5.8%	96,262	13.5%
\$800 to \$999	108	8.3%	4,249	14.1%	136,283	19.1%
\$1,000 or more	1,130	87.2%	22,255	74.1%	396,990	55.8%
Median	\$1,311		\$1,227		\$1,062	

Source:

United States Census Bureau, 2020 American Community Survey, 5-Year Estimates.

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Value

As of 2020, Ringwood's housing market was largely comprised of higher-value owner-occupied homes, with limited availability of lower-cost or rental options. Of the 4,022 owner-occupied units, more than 60% were valued between \$300,000 and \$499,999 while nearly 14% fell between \$500,000 and \$999,999. Only a small share (0.4%) was valued under \$150,000. The median home value in the Borough was \$360,500, indicating a strong housing market primarily serving middle- to upper-income households.

Rental housing in Ringwood was relatively scarce, with only 202 occupied rental units. Among these, half of the renters paid between \$1,500 and \$1,999 per month, and over 21% paid between \$2,500 and \$2,999. The median rent was \$1,827, indicating a relatively high cost of renting. Fewer than 2% of renters paid less than \$1,000, and 32 units reported paying no rent, possibly due to non-traditional living arrangements such as living with family.

Overall, the data suggest that Ringwood is a high-cost housing market dominated by homeownership. The limited supply of lower-cost and rental units may pose challenges for affordability and accessibility, especially for younger residents, first-time homebuyers, or those on fixed incomes. Expanding housing options could help the community better support a diverse range of household needs in the future.

3.3 Substandard Housing Capable of Being Rehabilitated

The vast majority of housing units in Ringwood met basic living standards in 2020, with only a small fraction in need of rehabilitation. Of the 4,256 occupied housing units, just 0.5% (21 units) lacked complete plumbing facilities, and none were reported as lacking complete kitchen facilities. Additionally, 0.6% (24 units) did not have telephone service.

Compared to Passaic County as a whole, Ringwood's housing stock showed fewer deficiencies. Countywide 0.3% of units (539 units) lacked complete plumbing, 0.8% (1,359 units) lacked complete kitchen

Table 12. Value of Occupied Units, 2020

Value of Occupied Units	Estimate	%
Owner-occupied units	4,022	100%
Less than \$50,000	8	0.2%
\$50,000 to \$99,000	7	0.2%
\$100,000 to \$149,999	0	0.0%
\$150,000 to \$199,999	50	1.2%
\$200,00 to \$299,999	916	22.8%
\$300,000 to \$499,999	2,458	61.1%
\$500,000 to \$999,999	556	13.8%
\$1,000,000 or more	27	0.7%
Median	\$360,500	
Occupied Units Paying Rent	202	100%
Less than \$500	0	0.0%
\$500 to \$999	3	1.5%
\$1,000 to \$1,499	32	15.8%
\$1,500 to \$1,999	101	50.0%
\$2,000 to \$2,499	22	10.9%
\$2,500 to \$2,999	44	21.8%
\$3,000 or more	0	0.0%
Median	\$1,827	
No rent paid	32	15.8

Source:

U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.

Table 13. Housing In Need of Rehabilitation, 2020

Facilities	Estimate	%
Ringwood		
Occupied housing units	4,256	100%
Lacking complete plumbing facilities	21	0.5%
Lacking complete kitchen facilities	0	0.0%
No telephone service available	24	0.6%
Passaic County		
Occupied housing units	168,681	100%
Lacking complete plumbing facilities	539	0.3%
Lacking complete kitchen facilities	1,359	0.8%
No telephone service available	4,536	2.7%

Source:

United States Census Bureau, 2020 American Community Survey, 5-Year Estimates. Data Profiles, Table DP04.

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facilities, and 2.7% (4,536 units) had no telephone service. Although Ringwood’s plumbing and phone service gaps were slightly higher than the county average in percentage terms, the actual number of affected units remained low.

Overall, these findings indicate that Ringwood’s housing is generally in good condition, with minimal need for basic utility-related rehabilitation. However, the presence of any units lacking essential services highlights the importance of continued monitoring and support programs to ensure all residents have access to safe and fully functional housing.

3.4 Projection of Housing Stock

Housing Units Certified

Over the 20-year period from 2004 to 2024, residential development in the Borough remained limited, with only 124 housing units certified in total according to the DCA. All certified units were 1- and 2-family homes, as no multi-family or mixed-use units were constructed during this time, indicating a consistent focus on low-density residential development. The majority of housing activity occurred in the early years, with the peak in 2005 (28 units) and 2004 (26 units). After 2006, the pace of housing development slowed significantly, with most years yielding fewer than 5 new units and multiple years such as 2013 and 2020 recording no new certifications at all.

From 2010 onward, annual development rarely exceeded 5 units, highlighting a long-term trend of minimal growth in the Borough’s housing stock. This is likely due to the restrictions on development put in place by the Highlands Act.

Table 14. Housing Units Certified, 2004 - 2024

	1&2 Family	Multi	Mixed- use	Total
2004	26	0	0	26
2005	28	0	0	28
2006	17	0	0	17
2007	5	0	0	5
2008	3	0	0	3
2009	3	0	0	3
2010	5	0	0	5
2011	8	0	0	8
2012	4	0	0	4
2013	0	0	0	0
2014	1	0	0	1
2015	5	0	0	5
2016	1	0	0	1
2017	3	0	0	3
2018	2	0	0	2
2019	3	0	0	3
2020	0	0	0	0
2021	1	0	0	1
2022	3	0	0	3
2023	6	0	0	6
Sept 2024 YTD	0	0	0	0
Total	124	0	0	124

Source:
New Jersey Department of Community Affairs, Housing Units Certified,
2000 - 2024

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Planning and Zoning Board Approvals

The Ringwood Borough Planning Board and Zoning Board of Adjustment approved several residential projects in 2023 through 2025 that may not yet be reflected in the DCA's certificate of occupancy reporting as follows:

1. On July 11, 2024, the Zoning Board of Adjustment memorialized a resolution to permit the conversion of 2 existing buildings from existing office space to one (1) two-family dwelling and one (1) single-family dwelling, resulting in three (3) dwelling units altogether.⁷
2. On February 18, 2025, the Zoning Board of Adjustment memorialized a resolution to permit the construction of a single-family dwelling situated in the R-40, Single-Family Residential Zone and requiring a variance for the maximum disturbed area.⁸

Lands Available for New Construction and Redevelopment

The potential for large-scale new development in the Borough is restricted by a lack of developable land due to the entire Borough being within the Highlands Preservation Area. Therefore, due to Ringwood's largely built out nature and lack of sewer infrastructure, Borough efforts should be focused on identifying key opportunities for Highlands Redevelopment Area Designations and seeking Highland Exemptions and Waivers. The municipality has worked with the Highlands Council on identifying lots that can be used for a possible Highlands Redevelopment Area Designation. The Borough is eligible for a durational adjustment for a portion of its 199-unit Third Round obligation pursuant to N.J.A.C. 5:93-4.3. There is limited realistic potential for addressing Ringwood's Third Round obligation at sites within the sewer service area until public utilities are made available. The Borough agrees to reserve water and sewer capacity, when it becomes available, for low- and moderate-income housing.

The municipality should also continue to support the rehabilitation of the existing housing stock for affordable housing opportunities by continuing its participation in using Community Block Grants and other funding sources to achieve this.

Looking at historic trends combined with the limited availability of developable land in the Borough, it is unlikely that there will be any large increases in the number of new housing units within the Borough, and most new housing units will be created under the Highlands Area of Designation, Highlands Exemptions, and redevelopment of existing sites.

Residential Zones

The development of future housing stock is influenced by many factors, including availability of necessary infrastructure, such as sewer and water, zoning regulations, and environmental resource constraints.

Ringwood Borough is situated entirely within the Highlands Preservation Area. Of Ringwood's 18,230 acres, approximately 66.6% of these lands (12,150 acres) are preserved.⁹

⁷ Block 749, Lot 12.

⁸ Block 224, Lot 11.

⁹ Ringwood Borough 2010 Open Space and Recreation Plan Update.

Ringwood Borough Housing Element and Fair Share Plan – Fourth Round 2025-2035*Table 15. Ringwood Borough Preserved Land*

Preserved Land Category	Acres	%
Total Preserved Lands	12,150	100
State Parks and Open Space	5,239	41.3%
Passaic County Parks and Open Space	1,333	11.0%
Bergen County Open Space	36	0.3%
Municipal Open Space (ROSI)	188	1.5%
Non-Profit Preserved Lands	570	4.7%
NJDWSC Lands ¹⁰	4,784	39.4%

R-20, Single-Family Residential Zone

The R-20 Zone contains many of the historic lake communities in Ringwood. Located around Cupsaw Lake, Erskine Lake, Upper Erskine Lake, and Skyline Lake, this zone represents much of the residentially developed portion of the Borough. The entire R-20 district accounts for 9% (1,681 acres) of the Borough's land area. The R-20 Zone has many smaller lots and requires a minimum lot area of 20,000 square feet. The permitted uses in the R-20 Zone are typical of a small lot residential area and include, single-family dwellings, municipal parks, municipal buildings, libraries, fire stations, and other neighbor parks and playgrounds.

R-40, Single-Family Residential Zone

The R-40 Zone, located in several areas in the Borough, accounts for 8% of the entire municipality. West of Wanaque Reservoir, the R-40 Zone follows Stonetown Road and is found along stretches of Westbrook Road. East of Wanaque Reservoir, the district is located in residentially-developed areas surrounding the lake communities (R-20 Zone). The R-40 Zone district requires a minimum lot area of 40,000 square feet. The permitted uses are the same as those in the R-20 district, generally single-family residential and parks and playgrounds.

R-40V, Single-Family Residential Zone

The R-40V Zone is located in pockets throughout the Borough. The primary areas of the R-40V Zone are on the outskirts of the R-40 Zone east of Wanaque Reservoir and in the northern portion of the Borough along Sloatsburg Road and Margaret King Avenue. Like the R-20 and R-40 Zones, the R-40V Zone permitted uses are comprised of single-family homes, parks and playgrounds. The R-40 Zone has a minimum lot size scaled to the proportion of the lot encumbered by steep slopes. The minimum lot size on a lot not encumbered by slopes, or slopes under 15%, is 40,000 square feet if public water is available and 80,000 square feet if public water is not available. However, lots that have slopes greater than 15% require a larger lot size depending on the amount of total lot area with steep slopes.

R-80V, Single-Family Residential Zone

The R-80V Zone is located along West Brook Road and Stonetown Road west of Wanaque Reservoir. This zone mirrors the requirements of the R-40V Zone, except for the provisions of lot size being affected by the availability of public water.

¹⁰ New Jersey District Water Supply Commission (NJDWSC).

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RT-40, One and Two-Family Residential Zone

The RT-40 Zone is located along Peter's Mine Road in the northern portion of the Borough. The permitted uses in this district include single- and two-family dwellings, parks, playgrounds, and other municipal services. The minimum lot size for the district is 40,000 square feet.

SRD Special Residential Zone

This zone is located near the intersection of Sloatsburg and Morris Roads. The purpose of the SRD Zone is to help meet the Borough's low- and moderate-income housing obligation by providing a realistic opportunity for the construction of senior citizen housing. The zone also follows the environmental objectives of the municipal Master Plan in that there are minimal areas with slopes over 15% and soils that were rated good for waste absorption.

CR-800, Commercial Recreation Zone

The CR-800 Zone is located in the southern portion of the Borough along the boundary of Wanaque Borough. The permitted uses in the zone include swimming pools, tennis courts, and other community recreational type facilities, as well as single-family homes and municipal parks.

Multigenerational Housing

P.L. 2021, c. 273 established the Multigenerational Family Housing Continuity Commission (the Commission) and assigned the Commission the responsibility of preparing and adopting, "...recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas" (N.J.S.A. 52:27D-329.20f[1]). Municipalities are now required to provide an analysis of the extent to which local ordinances advance or detract from these recommendations. At the time this Housing Element and Fair Share Plan is being prepared, no such recommendations have been published by the Commission. The Borough should consider options for promoting and creating multigenerational housing, including accessory apartments and/or accessory dwelling units.

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4. Fair Share Plan

4.1 Plan Purpose and Goals

The Fair Share Plan will describe specific projects, programs, strategies and funding sources to meet Ringwood Borough’s affordable housing obligation while also complying with the Fourth Round Regulations, Fair Housing Act, and the Dispute Resolution Program Directive #14-24. The overriding goal of this Fair Share Plan is to present a framework for the Borough to provide for its fair share of the present and prospective regional need for low- and moderate-income housing for the Fourth Round period of 2025 through 2035. As part of the considerations for the Fourth Round, this Plan will also incorporate the settlement agreement from the Third Round, which was approved on October 15, 2024.

4.2 Determination of Housing Need

The Borough of Ringwood’s municipal fair share obligations are listed below. This number is derived from the Settlement Agreement memorialized on October 15, 2024 for Prior Round and Third Round Obligations along with Fourth Round Obligations as established by Resolution 2025-47 accepting NJDCA obligations assigned to the Borough of Ringwood.

Table 16. Affordable Housing Obligations

Affordable Housing Obligations	
Rehabilitation Share (per Fourth Round Obligations)	26
Prior Round (New Construction) Obligation (pursuant to <u>N.J.A.C. 5:93</u>)	51
Third Round (1999-2025) Obligation (per Kinsey Report, as adjusted through the Settlement Agreement) ¹¹	199
Fourth Round (2025-2035) (per Resolution 2025-47)	133

Prior Round Obligation

Ringwood addressed 35 credits through supportive and special needs credits for its Prior Round obligation as follows:

Table 17. Prior Round Obligations

Prior Round Credits					
Address	Block	Lot	Bedrooms	License Date	Sponsor
432 Stonetown Road	222	6	5	7/26/2006	AdvoServ of NJ, Inc.
18 Boro Parkway	601	6	5	7/26/2006	AdvoServ of NJ, Inc.
20 Morris Road	902	1.03	16	8/31/2005	Spectrum Living Group Homes, Inc.
Total Units			26		
Rental Bonus Credits			9		
Total Credits			35		
Remaining Prior Round Obligation			16		

¹¹ The Third Round Obligation includes the Gap Period (1999 – 2015) and the Prospective Need (July 1, 2015 – June 30, 2025).

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Third Round Obligation

Ringwood Borough’s Third Round settlement agreement includes a durational adjustment pursuant to N.J.A.C. 5:93-4.3(c) for 161 units. The total of the durational adjustment includes the Prior Round and Third Round obligation total of 250 units, less 89 credits for completed units and overlay zones described below.

As part of the Borough’s Third Round settlement agreement, the Borough agreed to adopt three (3) affordable housing zones: the Greenwood Lake Turnpike Inclusionary Zone; the Peters Mine 100% Affordable Housing Zone and the Sisters of St. Francis Affordable Zone.

Table 18. Greenwood Lake Turnpike Inclusionary Zone

Inclusionary Zoning		
Overlay Zone	Block	Lot
Greenwood Lake Turnpike Inclusionary Zone	738	7
	738	10
	739	45
	739	45.01*
	739	48
	739	49
	739	50
	739	52*
	739	53*
	739	54*
	739	5*
	739	5.01*
	749	12
	749	15
	749	16
	749	17
	749	19
	748	83
748	85	
748	86	

* Partial area of lot

Greenwood Lake Turnpike Inclusionary Zone

The Borough is also proposing a Highlands Redevelopment Designation Area on Greenwood Lake Turnpike for the above-referenced properties to support the Greenwood Lake Turnpike Inclusionary Zone (**Figure 3**). The inclusionary overlay zone will include multi-family uses at a density of ten (10) dwelling units to the acre and mixed-use development at a density of eight (8) units to the acre, both with a 20 percent set-aside. The Greenwood Lake Turnpike Inclusionary Zone is proposed to address up to eighteen (18) units of affordable housing.

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Figure 3. Greenwood Lake Turnpike Inclusionary Zone

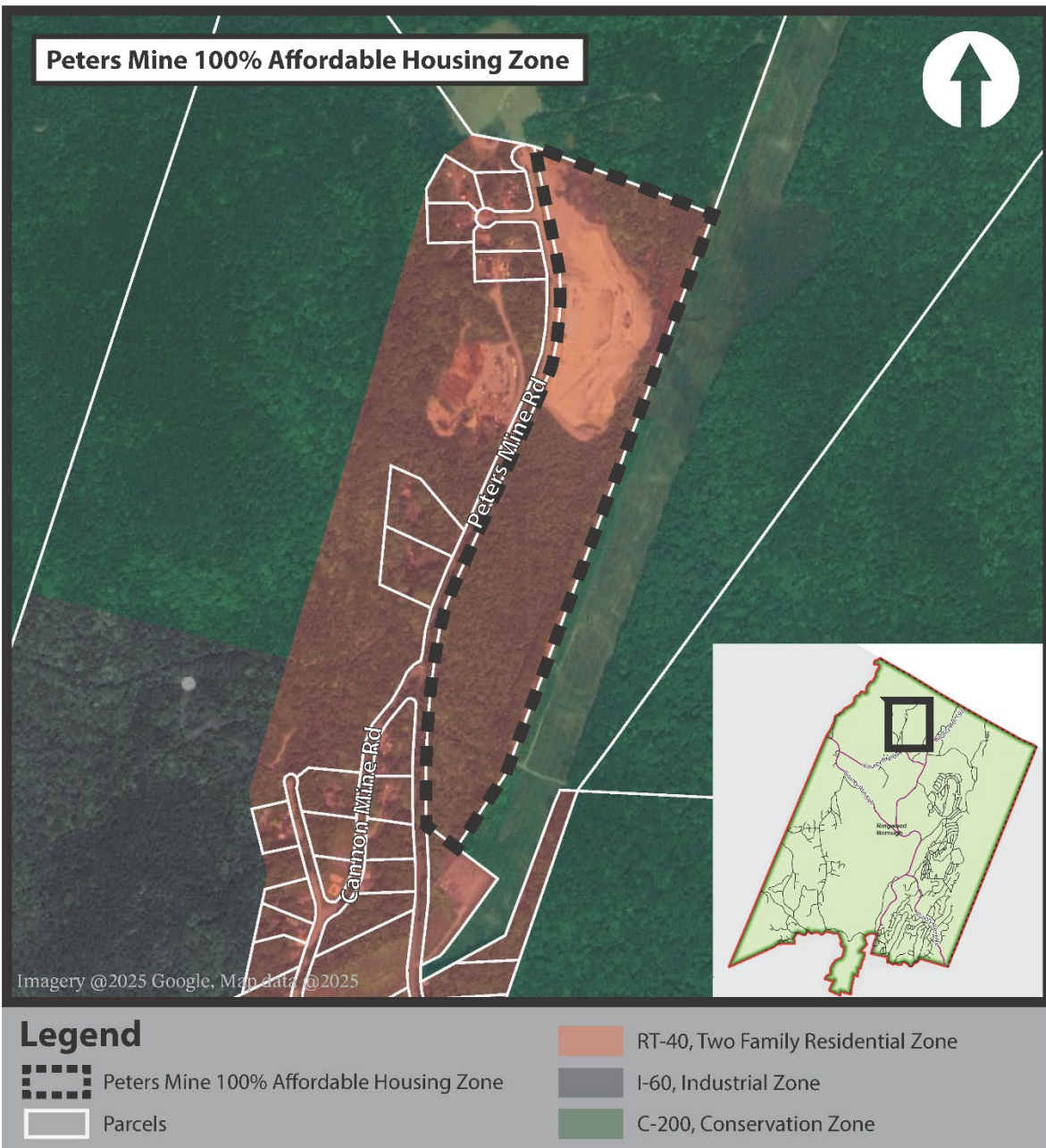


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Peter's Mine 100% Affordable Housing Zone

The Borough is proposing to adopt an overlay zone on Block 601, Lot 14 that is available for development and which may support a designation by the Highlands Council, in its discretion, for a 100% affordable housing development pursuant to N.J.A.C. 7:38-6.9 based upon the Highlands Council septic rule N.J.A.C. 7:38-3.4(b) that may support up to four (4) units. Upon obtaining a waiver from the Highlands Council pursuant to N.J.A.C. 7:38-6.9, the Borough shall convey Block 601, Lot 14 to a qualified developer for 100% affordable housing. The Borough may, but is not obligated to fund any construction or development in the Peters Mine 100% Affordable Housing Zone.

Figure 4. Peters Mine 100% Affordable Housing Zone



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Sisters of St. Francis Affordable Housing Zone (Redevelopment Plan)

The Borough is proposing to adopt a redevelopment plan for Block 1101, Lot 1, which may be available for affordable housing development. This parcel already has an approved wastewater treatment facility and groundwater discharge beds that may support inclusionary housing, and was previously designated as an area in need of redevelopment by the Borough. This site was recently approved by the Borough of Ringwood Planning Board to be used as an addiction center that will not utilize all of the wastewater capacity previously approved, and there may be capacity for 32 units of multifamily housing or 66 units if developed with age-restricted housing.

Figure 5. Sisters of St. Francis Affordable Housing Zone



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Fourth Round Obligation

On October 18, 2024, NJDCA published local and regional affordable housing obligations pursuant to P.L. 2024, c.2. proposing that Ringwood Borough has a Fourth Round present need, or rehabilitation, obligation of **26 units** and a prospective need of **133 units**. On January 21, 2025, the Borough Council adopted Resolution 2025-47 accepting the obligations as proposed by NJDCA. On January 23, 2025, the Borough filed a Declaratory Judgment action requesting certification of the Borough's Housing Element and Fair Share Plan proposed to be submitted to the Dispute Resolution Program by June 30, 2025.

Table 19. Third and Fourth Round Credits

Summary of Third and Fourth Round Fair Share Plan Borough of Ringwood, Passaic County				
Project Name	Type	Units	Bonuses	Total Credits
Prior Round Carryover Units		16	0	0
Third Round Prospective Need Obligation		199		
Total Third Round Obligation		215	0	0
Greenwood Lake Turnpike Inclusionary Zone	Inclusionary Zone	18		18
Peters Mine 100% Affordable Housing	100% Affordable Rental	4		4
Sisters of St. Francis Redevelopment Zone	Rental or Assisted Living	32		32
	Durational Adjustment	161		161
	Total Third Round Obligation Addressed	215		215
Fourth Round Obligation				
	Prospective Need	133	0	0
	Present Need	26	0	0
	Total Prospective Need Obligation (133+161)	294	0	0
	Total Present Need Obligation	26	0	0
Realistic Development Potential (RDP)				
RDP	Highlands Buildout Analysis	0	0	0
25% Redevelopment of RDP		0	0	0
Unmet Need	Remaining Units	294	0	0
Durational Adjustment	Durationally Adjusted Unmet Need	294	0	0
Present Need Obligation	Rehabilitation Program	26		
	Total Fair Share Plan	320	0	0
	Fourth Round Fair Share Plan Total			320
	Fourth Round Obligation			294
	Durational Adjustment and RDP			294
	Total Remaining Prospective Need Obligation			0
	<i>Maximum Senior – 30%</i>			
	<i>Minimum Family Housing – 50%</i>			
	<i>Minimum Rental – 25%</i>			
	<i>Minimum Family Rental – 50% of Rental</i>			
	<i>Maximum Bonus Credits 25%</i>			

As shown in Table 19, the Borough has a Prior Round carryover of 16 units and a Third Round obligation of 199 units. The Borough proposed three affordable housing zones to address 54 units, with a durational adjustment of 161 units, for a total of 215 units addressed for Round 3. The Fourth Round obligation was established at 133 units of prospective need and a 26-unit

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present need obligation. This resulted in a total Fourth Round Fair Share Plan prospective need obligation of 294 units and present need of 26 units.

The Borough will adopt a mandatory set-aside ordinance for any development that may qualify for a Highlands Exemption and/or is able to obtain public sewer and water service to permit development at densities that qualify for inclusionary zoning.

For the present need or rehabilitation obligation of 26 units, the Borough will continue to participate in the Passaic County rehabilitation program. The Borough will also adopt a development fee ordinance to fund a Borough rehabilitation program to assist low- and moderate-income homeowners in addressing code deficiencies on their properties.

The Borough also agrees to the minimum obligations with respect to family units, senior units, rental units and family rental units. As discussed below the Borough conducted a build-out analysis for fully conforming Highlands municipalities, which resulted in a Realistic Development Potential (RDP) of zero (0). The unmet need, 294 units, is proposed to be durationally adjusted as also noted in the next section.

4.3 Lands Available for New Construction and Redevelopment

Build-Out Analysis and Vacant Land Adjustment

As part of the amendments to the Fair Housing Act (FHA) signed into law on March 20, 2024, the law now requires that conforming municipalities include in their Housing Element “consideration of the most recent Highlands Municipal Build-Out report.” On April 18, 2024, the Highlands Council adopted, after public comment, an amendment to the Highlands Regional Master Plan (RMP) entitled “Highlands Affordable Housing RMP Amendment.” The amendment provides standards based on the RMP and the FHA as to where it is appropriate to locate affordable housing based on the Goals, Policies and Objectives of the RMP. Policy 607 of the RMP requires that conforming municipalities implement both the resource protection requirements of the RMP along with providing for a realistic opportunity for a fair share of its region’s needs for housing for low- and moderate-income households. Proposed affordable housing developments in conforming municipalities must therefore be consistent with the RMP Land Use Capability Zone designations while providing for the protection of individual resource protections.

The Highlands Build-Out Update 2024 provides guidance as to how municipalities can complete a Highlands Municipal Build-Out, addressing land, sewer, and water capacity issues in the context of Highlands conforming municipalities. The Highlands region, by the terms of the Highlands Act and the Highlands RMP, is an area of the state designated for limited growth, both in terms of overall scale of new development and the portions of the region that are suitable for development. Long-term management of the region for the protection of its vital resources requires that all future development, including affordable housing, be appropriate in scale, location, and design to ensure that those resources will be available for future generations of New Jersey’s residents and businesses.

Ringwood Borough conducted the build-out analysis update using the Highlands Build-Out Tool. The summary of findings is attached to this plan; however, the findings are very simple. Overall and throughout the Borough, there were no lots found to be developable under the Highlands Build-Out Analysis. This means that the Borough essentially has no development capacity under Highlands’ restrictions to develop any additional housing at a scale that could qualify for

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inclusionary zoning standards. As a result, there is no vacant developable land available in the Borough and the Borough's Realistic Development Potential is zero (0).

N.J.S.A. 52:27D-310.1, requires municipalities seeking a vacant land adjustment to adopt zoning for 25 percent of its adjusted prospective need. The adjusted prospective need, or RDP, is zero (0) units. The adjusted prospective need for redevelopment is zero (0) units. The total required number of units to be addressed is zero (0) units. Due to Ringwood's location entirely in the Preservation Area of the Highlands, inclusionary zoning is not appropriate under the Highlands restrictions outside of the existing proposed zones; therefore, no additional redevelopment zones for inclusionary development are proposed.

Lack of Water and Sewer

As demonstrated by the Highlands Build-Out Analysis, the Borough does not have any unrestricted land or any capacity for sewer to support inclusionary development and thus is entitled to a durational adjustment in accordance with N.J.A.C. 5:93-4.3. The Borough lacks public sewer. Due to its location in the Highlands Preservation Area and the lack of developable land, it is unlikely that sewer service would become available within the Fourth Round period.

Additionally, Highlands' regulations prevent development of multi-family inclusionary housing without existing sewer capacity. The Highlands Act authorized DEP to prepare special rules applying to the Preservation Area, which were adopted November 1, 2006 (N.J.A.C. 7:38-1.1 et seq.). Under these rules, all "major Highlands' development" must obtain a Highlands Preservation Area Approval ("HPAA"), N.J.A.C. 7:38-1.1(f). All residential development that requires an environmental or water permit or disturbs more than one acre of land is considered "major", N.J.A.C. 7:38-1.4. These rules also set very low septic densities, which greatly hinder the ability to zone for inclusionary development, as the Township lacks public sewer. N.J.A.C. 7:38-3.4(b). Septic densities range from 1 per 25 acres to 1 per 88 acres, depending on whether the tract is forested or not. Additionally, these rules place limits on impervious surfaces (N.J.A.C. 7:38-3.5), open water buffer areas (N.J.A.C. 7:38-3.6), flood hazard areas (N.J.A.C. 7:38-3.7), lands with steep slopes (N.J.A.C. 7:38-3.8), and forested areas (N.J.A.C. 7:38-3.9).

For Round Three and now going into Round Four, the municipality agrees to comply with N.J.A.C. 5:93-4.3 as follows:

1. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address the remaining Third Round prospective need obligation of 215 units and the Fourth Round prospective need of 133 units shall be deferred until adequate sewer is made available. The Township shall reserve and set aside new sewer capacity, if and when it becomes available, for low- and moderate-income housing on a priority basis. Municipal officials shall not oppose any applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity.

Appendix A – Resolutions/Settlement Agreement

SEMERARO & FAHRNEY, LLC
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Attorneys for Declaratory Plaintiff, Borough of Ringwood

**IN THE MATTER OF THE
APPLICATION OF THE BOROUGH OF
RINGWOOD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY**

DOCKET NO.: PAS-L-_____

CIVIL ACTION
AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM
PER DIRECTIVE # 14-24

**COMPLAINT FOR DECLARATORY
JUDGMENT PURSUANT TO N.J.S.A.
52:27D-301, ET SEQ. AND AOC
DIRECTIVE # 14-24**

Declaratory Plaintiff, the Borough of Ringwood, County of Passaic, State of New Jersey (hereinafter, “Ringwood” or the “Borough”), a municipal corporation of the State of New Jersey, with principal offices located at 60 Margaret King Avenue, Ringwood, New Jersey 07456, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive #14-24 of the Administrative Office of the Courts (“AOC”) alleges and says:

BACKGROUND

1. Declaratory Plaintiff, Ringwood is a municipal corporation of the State of New Jersey.
2. The Planning Board of the Borough of Ringwood (hereinafter, “Planning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-

1 et. seq., (“MLUL”), and, among other duties and obligations, is responsible for adopting the Fourth Round Housing Element and Fair Share Plan (“HEFSP”) of Ringwood’s Master Plan.

3. On March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2), which amends the New Jersey Fair Housing Act, P.L. 1985, c.222 (N.J.S.A. 52:27D-301, et seq.) (the “Amended FHA”).

4. Pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation and Prospective Need obligation of their fair share of the regional need for affordable housing (“Fair Share Obligation”) for the 10-year period beginning on July 1, 2025 (the “Fourth Round”).

5. Pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality’s determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025.

6. Pursuant to the Amended FHA, any challenge to a municipality’s determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the “Program”), explain with particularity how the municipality’s calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger’s own calculation of the municipality’s Fair Share Obligation in compliance with said sections.

7. On October 18, 2024, the New Jersey Department of Community Affairs (the “DCA”) published a report with an estimate of the fair share affordable housing obligations of all municipalities, which, pursuant to the Amended FHA, shall not be binding on a municipality when calculating a municipality’s respective Fair Share Obligation (the “DCA Report”).

8. On January 21, 2025, upon receipt of the recommendations and findings of the Borough's professionals, the Borough Council of the Borough of Ringwood adopted a duly authorized Resolution determining the Borough's Fair Share Obligation for the Fourth Round, which consists of a Present Need obligation of twenty-six (26) units and a Prospective Need obligation of one hundred and thirty-three (133) units. A copy of said Resolution is attached to this DJ Action as **Exhibit 1**.

9. Through this DJ Action, Ringwood seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Program pursuant to the Amended FHA and the Court, pursuant to AOC Directive #14-24; (b) to have the Program and the Court approve the Borough of Ringwood's Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Borough, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve the Borough's HEFSP, to be adopted by the Planning Board and endorsed by the Borough Council, and issue a conditional or unconditional "Compliance Certification" pursuant to the Amended FHA or other similar declaration; (d) through the filing of this DJ Action and binding resolution, to have the Program and/or the Court confirm Ringwood's immunity from all exclusionary zoning litigation, including builder's remedy lawsuits, during the pendency of the process outlined in the Amended FHA and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Borough receives and obtains all protections as afforded to it in complying with the requirements of the Amended FHA, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT I

JURISDICTION PURSUANT TO P.L.2024, C. 2

10. The Borough of Ringwood repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth at length herein.

11. The Amended FHA, among other things, authorized the Director of the AOC (hereinafter, "Director") to create a framework to process municipalities' submissions for a compliance certification.

12. On or about December 19, 2024, the Director issued Directive #14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a Declaratory Judgment Complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality's adoption of a binding resolution, as authorized under the Amended FHA, and to attach a copy of said binding resolution to the DJ Action.

13. The Borough adopted a binding resolution establishing its present and prospective affordable housing obligations within the time frames established by the Amended FHA and in accordance with the methodology and formula set forth in the Amended FHA, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

14. Based on the foregoing, the Borough has established the jurisdiction of the Program and the Court regarding this DJ Action for a Compliance Certification as set forth hereinafter.

WHEREFORE, the Borough of Ringwood seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Amended FHA;
- b. Declaring the present and prospective affordable housing obligations of the Borough under the Amended FHA;
- c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Borough Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment to the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Amended FHA and/or applicable COAH regulations;
- d. Declaring that the Borough will have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Amended FHA starting the moment this Complaint is filed, as per the Amended FHA which states, ". . . a court shall not consider exclusionary zoning litigation during the timeframe after the timely submission

of a binding resolution or fair share plan and housing element of a municipality, or both, and before a challenge is submitted, or during the timeframe of a challenge that is pending resolution with the program pursuant to this subsection.”;

- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Amended FHA and Directive # 14-24 to the Borough of Ringwood for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Amended FHA and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT II

DECLARATORY RELIEF ESTABLISHING THE PRESENT AND PROSPECTIVE NEED OF THE BOROUGH OF RINGWOOD PURSUANT TO N.J.S.A. 52:27D-304.1, ET SEQ.

15. Ringwood repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth at length herein.

16. The Amended FHA provides that the DCA Report is non-binding and authorizes municipalities to either accept, or provide alternate calculations, to the DCA’s calculations for present and prospective fair share obligations by binding resolution to which it will commit based upon the methodology set forth in the Amended FHA.

17. Pursuant to the DCA Report, the DCA calculated Ringwood’s present and prospective affordable housing obligations as follows: Present Need (Rehabilitation) Obligation of 26 and Prospective Need (New Construction) Obligation of 133.

18. Ringwood adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as **Exhibit 1** to this DJ Action.

19. The binding resolution commits to the obligations set forth in the DCA Report that Ringwood's Fourth Round (2025-2035) Present Need (Rehabilitation) is 26 units, and its Prospective Need (New Construction) Obligation is 133 units.

20. Ringwood seeks the approval of, and confirmation by, the Program and the Court of its Fourth Round (2025-2035) Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1**, or the adjustment of those obligations consistent with the Amended FHA and all applicable regulations.

21. Pursuant to the binding resolution, the Borough of Ringwood reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Amended FHA.

22. Pursuant to the binding resolution, Ringwood specifically reserves the right to seek and obtain (a) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (b) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (c) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (d) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (e) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (f) any other applicable adjustment permitted in accordance with the Amended FHA and/or applicable COAH regulations.

WHEREFORE, the Borough of Ringwood seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Amended FHA;
- b. Declaring the present and prospective affordable housing obligations of the Borough under the Amended FHA;
- c. Declaring the approval of Borough's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Borough Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Amended FHA and/or all applicable regulations;
- d. Declaring that the Borough will have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Amended FHA starting from the moment this Complaint is filed, as per the Act which states, ". . . a court shall not consider exclusionary zoning litigation during the timeframe after the timely submission of a binding

resolution or fair share plan and housing element of a municipality, or both, and before a challenge is submitted, or during the timeframe of a challenge that is pending resolution with the program pursuant to this subsection.”;

- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Amended FHA and Directive # 14-24 to Ringwood for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT III

APPROVAL OF BOROUGH’S FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

23. The Borough of Ringwood repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth at length herein.

24. Pursuant to the Amended FHA, on or before June 30, 2025, each municipality shall adopt a Housing Element and Fair Share Plan (“HEFSP”).

25. Following adoption of the HEFSP, the Amended FHA dictates that the municipality shall file the plan with the Program within 48 hours of its adoption.

26. Ringwood hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, (a) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (b) a

Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (c) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (d) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (e) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (f) any other applicable adjustment permitted in accordance with the Act and/or applicable regulations.

27. Following adoption of the HEFSP, the Borough shall file its plan with the Program within 48 hours of its adoption for approval by the Program.

WHEREFORE, the Borough of Ringwood seeks a declaratory judgment for the following relief:

- a. Declaring that Ringwood has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Amended FHA;
- b. Declaring the present and prospective affordable housing obligations of the Borough under the Amended FHA;
- c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Borough Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation

that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Amended FHA and/or all applicable regulations;

- d. Declaring that the Borough of Ringwood will have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Amended FHA starting the moment this Complaint is filed, as per the Act which states, “. . . a court shall not consider exclusionary zoning litigation during the timeframe after the timely submission of a binding resolution or fair share plan and housing element of a municipality, or both, and before a challenge is submitted, or during the timeframe of a challenge that is pending resolution with the program pursuant to this subsection.”;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Ringwood for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Amended FHA and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT IV

CONFIRMATION OF IMMUNITY

28. The Borough of Ringwood repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth at length herein.

29. Pursuant to the Amended FHA, a municipality that complies with the deadlines in the Amended FHA for both determining present and prospective affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

30. The Borough of Ringwood has met the deadline for the adoption and filing of its binding resolution not later than January 31, 2025, and the filing of this DJ Action in accordance with AOC Directive #14-24 not later than February 3, 2025, by adopting the binding resolution attached to this DJ Action as **Exhibit 1**, and has also committed to the adoption of its HEFSP by June 30, 2025. Therefore, as per the Act, the Borough is entitled to immunity from all exclusionary zoning lawsuits from the moment this Complaint is filed, throughout the process moving forward, and then through June 30, 2035, once a Compliance Certification or a Judgment of Compliance and Repose is granted.

WHEREFORE, the Borough of Ringwood seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Amended FHA;
- b. Declaring the present and prospective affordable housing obligations of the Borough under the Amended FHA;

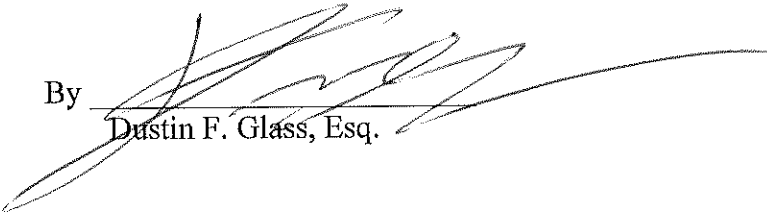
- c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vi) any other applicable adjustment permitted in accordance with the Amended FHA and/or all applicable regulations;
- d. Declaring that the Borough will have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act starting the moment this complaint is filed, as per the Act which states, ". . . a court shall not consider exclusionary zoning litigation during the timeframe after the timely submission of a binding resolution or fair share plan and housing element of a municipality, or both, and before a challenge is submitted, or during the timeframe of a challenge that is pending resolution with the program pursuant to this subsection.";
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive #

14-24 to the Borough of Ringwood for the period beginning July 1, 2025 and ending June 30, 2035; and

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Amended FHA and all applicable regulations related to affordable housing within the State of New Jersey.

SEMERARO & FAHRNEY, LLC
Attorneys for Declaratory Plaintiff,
Borough of Ringwood

By


Dustin F. Glass, Esq.

Dated: January 23, 2025

CERTIFICATION PURSUANT TO R. 4:5-1

Dustin F. Glass, Esq., of full age, hereby certifies as follows:

1. I am a Partner of the Firm of Semeraro & Fahrney, LLC, attorneys for declaratory plaintiff, Borough of Ringwood.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SEMERARO & FAHRNEY, LLC
Attorneys for Declaratory Plaintiff,
Borough of Ringwood

By 
Dustin F. Glass, Esq.

Dated: January 23, 2025

CERTIFICATION PURSUANT TO R. 1:38-7(b)

Dustin F. Glass, Esq., of full age, hereby certifies as follows:

1. I am a Partner of the firm of Semeraro & Fahrney, LLC, attorneys for Declaratory Plaintiff, Borough of Ringwood.
2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SEMERARO & FAHRNEY, LLC
Attorneys for Declaratory Plaintiff,
Borough of Ringwood

By 

Dustin F. Glass, Esq.

Dated: January 23, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Dustin F. Glass, Esq., attorney for the Declaratory Plaintiff, Borough of Ringwood is designated as trial counsel in the above captioned matter.

SEMERARO & FAHRNEY, LLC
Attorneys for Declaratory Plaintiff,
Borough of Ringwood

By


Dustin F. Glass, Esq.

Dated: January 23, 2025

Resolution Number
2025-47

**RESOLUTION OF THE BOROUGH OF RINGWOOD COMMITTING TO FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to produce an estimate of the Fourth Round affordable housing obligations on or before October 20, 2024, based upon the criteria set forth in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of Ringwood's Fourth Round (2025-2035) obligations as follows: Present Need (Rehabilitation) Obligation of 26 and Prospective Need (New Construction) Obligation of 133; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding and authorizes municipalities to either accept, or provide alternate calculations, to the DCA's calculations for present and prospective fair share obligations "by binding resolution no later than January 31, 2025", which deadline has been extended to February 3, 2025 by Acting Administrative Director of the Administrative Office of Courts via Directive #14-24 ("AOC Directive #14-24"), dated December 13, 2024 (issued on December 19, 2024); and

WHEREAS, the Borough submits this Resolution in satisfaction of the requirements of the Amended FHA, by **accepting** the DCA estimate of the Borough's need as described in the DCA Report; and

WHEREAS, Section 3 of the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Amended FHA; and

WHEREAS, the Borough's acceptance of the Fourth Round obligations calculated by the DCA as follows: Present Need (Rehabilitation) Obligation of 26 and Prospective Need (New Construction) Obligation of 133, is entitled to a "presumption of validity" because it is established in compliance with Sections 6 and 7 of the Amended FHA; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions" (N.J.S.A. 52:27D-311 (m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the Borough specifically reserves the right to adjust its fair share obligations in accordance with the COAH Regulations and the following, if applicable: (a) a survey, such as a windshield survey, which accounts for a higher-resolution estimate of present need and/or (b) an adjustment predicated upon regional planning entity formulas, inputs or considerations,

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2025-47

including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission, inclusive of their regulations and planning documents; and

WHEREAS, based on the foregoing, the Borough of Ringwood accepts the DCA calculations of the Borough of Ringwood's fair share obligations and commits to its fair share of 26 units present need and 133 units prospective need subject to any vacant land and/or durational adjustment, and/or any other permitted adjustment it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough of Ringwood reserves all rights to revoke or amend this Resolution and commitment, as may be necessary and/or appropriate, based on any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, the Borough of Ringwood also reserves all rights to revoke or amend this Resolution and commitment, as may be necessary and/or appropriate, in the event of a successful challenge to the Amended FHA pursuant to the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Ringwood reserves the right (which reservation shall include but not be limited to a reservation of litigation rights and positions, without prejudice) to take such position as it deems appropriate in response thereto, including that its Fourth Round Present or Prospective Need Obligations are lower than described herein; and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase to the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Governing Body of the Borough of Ringwood finds that it is in the best interest of the Borough of Ringwood to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

WHEREAS, in addition to the foregoing, pursuant to AOC Directive #14-24, a "municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of AOC Directive #14-24 and the Borough of Ringwood reserves any and all rights and remedies in relation to AOC Directive #14-24; and

WHEREAS, the Borough of Ringwood seeks a Certification of Compliance with the FHA and from the Program and, therefore, directs its Affordable Housing Counsel to file a Declaratory Judgement Complaint and Case Information Statement in Passaic County, or such other

Resolution Number
2025-47

appropriate venue with the Program or any other entity as may be deemed appropriate, within 48 hours of the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED on this 21 day of January 2025 by the Borough Council of the Borough of Ringwood, Passaic County, State of New Jersey, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. For the reasons set forth in this Resolution, the Borough of Ringwood hereby commits to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 26 units and the Fourth Round Prospective Need (New Construction) Obligation of 133 units as described in this Resolution, subject to all reservations of rights set forth herein and as follows:

a) The right to adjust the Borough of Ringwood's fair share obligations based upon applicable COAH regulations (including but not limited to a Vacant Land Adjustment and/or a Durational Adjustment), and a survey (such as a windshield survey), and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and

b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and

c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third-party challenge to the Borough of Ringwood's fair share obligations.

3. The Borough of Ringwood, in accordance with the requirements of the Amended FHA and the Acting Administrative Director of the Administrative Office of Court's Directive #14-24, dated December 13, 2024 (issued on December 19, 2024), hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint and a Case Information Statement in Passaic County, or any other appropriate venue with the Program or any other entity as may be deemed appropriate, within 48 hours after adoption this resolution.

4. The Borough of Ringwood, in accordance with the requirements of the Amended FHA and the Acting Administrative Director of the Administrative Office of Court's Directive #14-24, dated December 13, 2024 (issued on December 19, 2024), further authorizes its Affordable Housing Counsel to attach this Resolution as an exhibit to the Declaratory Judgment Complaint that is filed and to submit and/or file this Resolution with the Program or any other such entity as may be deemed appropriate.

5. If any part(s) of this Resolution shall be deemed invalid, such part(s) shall be severed and the validity thereof shall not affect the remaining parts of this Resolution.

6. All resolutions or parts thereof inconsistent with this Resolution are hereby rescinded.

7. This Resolution shall take effect immediately, according to law.

Resolution Number
2025-47



I Hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at its Business Meeting of January 21, 2025.

Jaime Matteo Landis
JAIME MATTEO-LANDIS, MAYOR

Nicole Langenmayr
NICOLE LANGENMAYR, RMC
MUNICIPAL CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Matteo-Landis			X			
Kerr			X			
Baumgartner			X			
Echols		X	X			
Kiraly			X			
Noonan			X			
Rubacky	X		X			

Civil Case Information Statement

Case Details: PASSAIC | Civil Part Docket# L-000284-25

Case Caption: IN THE MATTER OF RINGWOOD BORO

Case Type: AFFORDABLE HOUSING

Case Initiation Date: 01/23/2025

Document Type: Complaint

Attorney Name: DUSTIN F GLASS

Jury Demand: NONE

Firm Name: SEMERARO & FAHRNEY, LLC

Is this a professional malpractice case? NO

Address: 155 ROUTE 46 SUITE108

Related cases pending: NO

WAYNE NJ 07470

If yes, list docket numbers:

Phone: 9739885070

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Name of Party: PLAINTIFF : Borough of Ringwood

Does this case involve claims related to COVID-19? NO

Name of Defendant's Primary Insurance Company

(if known): None

Are sexual abuse claims alleged by: Borough of Ringwood? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO **Medical Debt Claim?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/23/2025

Dated

/s/ DUSTIN F GLASS

Signed

PREPARED BY THE COURT:

IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE BOROUGH
OF RINGWOOD PASSAIC
COUNTY PURSUANT TO P.L.
2024 CHAPTER 2

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
PASSAIC COUNTY
DOCKET NO. PAS-L-0284-25

Civil Action

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR “PRESENT NEED”
AND “PROSPECTIVE NEED” FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 23, 2025 (“DJ Complaint”) by the Petitioner, Borough of Ringwood (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive 14-24 (“Directive 14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND I APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,¹ therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

¹ See <https://nj.gov/dca/dlps/pdf/FourthRoundCalculationMethodology.pdf>

AND I **APPEARING** that, pursuant to the DCA’s Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported as **26** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **133** affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner’s DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA’s Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

I **IS**, **HEREFORE**, on this **20th** day of **MARCH 202** **ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **26** affordable units for the Fourth Round housing cycle.

2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **133** affordable units for the Fourth Round Housing cycle; and

3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025,



Adam M. Gordon, Esq.
 Laura Smith-Denker, Esq.
 Joshua D. Bowers, Esq.
 Ashley J. Lee, Esq.
 Esmé Devenney, Esq.
 Will Fairhurst, Esq.

October 15, 2024

Richard J. Clemack, Esq.
 124 Main Street
 P.O. Box 136
 Bloomingdale, NJ 07403

Re: In the Matter of the Borough of Ringwood, County of Passaic, Docket No. PAS-L-2297-15

Dear Mr. Clemack:

This letter memorializes the terms of an agreement reached between the Borough of Ringwood (the "Borough" or "Ringwood"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Ringwood Borough filed the above-captioned matter on July 6, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, in accordance with In re N.J.A.C. 5:96 and 5:97, *supra*. Through the declaratory judgment process, the Borough and FSHC have agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round Obligation instead of doing so through plenary adjudication of the Third Round Obligation.

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3. FSHC and Ringwood hereby agree that Ringwood's affordable housing obligations are calculated as follows:

Rehabilitation Share (per Kinsey Report ¹)	6
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	51
Third Round (1999-2025) Obligation (per Kinsey Report, as adjusted through this Agreement)	199

4. For purposes of this Agreement, the Third Round Obligation shall be deemed to include the Gap Period present need for new construction to address the affordable housing needs of households formed from 1999-2015, a need that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), and the Prospective Need, which is a measure of the affordable housing need anticipated to be generated between July 1, 2015 and June 30, 2025.
5. The Borough's efforts to meet its Rehabilitation Share includes continuing a municipal rehabilitation program funded through the Small Cities Grants. The Borough will also seek Community Development Block Grant funds as well.
6. As noted above, the Borough has a Prior Round (new construction) Obligation of 51 units and a Third Round obligation of 199 units for a total new construction obligation of 250 units. The Borough will address its combined Prior Round and Third Round obligations in part through a durational adjustment.
- The Borough is located entirely within the Highlands Preservation Area where development is severely restricted. Ringwood has no public sewer capacity for any additional development. There are several existing non-public small treatment plants serving existing developments, but these facilities are old and at capacity.
 - Ringwood is entitled to the following credits for activity during the Prior Round for the following supportive and assisted needs housing:

Address	Block	Lot	Bedrooms	Current License Date	Sponsor
432 Stonetown Road	222	6	5	7/26/2006	AdvoServ of NJ, Inc
18 Boro Parkway	601	6	5	7/26/2006	AdvoServ of NJ, Inc
20 Morris Rd.	902	1.03	16	8/31/2005	Spectrum for Living Group Homes, Inc
TOTAL			26		

- Ringwood is entitled to rental bonus credits for nine (9) units which is 25% of its non-adjusted prior round obligation.

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May, 2016.

- d. The Borough will seek court approval for, and FSHC will support, a durational adjustment of 161 units (250 – 89 = 215). In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address the combined Prior Round and Third Round remaining prospective need obligation of 161 units shall be deferred until adequate water and/or sewer are made available. The Borough shall reserve and set aside new public water and/or sewer capacity, when it becomes available, for low and moderate income housing, on a priority basis. Municipal officials shall endorse all applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity. Where the DEP or its designated agent approves a proposal to provide infrastructure to a site for the development of low and moderate income housing identified in the housing element, the Borough shall permit such development. Where the Borough has designated sites for low and moderate income housing that lack adequate water and/or sewer and where the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and moderate income housing in the housing element, the Borough shall amend its housing element and fair share housing ordinance to permit development of such site for low and moderate income housing. The amended housing element and fair share housing ordinance shall be submitted to the Court and FSHC, with a copy to the Special Master, within 90 days of the site's approval by the DEP or its agent.
7. The Borough will adopt overlay zoning on the **“Greenwood Lake Turnpike Inclusionary Zone”** – Block 738 Lots 7, 10, 48; Block 739, Lots 45, 45.01 (partial) 48, 49, 50, 52 (partial), 53 (partial), 54 (partial), 5 (partial), and 5.01 (partial); Block 749 Lots 12, 15, 16, 17, and 19; Block 748, Lots 83, 85 and 86. The extent of the potential “Greenwood Lake Highlands Redevelopment Area” is shown as “Impervious Coverage” on **Exhibit A** annexed hereto. The Greenwood Lake Turnpike Inclusionary Zone contains existing impervious coverage which may support a designation by the Highlands Council, in its discretion, of Highlands Redevelopment Areas pursuant to N.J.S.A. 13:20-11h, N.J.A.C. 7:38-6.7 and RMP Addendum 2019-1 “Procedures for Highlands Redevelopment Area Designation, March 2019”. Should the Highlands Council authorize a Highlands Redevelopment Area for some or all of the Greenwood Lake Turnpike Inclusionary Zone the portion of a property (or a combination of properties with the consent of all owners in such combination) that is approved by the Highlands Council as a Highlands Redevelopment Area and contains one acre or more of land may, subject to standards to be set forth in the overlay zoning ordinance to be adopted by the Borough be used, in addition to those currently permitted in the CS-40 Zone for:
 - a. Multi-family residential uses at a density of 10 units per acre based upon the land area (excluding roads) contained in the Highlands Redevelopment Area Designation applicable to such property and requiring a 20% set aside consistent with the Fair Housing Act.
 - b. Mixed-use development consisting of permitted retail/commercial uses and multifamily residential uses at a density of 8 units per acre based upon the land area contained in the Highlands Redevelopment Area Designation applicable to such property and requiring a 20% set aside consistent with the Fair Housing Act.

8. The Borough will adopt overlay zoning on the portion of the "**Peters Mine 100% Affordable Zone**" – Block 601, Lot 14 – that is available for development and which may support a designation by the Highlands Council, in its discretion of a 100% affordable housing development pursuant to N.J.A.C. 7:38-6.9 based upon the Highlands Council's septic rule N.J.A.C. 7:38-3.4(b) that may support up to four affordable units. Upon obtaining a waiver from the Highlands Council pursuant to N.J.A.C. 7:38-6.9, the Borough shall convey Block 601, Lot 14 to a qualified developer for 100% affordable housing. The Borough may, but shall not be obligated, to fund any construction or development in the Peters Mine 100% Affordable Zone.
9. No later than thirty (30) days of approval of this Agreement by the Court, the Borough shall apply for one or more pre-application meetings with the Highlands Council for Highlands Redevelopment Area Designation of all lots within the Greenwood Lake Turnpike Zone and a waiver for 100% affordable development on the Peters Mine 100% Affordable Zone. The Borough shall utilize best efforts to obtain the Highlands Council's approval of Redevelopment Area Designation for the the Greenwood Lake Turnpike Zone and a waiver for 100% affordable development on the Peters Mine 100% Affordable Zone, because such Zones represent important opportunities for the development of new affordable housing units within the Borough. Each determination by the Highlands Council as to the extent of the Highlands Redevelopment Area Designation and Waiver for 100% Affordable Development, and all conditions imposed by the Highlands Council on any such a Designation and/or Waiver shall be binding and conclusive on all parties to any such application.
10. The Borough will adopt a redevelopment plan for the "**Sisters of St. Francis Affordable Zone**" – Block 1101, Lot 1, which may be available for affordable housing development, which already has an approved wastewater treatment facility and groundwater discharge beds that may support inclusionary housing, and which was previously designated as an area in need of redevelopment by the Borough. This site was recently approved by the Borough of Ringwood Planning Board to be used as an addiction center that will not utilize all of the wastewater capacity previously approved, and there may be additional capacity for 32 units of multifamily housing or 66 units if developed with age-restricted housing. The Borough shall use its best efforts to coordinate the utilization of the additional sewer capacity in the Sisters of St. Francis Affordable Zone for affordable housing purposes. The redevelopment plan to be adopted shall authorize the utilization of the balance of the excess wastewater treatment capacity for the maximum number of units, based upon type, that can be developed based upon the available capacity. It is the parties' understanding that no further approvals from the Highlands Council are required, provided that no increase in impervious coverage or wastewater treatment capacity is sought. In the event that further permits or approvals from the Highlands Council are required, the Borough shall cooperate with the owner of Block 1101, Lot 1 in its efforts to secure approval for said permits or approvals.
11. The Borough shall have the obligation to cooperate with redevelopers to obtain utility services within the proposed Greenwood Lake Turnpike Zone and the Peters Mine 100% Affordable Zone, including, but not limited to the Borough serving as the named applicant for any and all permits and/or applications required from NJDEP, the Highlands Council and/or private utility providers to extend such utility services and/or infrastructure. The Borough shall have no obligation to serve as the applicant for any other permits and/or applications that may be required from the NJDEP or the

- Highlands Council other than those related to utility services. It is acknowledged by the Borough that the ability to support an anticipated inclusionary development in the Greenwood Lake Turnpike Zone shall require the ability of that development to be served by public sewer and/or a community sewer system.
12. The Borough agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements by ensuring that 13% of all affordable housing units developed pursuant to the overlay zones is available to households earning less than 30% of median income.
 13. The Borough shall meet its Third Round Obligation in accordance with the following standards as agreed to by the Parties and reflected above:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Obligation shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
 - e. The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
 14. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Passaic County NAACP, Bergen County Urban League, Bergen County Housing Coalition, and Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide direct notice to those organizations of all available affordable housing units, along with copies of application forms. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
 15. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, *et seq.*, or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in rental projects shall be required to be at 30 percent of median income, and in conformance

with all other applicable law. The Borough, as part of its HEFSP, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:

- a. Regional income limits shall be established for the Housing Region in which the Borough is located (in this case, Housing Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated number of households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total number of households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits attached hereto as **Exhibit B** are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2024, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement, the terms of which shall also be reflected in the Borough's Affordable Housing Ordinance.

16. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
17. As an essential term of this Agreement, within one hundred twenty (120) days of the Court's approval of this Agreement, the Borough shall introduce an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and shall adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement. If, at such date, the Borough has applied for and is diligently processing its application to the Highlands Council for the Highlands Redevelopment Area Redevelopment Designations required by this Agreement, the time period for compliance with this paragraph shall be tolled until sixty (60) days after the approval by the Highlands Council of the Highlands Area Redevelopment Designations.
18. The parties agree that if a decision of a court of competent jurisdiction in Passaic County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round Obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms set forth herein to address unmet need; and otherwise fulfilling fully the fair share obligations as established in this Agreement. The reduction of the Borough's Third Round Obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its Third Round Obligation, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
19. The Borough shall prepare a Spending Plan within the period referenced above, subject to review by FSHC and the approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute a "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment in this matter that includes approval of the Spending Plan in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the Court's approval of the Spending Plan, and on every anniversary of that date thereafter through July 1, 2025, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose

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- by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
20. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
21. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
- a. For the midpoint realistic opportunity review, due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
22. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
23. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed

- settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
24. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$10,000 within ten (10) days of the first Borough Council meeting after the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing, provided that prior to such Council meeting FSHC shall have submitted a timely voucher to the Borough.
 25. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
 26. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Passaic County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
 27. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
 28. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
 29. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
 30. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
 31. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
 32. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply.

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- Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
33. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
34. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
35. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
36. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
37. All Notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight carrier or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) Notices shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be effected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC: Adam M. Gordon, Esquire
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE BOROUGH: Richard J. Clemack, Esq.
55 Skyline Drive Suite 206C
Ringwood, NJ 07456
Phone: 973-530-4447
Telecopier: 973-530-4447
Email: rjclemack@optonline.net

**WITH A COPY TO THE
BOROUGH MANAGER:** Scott M. Heck
Borough Manager/Director of Public Works
Borough of Ringwood
60 Margaret King Avenue

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Ringwood, NJ 07456
Phone: (973) 475-7101
Telecopier: 973-962-6028
Email: sheck@ringwoodnj.net

Please sign below if these terms are acceptable.

Sincerely,

Adam M. Gordon Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Borough of Ringwood, with the authorization
of the governing body:

Dated: _____

EXHIBIT A: Greenwood Lake Turnpike Redevelopment Area Map

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EXHIBIT B: 2024 INCOME LIMITS

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 12, 2024

2024 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

Region	Income Level	Household Size										Max Increase Rents**	Sales***	Regional Asset Limit****	
		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person				
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$84,288	\$90,309	\$96,329	\$108,371	\$120,412	\$125,228	\$130,045	\$139,678	\$149,311	\$158,944				
	Moderate	\$67,431	\$72,247	\$77,064	\$86,697	\$96,329	\$100,183	\$104,036	\$111,742	\$119,449	\$127,155				
	Low	\$42,144	\$45,154	\$48,165	\$54,185	\$60,206	\$62,614	\$65,022	\$69,839	\$74,655	\$79,472			0.00%	\$223,627
	Very Low	\$25,286	\$27,093	\$28,899	\$32,511	\$36,124	\$37,568	\$39,013	\$41,903	\$44,793	\$47,683				
Region 2 Essex, Morris, Union and Warren	Median	\$90,591	\$97,062	\$103,533	\$116,475	\$129,416	\$134,593	\$139,769	\$150,123	\$160,476	\$170,829				
	Moderate	\$72,473	\$77,650	\$82,826	\$93,180	\$103,533	\$107,674	\$111,816	\$120,098	\$128,381	\$136,663				
	Low	\$45,296	\$48,531	\$51,766	\$58,237	\$64,708	\$67,296	\$69,885	\$75,061	\$80,238	\$85,415				
	Very Low	\$27,177	\$29,119	\$31,060	\$34,942	\$38,825	\$40,378	\$41,931	\$45,037	\$48,143	\$51,249				
Region 3 Hunterdon, Middlesex and Somerset	Median	\$102,340	\$109,650	\$116,960	\$131,580	\$146,200	\$152,048	\$157,896	\$169,592	\$181,288	\$192,984				
	Moderate	\$81,872	\$87,720	\$93,568	\$105,264	\$116,960	\$121,638	\$126,317	\$135,574	\$145,030	\$154,387				
	Low	\$51,170	\$54,825	\$58,480	\$65,790	\$73,100	\$76,024	\$78,948	\$84,796	\$90,644	\$96,492				
	Very Low	\$30,702	\$32,895	\$35,088	\$39,474	\$43,860	\$45,614	\$47,369	\$50,878	\$54,386	\$57,895				
Region 4 Mercer, Monmouth and Ocean	Median	\$91,038	\$97,540	\$104,043	\$117,048	\$130,054	\$135,256	\$140,458	\$150,862	\$161,267	\$171,671				
	Moderate	\$72,830	\$78,032	\$83,234	\$93,639	\$104,043	\$108,205	\$112,367	\$120,690	\$129,013	\$137,337				
	Low	\$45,519	\$48,770	\$52,022	\$58,524	\$65,027	\$67,628	\$70,229	\$75,431	\$80,633	\$85,836				
	Very Low	\$27,311	\$29,262	\$31,213	\$35,115	\$39,016	\$40,577	\$42,137	\$45,259	\$48,380	\$51,501				
Region 5 Burlington, Camden and Gloucester	Median	\$80,290	\$86,025	\$91,760	\$103,230	\$114,700	\$119,288	\$123,876	\$133,052	\$142,228	\$151,404				
	Moderate	\$64,232	\$68,820	\$73,408	\$82,584	\$91,760	\$95,430	\$99,101	\$106,442	\$113,782	\$121,123				
	Low	\$40,145	\$43,013	\$45,880	\$51,615	\$57,350	\$59,644	\$61,938	\$66,526	\$71,114	\$75,702				
	Very Low	\$24,087	\$25,808	\$27,528	\$30,969	\$34,410	\$35,786	\$37,163	\$39,916	\$42,668	\$45,421				
Region 6 Atlantic, Cape May, Cumberland, and Salem	Median	\$68,852	\$73,770	\$78,688	\$88,524	\$98,360	\$102,294	\$106,228	\$114,097	\$121,966	\$129,835				
	Moderate	\$55,081	\$59,016	\$62,950	\$70,819	\$78,688	\$81,835	\$84,983	\$91,278	\$97,573	\$103,868				
	Low	\$34,426	\$36,885	\$39,344	\$44,262	\$49,180	\$51,147	\$53,114	\$57,049	\$60,983	\$64,917				
	Very Low	\$20,655	\$22,131	\$23,606	\$26,557	\$29,508	\$30,688	\$31,868	\$34,229	\$36,590	\$38,950				

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

** This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3 (Consumer price index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents between 2015 through 2023 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2024 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Appendix B – Ordinances

§ 40-16. FAIR SHARE HOUSING.**§ 40-16.1. Intent and Purpose. [Ord. No. 1997-29 § A]**

This section of the Borough of Ringwood Code sets forth regulations regarding low and moderate income housing units in the Borough of Ringwood that are consistent with the provisions of N.J.A.C. 5:93 et seq. as effective on June 6, 1994. These rules are pursuant to the Fair Housing Act of 1985 and the Borough of Ringwood's constitutional obligation to provide for its fair share of low and moderate income housing.

§ 40-16.2. Regulations Regarding Low and Moderate Income Housing Units. [Ord. No. 1997-29 §§ 1–14]

- a. The Borough of Ringwood's new construction or inclusionary component will be divided equally between low and moderate income households as per N.J.A.C. 5:93-2.20.
- b. Except for inclusionary developments constructed pursuant to low income tax credit regulations:
 1. At least 1/2 of all units within each inclusionary development will be affordable to low income households; and
 2. At least 1/2 of all rental units will be affordable to low income households; and
 3. At least 1/3 of all units in each bedroom distribution pursuant to N.J.A.C. 5:93-7.3 will be affordable to low income households.
- c. Inclusionary developments that are not restricted to senior citizens will be structured in conjunction with realistic market demands so that:
 1. The combination of efficiency and one bedroom units is at least 10% and no greater than 20% of the total low and moderate income units; and
 2. At least 30% of all low and moderate income units are two bedroom units; and
 3. At least 20% of all low and moderate income units are three bedroom units; and
 4. Low and moderate income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of senior citizen low and moderate income units within the inclusionary development.
- d. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:
 1. Efficiency units will be affordable to one person households; and
 2. One bedroom units will be affordable to 1.5 person households; and
 3. Two bedroom units will be affordable to three person households; and
 4. Three bedroom units will be affordable to 4.5 person households; and

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5. Median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by HUD as per N.J.A.C. 5:93-7.4(b); and
 6. The maximum average rent and price of low and moderate income units within each inclusionary development will be affordable to households earning 57.5% of median income; and
 7. Moderate income sales units will be available for at least three different prices and low income sales units will be available for at least two different prices; and
 8. For both owner-occupied and rental units, the low and moderate income units will utilize the same heating source as market units within an inclusionary development; and
 9. Low income units will be reserved for households with a gross household income less than or equal to 50% of the median income approved by COAH; moderate income units will be reserved for households with a gross household income less than 80% of the median income approved by COAH as per N.J.A.C. 5:93-9.16; and
 10. The regulations outlined in N.J.A.C. 5:93-9.15 and 5:93-9.16 will be applicable for purchased and rental units.
- e. For rental units, developers and/or municipal sponsors may:
1. Establish one rent for a low income unit and one for a moderate income unit for each bedroom distribution; and
 2. Gross rents, including an allowance for tenant-paid utilities, will be established so as not to exceed 30% of the gross monthly income of the appropriate household size as per N.J.A.C. 5:93-7.4(a). The tenant-paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey.
- f. For sale units:
1. The initial price of a low and moderate income owner-occupied single-family housing unit will be established so that after a down payment of 5%, the monthly principal, interest, homeowner and private mortgage insurances, property taxes (based on the restricted value of the low and moderate income unit) and condominium or homeowner fees, does not exceed 28% of the eligible gross monthly income; and
 2. Master deeds of inclusionary developments will regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at 50% of those paid by market purchasers. This 50% is consistent with the requirement of N.J.A.C. 5:93-7.4(e). Once established within the master deed, the 50% will not be amended without prior approval from COAH; and
 3. The Borough of Ringwood will follow the general provisions concerning uniform deed restriction liens and enforcement through Certificates of Occupancy or Reoccupancy on sale units as per N.J.A.C. 5:93-9.3; and
 4. The Borough of Ringwood will require a Certificate of Reoccupancy for any occupancy

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of a low or moderate income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c); and

5. Municipal, State, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5-9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9; and
 6. The continued application of options to create, rehabilitate or maintain low and moderate income sale units will be consistent with N.J.A.C. 5:93-9.10; and
 7. Eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11; and
 8. The regulations detailed in N.J.A.C. 5:93-9.12-9.14 will be applicable to low and moderate income units that are sale units.
- g. In zoning for inclusionary developments, the following is required:
1. Low and moderate income units will be built in accordance with N.J.A.C. 5:93-5.6(d):

Minimum % of Low/Moderate Income Units Completed	% of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	90
	100

2. A design of inclusionary developments that integrates low and moderate income units with market units is encouraged as per N.J.A.C. 5:93-5.6(e).
- h. To provide assurances that low and moderate income units are created with controls on affordability over time and that low and moderate income households occupy these units, the Borough of Ringwood will designate the Department of Community Affairs with the responsibility of ensuring the affordability of sales and rental units over time. The Department of Community Affairs will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a).
1. In addition, the Department of Community Affairs will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households in low and moderate income units; and
 2. Newly constructed low and moderate income sales units will remain affordable to low and moderate income households for at least 30 years. The Department of Community Affairs will require all conveyances of newly constructed units to contain the deed

restriction and mortgage lien adopted by COAH and referred to as Technical Appendix E as found in N.J.A.C. 5:93; and

3. Housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to thirty-year controls on affordability. The Department of Community Affairs will require COAH's appropriate deed restriction and mortgage lien.
- i. Regarding rehabilitated units:
 1. Rehabilitated owner-occupied single-family housing units that are improved to code standard will be subject to affordability controls for at least six years; and
 2. Rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years; and
 - j. Regarding rental units:
 1. Newly constructed low and moderate income rental units will remain affordable to low and moderate income households for at least 30 years. The Department of Community Affairs will require the deed restriction and lien and deed of easement referred to as Technical Appendix H as found in N.J.A.C. 5:93; and
 2. Affordability controls in accessory apartments will be for a period of at least 10 years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability will extend for 30 years; and
 3. Alternative living arrangements will be controlled in a manner suitable to COAH that provides assurances that such a facility will house low and moderate income households for at least 10 years except if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability will extend for 30 years.
 - k. Section 14(b) of the Fair Share Housing Act N.J.S.A. 52:27D-301 et seq. incorporates the need to eliminate unnecessary cost generating features from the Borough of Ringwood's Land Use Ordinances. Accordingly, the Borough of Ringwood will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on inclusionary development applications. The Borough of Ringwood will adhere to the components of N.J.A.C. 5:93-10.1-10.3.
 - l. The Borough of Ringwood has a fair share obligation of 59 units of which 40 are new construction. This section will apply to all developments that contain proposed low and moderate income units that are listed below and any future developments that may occur:

Franciscan Sisters Senior Citizen Rental Units	15
Spectrum for Living-Group Homes	16
Borough Property-Family Housing Units	9

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1. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan will address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Borough of Ringwood is in the housing region consisting of Housing Region 1, Sussex, Passaic, Bergen and Hudson Counties. The affirmative marketing program is a continuing program and will meet the following requirements:

All newspaper articles, announcements and requests for applications for low and moderate income units will appear in the following daily regional newspapers/publications:

The Trends

North Jersey Herald and News

2. The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis.

3. The advertisement will include a description of the:

Street address of units;

Direction to housing units;

Number of bedrooms per unit;

Range of prices/rents;

Size of units;

Income information; and

Location of applications including business hours and where/how applications may be obtained.

4. All newspaper articles, announcements and requests for applications for low and moderate income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

Church Newsletters

Chamber of Commerce Newsletter

5. The following regional radio and/or cable television stations will be used:

The Trends

North Jersey Herald and NewsTCI of Northern New Jersey

6. The following is the location of applications, brochure(s), sign(s), and/or poster(s), used as part of the affirmative marketing program including specific employment centers within the region:

Municipal Administrative Building

Municipal Library

Developer's Sales Office

Major Employers in Region

7. The Borough Manager or his/her designee will be the community contact person(s) in Passaic County that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region.
8. Quarterly flyers and applications will be sent to each of the following agencies for publication in their journals and for circulation among their members: Board of Realtors in Sussex, Passaic, Bergen and Hudson counties.
9. Applications will be mailed to prospective applicants upon request.
10. Additionally, quarterly informational circulars and applications will be sent to the chief administrative employees of each of the following agencies in the counties of Sussex, Passaic, Bergen and Hudson:

Welfare or Social Service Board

Rental Assistance Office (local office of DCA)

Office on Aging

Housing Agency or Authority

Library

Area Community Action Agencies

11. The following is a description of the random selection method that will be used to select occupants of low and moderate income housing: as per the Department of Community Affairs guidelines and regulations.
12. The Department of Community Affairs is the agency under contract with the Borough of Ringwood to administer the affirmative marketing program. The Department of Community Affairs has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units

with income qualified households; to continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; to assist with advertising and outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:93-9.1. The Borough Manager or his/her designee within the Borough of Ringwood is the designated housing officer to act as liaison to the Department of Community Affairs. The Department of Community Affairs will 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.

13. Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The Borough of Ringwood intends to comply with N.J.A.C. 5:93-11.7.
 14. All developers of low and moderate income housing units will be required to assist in the marketing of the affordable units in their respective developments.
 15. The marketing program will commence at least 120 days before the issuance of either temporary or permanent Certificates of Occupancy. The marketing program will continue until all low and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.
 16. The Department of Community Affairs will comply with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 5:93-12.1.
- m. The Borough of Ringwood will undertake a rehabilitation program to rehabilitate seven substandard housing units occupied by low and moderate income households. The Borough of Ringwood has designated the Department of Community Affairs to administer the rehabilitation program. The Department of Community Affairs will prepare a marketing plan for the rehabilitation program. The rehabilitation program will be consistent with N.J.A.C. 5:93-5.2(b) through 5.2(1).
- n. The following sites have been designated to meet the Borough of Ringwood's inclusionary component outlined in the Housing Element and Fair Share Plan which was adopted by the Planning Board on March 6, 1995. The following zones are applicable to the designated sites:
1. Special Residence District (SRD)-Block 1100, Lot 1.
 2. Special Residence District (SRD)-Block 902, Lots 1.01 and 1.02.

§ 40-16.3. Development Fees.¹ [Ord. No. 2008-#27 § 1]

a. Purpose.

1. In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New

1. Subsection 40-16.3 was further amended by Ordinance No. 2011-03 which has not been codified at the direction of the Borough.

Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

2. Pursuant to P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
 3. This subsection establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this subsection shall be used for the sole purpose of providing low- and moderate-income housing. This subsection shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.
- b. Basic Requirements.
1. This subsection shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
 2. The Borough of Ringwood shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.
- c. Definitions.
1. The following terms, as used in this subsection, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT — Shall mean a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

COAH OR THE COUNCIL — Shall mean the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

DEVELOPER — Shall mean 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 FEE — Shall mean money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE — Shall mean 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 of P.L. 1973, c. 123 (C.54:1-35a through C.54:1-35c).

GREEN BUILDING STRATEGIES — Shall mean those 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.

d. Nonresidential Development Fees.

1. Imposed Fees.

- (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

2. Eligible Exactions, Ineligible Exactions and Exemptions for Nonresidential Development.

- (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
- (b) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (c) Nonresidential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or

after the issuance of the final Certificate of Occupancy of the nonresidential development, whichever is later.

- (e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this subsection within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Ringwood as a lien against the real property of the owner.

e. Collection Procedures.

1. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
2. For nonresidential 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 as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The Construction Official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
4. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
5. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
6. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
7. Should the Borough of Ringwood 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. 50% of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the

Borough of Ringwood, NJ

§ 40-16.3

§ 40-16.3

fee calculated at building permit and that determined at issuance of Certificate of Occupancy.

9. Appeal of Development Fees.

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

f. Affordable Housing Trust Fund.

1. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential developers and proceeds from the sale of units with extinguished controls.
2. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of affordable units;
 - (b) Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached 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 Borough of Ringwood's affordable housing program.
3. Within seven days from the opening of the trust fund account, the Borough of Ringwood shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, a bank selected by the Governing Body and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
4. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

g. Use of Funds.

1. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough of Ringwood's 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, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential 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, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
2. Funds shall not be expended to reimburse the Borough of Ringwood for past housing activities.
3. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - (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, and assistance with emergency repairs.
 - (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner may entitle the Borough of Ringwood to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
4. The Borough of Ringwood may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
5. No more than 20% of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues

collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

h. Monitoring.

1. The Borough of Ringwood shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Ringwood's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

i. Ongoing Collection of Fees.

1. The ability for the Borough of Ringwood to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Ringwood has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Ringwood fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal 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 (N.J.S.A. 52:27D-320). The Borough of Ringwood shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough of Ringwood retroactively impose a development fee on such a development. The Borough of Ringwood shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

GREENWOOD LAKE TURNPIKE INCLUSIONARY ZONE**PURPOSE**

The purpose of the Inclusionary Zone is to create a realistic opportunity for the construction of low-and moderate-income housing in Ringwood Borough on land that may be available for redevelopment pursuant to a Highlands Redevelopment Area Designation, thereby addressing the Borough's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing.

LOCATION

The location of the Inclusionary Zone applies to the Block and Lots listed below:

Block	Lot
738	7
738	10
738	48
739	45
739	45.01*
739	48
739	49
739	50
739	52*
739	53*
739	54*
739	5*
739	5.01*
749	12
749	15
749	16
749	17
749	19
748	83
748	85
748	86

USE

The inclusionary overlay zone will include multi-family uses at a density of ten (10) dwelling units to the acre and mixed-use development at a density of eight (8) units to the acre, both with a 20 percent set-aside.

LOW- AND MODERATE-INCOME HOUSING REQUIREMENTS

- A. The properties specified in the location above may be proposed for subdivision and/or site plan for multi-family development on the upper floors over ground floor retail, service and office uses or multi-family development exclusively at a density of eight (8) units to the acre for mixed-use development and ten (10) units to the acre for multi-family development.
- B. Inclusionary developments must provide a minimum 20% set-aside for low and moderate income families.
- C. Mixed-use and multi-family development shall follow the bulk standards below:
 - a. Minimum lot size: 1.0 acres
 - b. Minimum lot width: 200 feet
 - c. Maximum building height: 3 stories /40 feet
 - d. Minimum front yard: 25 feet
 - e. Minimum side yard: 10 feet
 - f. Minimum rear yard: 25
 - g. Maximum lot coverage: 75%

DRAFT

PETERS MINE 100 PERCENT AFFORDABLE OVERLAY ZONE**PURPOSE**

The purpose of the Peters Mine 100 Percent Affordable Overlay Zone is to create a realistic opportunity for the construction of low-and moderate-income housing in Ringwood Borough on land that may be available for development pursuant to a Highlands Exemption and/or Waiver for 100 Percent Affordable Development, thereby addressing the Borough's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing.

LOCATION

The Redevelopment Plan applies to Block 601, Lot 14

USE

The 100 Percent Affordable Housing overlay zone applies to Block 601, Lot 14 that is available for development pursuant to N.J.A.C. 7:38-6.9 based upon the Highlands Council septic rule N.J.A.C. 7:38-3.4(b) that may support up to four (4) units. Upon obtaining a waiver from the Highlands Council pursuant to N.J.A.C. 7:38-6.9, the Borough shall convey Block 601, Lot 14 to a qualified developer for 100% affordable housing.

LOW- AND MODERATE-INCOME HOUSING REQUIREMENTS

- A. A four-unit multi-family 100 percent affordable housing development.
- B. 100% Affordable development shall follow the bulk standards below:
 - a. Minimum lot size: 1.0 acres
 - b. Minimum lot width: 200 feet
 - c. Maximum building height: 2.5 stories /35 feet
 - d. Minimum front yard: 25 feet
 - e. Minimum side yard: 10 feet
 - f. Minimum rear yard: 25
 - g. Maximum lot coverage: 75%

SISTERS OF ST FRANCIS REDEVELOPMENT PLAN AMENDMENT

PURPOSE

The purpose of the Inclusionary Zone is to create a realistic opportunity for the construction of low-and moderate-income housing in Ringwood Borough on land that may be available for redevelopment pursuant to a Highlands Exemption, thereby addressing the Borough's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing.

LOCATION

The Redevelopment Plan applies to Block 1101, Lot 1.

USE

The Sisters of St. Francis redevelopment plan for Block 1101, Lot 1, is amended to permit inclusionary housing including multi-family apartments or an assisted living facility. This site was approved by the Borough of Ringwood Planning Board to be used as an addiction center. In addition, 32 units of multifamily housing or 66 units of age-restricted housing are permitted uses with a 20% affordable housing set-aside.

LOW- AND MODERATE-INCOME HOUSING REQUIREMENTS

- A. Multi-family development consisting of up to 32 units or assisted living permitting up to 66 units.
- B. Inclusionary developments must provide a minimum 20% set-aside for low and moderate income units.
- C. Mixed-use and multi-family development shall follow the bulk standards below:
 - a. Minimum lot size: 1.0 acres
 - b. Minimum lot width: 200 feet
 - c. Maximum building height: 4 stories /50 feet
 - d. Minimum front yard: 25 feet
 - e. Minimum side yard: 10 feet
 - f. Minimum rear yard: 25
 - g. Maximum lot coverage: 75%

Appendix C – Spending Plan

AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

RINGWOOD BOROUGH PASSAIC COUNTY, NEW JERSEY

June 2, 2025

Prepared by: Jessica C. Caldwell, P.P., A.I.C.P.
NJPP License #5944

SPENDING PLAN

INTRODUCTION

The Borough of Ringwood, Passaic County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the present and prospective affordable housing need in accordance with the Municipal Land Use Law (MLUL), the Fair Housing Act (FHA), the regulations of the Council on Affordable Housing (COAH) and recent decisions by the Courts.

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines was adopted in December 4, 2008. The ordinance established a fee of 2.5% for new non-residential development. The ordinance will be updated to include 1.5% for new residential development for new commercial construction. The ordinance established the need for a Borough of Ringwood Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate-interest-bearing affordable housing trust fund account for the purposes of affordable housing. This Spending Plan supersedes any previously adopted Spending Plans.

The Borough of Ringwood has prepared this Spending Plan (2025) to guide the allocation of funds within the Borough of Ringwood Affordable Housing Trust Fund. As of December 31, 2024, the Borough of Ringwood had \$157,245.29 in funds in its Affordable Housing Trust Fund. Any new funds collected shall be spent in accordance N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Fourth Round substantive certification, the Borough of Ringwood considered the following:

- (a) Development fees:
 - 1. Nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
 - 2. All nonresidential 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) Payments in Lieu (PIL): Payments in Lieu of development into the Borough's Housing Trust are permitted under certain circumstances, particularly prior resolutions of approval for development.
- (c) Other funding sources: The Borough reserves the option to pursue various public funding options to support its municipal rehabilitation program.
- (d) Projected interest: Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate is 0.5% based on prevailing interest rates for savings accounts.

**Projected Revenue Schedule, 2025-2035
Borough of Ringwood Affordable Housing Trust Fund**

Source of Funds	Up to 12/31/2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development Fees	\$157,245												
1. Approved Residential and Nonresidential Development Projects	NA	\$2,500	\$2,500	\$2,500									\$7,500
2. Projected Residential Development Projects Only	NA	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$82,500
3. Projected Non-Residential Development Projects (New construction only)	NA	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$33,000
(b) Payments in lieu of Construction	NA												
(c) Other Funds (specify source)	NA												
Subtotal	\$157,245	\$10,500	\$10,500	\$10,500	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$123,000
(d) Interest	NA	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$11,000
Total Revenue from Development Fees	\$157,245	\$10,500	\$10,500	\$10,500	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$291,245

The Borough of Ringwood projects a total of **\$134,000** to be collected between January 1, 2025 and December 31, 2035 for residential and non-residential new construction. There is an existing balance of \$157,245, resulting in a total of \$291,245 for use on affordable housing. Projections are based on projected development as it relates to permits issued within the Borough over the last five years and revenues generated by the fund over the last ten years.

ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

Ringwood will follow the process for the collection and distribution of development fee revenues detailed below.

- (a) Collection of development fee revenues: Ringwood will collect development fee revenues in a manner that is consistent with the Borough's development fee ordinance for both residential and nonresidential development and in accordance with applicable regulations.
- (b) Distribution of development fee revenues: Ringwood will distribute funds with the oversight of the Borough Committee. The Committee will work with the Borough Administration and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

The Borough of Ringwood proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

- (a) **Rehabilitation Projects** (N.J.A.C. 5:97-6.2): the Borough of Ringwood will dedicate the following funds to Rehabilitation projects in order to meet its fair share affordable unit obligation:
Borough Rehabilitation Program: At least \$12,500 per unit for a total of 15 units for a budget of \$192,245.
- (b) **Administrative Expenses** (N.J.A.C. 5:97-8.9) the Borough of Ringwood will dedicate no more than 20 percent of revenue from the affordable housing trust fund to be used for administrative purposes. **The current budget for administrative expenses is \$11,000, with any additional funds subject to the 20 percent cap are as follows:**
 - Administration of affordable housing programs;
 - Legal fees associated with affordable housing administration;
 - Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
 - Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within the Borough of Ringwood.
- (c) **Affordability Assistance** (N.J.A.C. 5:97-8.8) Ringwood will dedicate **\$88,000** from the affordable housing trust fund to render units more affordable through its rehabilitation program, including at \$44,000 to render units more affordable to households earning 30% or less of median income by region. This will include the rehabilitation program and providing assistance to existing low-income and very low-income homeowners and renters in Ringwood Borough.

- (d) Supportive Living and Special Needs (N.J.A.C. 5:97-6.10):** Ringwood will dedicate funds to assist in the development and renovation of supportive and special needs homes as the budget permits.
- (e) Excess Funds:** Any excess funds will be dedicated to emergent projects such as municipally sponsored 100% affordable housing/ market to affordable program, accessory apartments and other permitted affordable housing programs.

SUMMARY

Ringwood intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the affordable housing programs outlined in the Borough's Housing Element and Fair Share Plan dated June 2, 2025.

**Spending Plan Summary
Ringwood Affordable Housing Trust Fund**

Trust fund balance as of 12/31/2024	\$157,245
Projected Revenue (2025-2035)	
Development fees	\$123,000
Payments in lieu of construction	
Other funds	
Interest	\$11,000
Total Revenue (Rounded)	\$134,000
Expenditures	
Rehabilitation	\$192,245
Administration	\$11,000
Affordability Assistance	\$88,000*
Total Projected Expenditures	\$291,245

*WILL BE FUNDED WITH ANY ADDITIONAL FUNDS COLLECTED.

Appendix D – Marketing Plan

**BOROUGH OF RINGWOOD
COUNTY OF PASSAIC, STATE OF NEW JERSEY**

Affordable Housing

Affirmative Marketing Plan

Borough of Ringwood Municipal Building
60 Margaret King Ave.
Ringwood, NJ 07456
(973) 962-7037

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Overview

All affordable units are required to be affirmatively marketed using the Borough of Ringwood's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

The Borough of Ringwood provides this Affirmative Marketing Plan for any affordable housing within the Borough. Individual projects may develop their own affirmative marketing plan in compliance with this plan.

Every Affirmative Marketing Plan must include all of the following:

1. Publication of at least one advertisement in a newspaper of general circulation within the housing region;
2. Broadcast of at least one advertisement by radio or television throughout the housing region; and
3. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious, and civic organizations.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan must include the following information:

1. The address of the project and development name, if any;
2. The number of rental units;
3. The price ranges of the rental units;
4. The name and contact information of the Municipal Housing Liaison, Administrative Agent, property manager, or landlord;
5. A description of the Random Selection method that will be used to select applicants for affordable housing; and
6. Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing opportunity:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;

5. The maximum income permitted to qualify for the housing units;
6. The locations of applications for the housing units;
7. The business hours when interested households may obtain an application for a housing unit; and
8. Application fees, if any.

Regional Preference

The Borough of Ringwood has provided that households that live or work in Housing Region #1 (comprised of Bergen, Hudson, Passaic, and Sussex Counties) shall be selected for an affordable housing unit before households from outside of this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Implementation

The affirmative marketing process for affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Borough of Ringwood's Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following daily regional newspapers/publications when units are available and there is no wait list for existing units and when any new units may be constructed in the future:

1. The Suburban Trends
2. The Bergen Record/ Herald News

The primary marketing will take the form of at least one (1) press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an as-needed basis. The advertisement will include a description of the:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;
5. Maximum income permitted to qualify for the units;
6. Location of applications;
7. Business hours when interested households may obtain an application; and
8. Application fees.

All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

1. The Suburban Trends
2. The Bergen Record/ Herald News

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. 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.

The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

1. Station(s): Select two from Attachment A.

The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on those contacts that are able to reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region #1 (Attachment A) as well as the following entities:

1. Quarterly informational flyers and applications shall be sent to the Bergen, Hudson, Passaic, and Sussex Counties' Boards of Realtors for publication in their journals and for circulation among their members; and
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the municipalities and counties of Bergen, Hudson, Passaic, and Sussex.

Applications will be mailed to prospective applicants upon request.

The following is the location of applications, brochure(s), signs and/or poster(s) used as part of the affirmative program, including specific employment centers within the region:

1. Municipal Building: 60 Margaret King Ave, Ringwood, NJ 07456
2. Municipal Library: 30 Cannici Drive Ringwood, NJ 07456

The following is the community contact person who will aid the affirmative marketing program:

Municipal Housing Liaison
60 Margaret King Ave,
Ringwood, NJ 07456
(973) 962-7037

Additionally, quarterly informational circulars and applications for new units which may be constructed in the future will be sent to the chief administrative employees of each of the following agencies in the counties of Bergen, Hudson, Passaic, and Sussex:

1. Welfare or Social Service Board;
2. Rental assistance office (local office of DCA);
3. Office on Aging.
4. Housing Agency or Authority.
5. County Library.
6. Area community action agencies.

Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Borough of Ringwood Administrative Offices;
2. Borough of Ringwood website;
3. Developer's Sales/Rental Offices;
4. Bergen, Hudson, Passaic, and Sussex Counties' Administration Buildings;
5. Bergen, Hudson, Passaic, and Sussex Counties' Libraries (all branches); and
6. Other public buildings and agencies as deemed appropriate by the Administrative Agent.

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. In addition, the foregoing entities shall be notified directly whenever an affordable housing unit(s) becomes available in the Borough of Ringwood.

The following is a listing of community contact person(s) and/or organizations in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low-and moderate-income units:

1. CUMAC's The Place of Promise: 64 Clinton Street, Paterson (973) 742-5518
2. Family Promise of Passaic County, (973) 928-6007, <http://familypromise.org/>

3. Housing Authority of the City of Passaic (HACP), Administrative Office, 52 Aspen Place, Passaic (973) 365-6330, <http://www.passaichousing.org/>
4. New Jersey Community Development Corporation (NJCDC), P.O. Box 6976, Paterson (973) 413-1600 <http://www.njcdc.org/> Housing
5. NJ Housing Resource Center, <http://www.nj.gov/njhrc/>
6. Passaic Affordable Housing Coalition, 5 Eighth Avenue, Passaic (973) 473-2587
7. Passaic County Women's Center, PO Box 244, Paterson (973) 881-1450, <http://www.passaiccountywomenscenter.org/>
8. Paterson Coalition for Housing, 262 Main Street, Paterson (973) 684-5998
9. Paterson Habitat for Humanity 146 North 1st Street, Paterson (201) 697-6696, <https://www.patersonhabitat.org/>
10. Paterson Housing Authority, 60 Van Houten Street, P.O. Box H, Paterson (973) 345-5080, <http://patersonhousingauthority.org/>

A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region #1, comprised of in Bergen, Hudson, Passaic, and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.

The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low-, low- and moderate-income households; to place income-eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

The Administrative Agent shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services. In addition, it shall be the responsibility of the Administrative Agent to inform owners of affordable units and prospective occupants of affordable units of the Borough's affordability assistance programs and to assist with the implementation of such programs.

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

The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until

all very low-, low- and moderate-income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.

The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's adopted Affordable Housing Ordinance.

An applicant pool will be maintained by the Administrative Agent for re-rentals.

1. When a re-rental affordable unit becomes available Administrative Agent will select applicants from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above. The selection of applicants from the applicant pool is described in more detail in this manual under the section **Random Selection & Applicant Pool(s)**.

Sample Advertisement for Available Rental Units

The **Town/Township/Borough** of **municipality** hereby announces that **# affordable housing units** will be available for rent in the **name of development/project**. The housing is under development by **developer** and is available for **type of income** households. **Development** is located at **address, description**.

The affordable housing available includes rents from **\$/,###/month** and includes **#-bedroom units**. **Utilities are included (if applicable)**. Interested households will be required to submit **application, documentation if applicable, and any other requirements** in order to qualify. The maximum household incomes permitted are **\$41,471 for a one person household, \$47,395 for a two person household, \$53,320 for a three person household, \$59,244 for a four person household, \$63,984 for a five person household, and \$69,723 for a six person household**. Once certified, households will be matched to affordable units through a lottery system. All successful applicants will be required to demonstrate the ability to pay a security deposit (**requirements of security deposit**).

Applications are available at **Location(s), hours of operation**. Applications can also be requested via mail by calling **Realtor** at **Phone #**. Applications will be accepted until **mm/dd/yy** and there is a **\$5 fee for the credit check**.

Visit www.njhousing.gov or call 1-877-428-8844 for more affordable housing opportunities.

Although any income eligible households may apply, workers of **[Insert counties in the COAH Housing regional preference zone]**; Passaic County will be selected before residents of other counties or states.

Sample Public Service Announcement

10 second slot:

Affordability priced homes available in Mayberry Borough. Income restrictions apply. Call (800) 555-1234 for information.

30-35 second slot:

Affordably priced, brand new two, three, and four-bedroom attractive homes with nice amenities are available at the Equality at Mayberry Development in desirable Mayberry Borough. Call A Home For You at (800) 555-1234 for information on sales prices and income limits and to get a pre-application. The deadline to submit a pre-application is August 1, 2020, so don't delay. These homes are in accordance with State requirements for low- and moderate-income housing.

Random Selection & Applicant Pool(s)

The following is a description of the random selection method that will be used to select occupants for low- and moderate-income housing:

There will be a period in which to complete and submit applications. Households that have completed applications in that timeframe and have been determined that they are income eligible will be randomly selected to establish an order (service list) in which they will be evaluated by the Administrative Agent for the available unit(s). A copy of the first page of the applications will be folded and placed in a container of sufficient size to allow the applications to be randomly mixed. Once mixed, all applications will be drawn one by one from the container until none are left. The first application drawn will be the first position on the service list, and so on.

At least two people will be present during a random selection and both will sign the resulting service list as having participated and/or witnessed the random selection. Once the applicant is placed on the service list, they shall remain in that position until they are served or asked to be withdrawn from the list. Applicants on the service list shall not be a part of any future random selections. If the household on the list is not of an appropriate household size, income or does not live or work in the Housing Region, that applicant will be skipped and the next applicant household with sufficient income will be evaluated for the available unit. This will continue until a properly sized household with sufficient income or purchase or rent the unit is reached.

The applicant household will be required to submit a complete application to establish their eligibility as defined by the Fair Housing Act. If the end of the service list is reached before an appropriately-sized household that lives or works in the New Jersey Housing Region is identified the Administrative Agent will review skipped households in the order of the random selection. Households that live or work in the Housing Region that are smaller than the ideal household size, as defined by the Borough's Affordable Housing Ordinance, will be considered next.

Any applicants that are skipped for size, income or regional preference will remain on the list and continue to be considered for future restricted units in the order in which they were selected in the random selection.

Unless applicants ask to be removed from the list or become ineligible for assistance, or are unresponsive to our communications, they will remain on the service list. Therefore, these applicants will not need to be in future random selections. Instead, the service order created by future random selections will be placed at the end of the service list set by all prior random selections.

If there are sufficient names remaining on the service list to fill two years of resales and rentals, the applicant pool may be closed by the Administrative Agent. The Administrative Agent will notify the Borough in writing if it intends to close the waiting list. Any households calling or writing to express their interest in an affordable home will be directed to call back on a future date determined by the Administrative Agent. When the applicant pool is being depleted to a point where there is not a sufficient number of people to fill two (2) years of re-sales or rentals, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The service list established by subsequent random selection shall be added to the end of the previous service list.

Initial Randomization
Randomization After Certification

Random selection is conducted when a unit is available, and only certified households seeking the type and bedroom size of the available unit are placed in the lottery. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. All applications are reviewed and households are either certified or informed of non-eligibility. (The certification is valid for 180 days, and may be renewed by updating income-verification information.)
3. Eligible households are placed in applicant pools based upon the number of bedrooms needed (and any other special requirements, such as regional preference or the need for an accessible unit)
4. When a unit is available, only the certified households in need of that type of unit are selected for a lottery.
5. Households are informed of the date, time, and location of the lottery and invited to attend.
6. After the lottery is conducted, the first household selected is given 3 days to express interest or disinterest in the unit. (If the first household is not interested in the unit, this process continues until a certified household selects the unit.)
7. Applications are accepted on an ongoing basis, certified households are added to the pool for the appropriate household income and size categories, and advertising and outreach is ongoing, according to the Affirmative Marketing Plan.

Matching Households to Available Units

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:
 - a. Maximum of two person per bedroom;
 - b. Children of same sex in same bedroom;
 - c. Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms;
 - d. Children not in same bedroom with parents;
 - e. Provide an occupant for each unit bedroom;
 - f. Provide children of different sex with separate bedrooms;
 - g. Require that all the bedrooms be used as bedrooms; and
 - h. Require that a couple requesting a two-bedroom unit provide a doctor's note justifying such request.

In no case shall a household be referred to an affordable housing unit that provides for more than one additional bedroom per household occupancy as stated in the policies above.

The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor.

A household can be eligible for more than one unit category, and should be placed in the applicant pool for all categories for which it is eligible.

ATTACHMENT A
Affirmative Fair Housing Marketing Plan
For Affordable Housing in Region #1

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in **(REGION 1)**

I. APPLICANT AND PROJECT INFORMATION

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

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Bergen, Hudson, Passaic, Sussex		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. 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

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

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

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

3b. **HOUSING RESOURCE CENTER** (www.njhousing.gov) A free, online listing of affordable housing

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 1			
Daily Newspaper			
<input type="checkbox"/>		Star-Ledger	Northern and Central New Jersey
TARGETS PARTIAL HOUSING REGION 1			
Daily Newspaper			
<input type="checkbox"/>		Record, The	Bergen
<input type="checkbox"/>		Jersey Journal	Hudson
<input type="checkbox"/>		Herald News	Passaic
<input type="checkbox"/>		New Jersey Herald	Sussex
TARGETS PARTIAL HOUSING REGION 1			
Non-Daily Newspaper			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<input type="checkbox"/>		Bayonne Community News	Hudson
<input type="checkbox"/>		Northern Valley Suburbanite	Northern Bergen
<input type="checkbox"/>		Teaneck Suburbanite	Teaneck, Bergen
<input type="checkbox"/>		Twin Boro News	Northern Bergen
<input type="checkbox"/>		Shopper News	Bergen
<input type="checkbox"/>		The Ramsey Reporter	Ramsey, Bergen
<input type="checkbox"/>		The Town Journal	Franklin Lakes, Bergen

<input type="checkbox"/>		The Village Gazette	Ridgewood, Bergen
<input type="checkbox"/>		Messenger	Garfield, Bergen
<input type="checkbox"/>		Observer	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Weekly News	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Hawthorne Press	Hawthorne, Passaic
<input type="checkbox"/>		Journal America	Passaic
<input type="checkbox"/>		Hoboken Reporter	Hoboken, Hudson
<input type="checkbox"/>		Hudson Current	Hudson
<input type="checkbox"/>		Jersey City Register	Hudson
<input type="checkbox"/>		The Shoppers' Friend	Sussex
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		North Bergen Register	Hudson
<input type="checkbox"/>		Secaucus Reporter	Secaucus, Hudson
<input type="checkbox"/>		Weehawken Reporter	Weehawken, Hudson
<input type="checkbox"/>		West New York/Union City Reporter	West New York/Union City, Hudson
<input type="checkbox"/>		Observer	Hudson
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		The Leader Free Press	Lyndhurst, Bergen
<input type="checkbox"/>		News Leader of Rutherford	Rutherford, Bergen
<input type="checkbox"/>		North Arlington Leader	North Arlington, Bergen

<input type="checkbox"/>		Our Town	Maywood, Bergen
<input type="checkbox"/>		The Ridgewood Times – Zone 2	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Villadom Times Midland Park	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Palisadian	Bergen
<input type="checkbox"/>		Aim Community News/Aim Action Ads	Passaic
<input type="checkbox"/>		Shoppers Guide to Sussex County	Sussex
<input type="checkbox"/>		Bergen News	Bergen
<input type="checkbox"/>		Press Journal	Palisades Park, Bergen
<input type="checkbox"/>		Korean Bergen News	Bergen
<input type="checkbox"/>		Sun Bulletin	Bergen
<input type="checkbox"/>		News Beacon	Paramus
<input type="checkbox"/>		Slovak Catholic Falcon	(Slovak/English) Passaic
<input type="checkbox"/>		Independence News	Passaic
<input type="checkbox"/>		Home and Store News	Bergen
<input type="checkbox"/>		Our Town	Northern Bergen
<input type="checkbox"/>		The Glen Rock Gazette	Glen Rock, Bergen
<input type="checkbox"/>		Ridgewood News	Ridgewood, Bergen
<input type="checkbox"/>		Suburban News	Northern Bergen
<input type="checkbox"/>		Town News	Northern Bergen
<input type="checkbox"/>		Wyckoff Suburban News	Wyckoff, Bergen

<input type="checkbox"/>		The South Bergenite	Southern Bergen
<input type="checkbox"/>		Secaucus Home News	Secaucus, Hudson
<input type="checkbox"/>		The Advertiser	Sussex
<input type="checkbox"/>		The Advertiser News	Sussex
<input type="checkbox"/>		Sparta Independent	Sparta, Sussex
<input type="checkbox"/>		Sussex County Chronicle	Sparta, Sussex
<input type="checkbox"/>		The Connection Newspaper	Southern Bergen
<input type="checkbox"/>		Jewish Community News	(Jewish) Bergen
<input type="checkbox"/>		Jewish Standard	(Jewish) Bergen
<input type="checkbox"/>		Avance	(Spanish) Hudson
<input type="checkbox"/>		Continental	(Spanish) Hudson
<input type="checkbox"/>		La Tribuna de North Jersey	(Spanish) Hudson
<input type="checkbox"/>		The Argus	West Paterson, Passaic
<input type="checkbox"/>		Suburban Life	Passaic
<input type="checkbox"/>		Today Newspaper	Passaic
<input type="checkbox"/>		Community Life	Northern Bergen
<input type="checkbox"/>		Wood Ridge Independent	Wood Ridge

TARGETS ENTIRE HOUSING REGION 1

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE

<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	NYC Metropolitan Area
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	NYC Metropolitan Area
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	NYC Metropolitan Area
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	NYC Metropolitan Area
<input type="checkbox"/>		13 Wpix, Inc. (Tribune) Educational Broadcasting Corporation	NYC Metropolitan Area
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	NYC Metropolitan Area
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	NYC Metropolitan Area
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	NYC Metropolitan Area, Spanish-language
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area, Spanish-language
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	New Jersey
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	Hudson Valley
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	Northern New Jersey, Various ethnic

<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Northern New Jersey, Christian
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	NYC Metropolitan Area, Spanish-language
TARGETS PARTIAL HOUSING REGION 1			
<input type="checkbox"/>		8 WTNH Wtnh Broadcasting, Inc. (LIN TV Corp.)	Bergen
<input type="checkbox"/>		49 WEDW Connecticut Public Broadcasting, Inc.	Bergen
<input type="checkbox"/>		17 WEBR-CA K Licensee, Inc.	Bergen, Hudson (Christian)
<input type="checkbox"/>		26 WNXV-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		32 WXNY-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		35 WNYX-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		39 WNYN-LP Island Broadcasting Company	Bergen, Hudson (Spanish)
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Bergen, Hudson, Passaic
<input type="checkbox"/>		60 W60AI Ventana Television, Inc.	Bergen, Hudson, Passaic
<input type="checkbox"/>		6 WNYZ-LP Island Broadcasting Co.	Bergen, Sussex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Hudson
<input type="checkbox"/>		34 WPXO-LP Paxson Communications License Company, Llc	Hudson

<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Hudson (Christian)
<input type="checkbox"/>		3 WBQM-LP Renard Communications Corp.	Hudson, Sussex
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Hudson, Sussex
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Passaic, Sussex
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Passaic, Sussex
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Sussex
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Sussex
<input type="checkbox"/>		23 W23AZ Centenary College	Sussex
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Sussex
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Sussex
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Sussex
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Sussex
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Sussex
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Sussex

<input type="checkbox"/>		64 WQPX Paxson Communications License Company, Llc (Ion Media Networks)	Sussex
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
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TARGETS PARTIAL HOUSING REGION 1

<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic

<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex

<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 1			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WHTZ 100.3	

<input type="checkbox"/>		WHUD 100.7	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<input type="checkbox"/>		WBLS 107.5	
TARGETS PARTIAL HOUSING REGION 1			
AM			
<input type="checkbox"/>		WEEX 1230	Bergen
<input type="checkbox"/>		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
<input type="checkbox"/>		WMCA 570	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WNYC 820	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKL 910	Bergen, Hudson, Passaic (Polish)
<input type="checkbox"/>		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WINS 1010	Bergen, Hudson, Passaic

<input type="checkbox"/>		WEPN 1050	Bergen, Hudson, Passaic
<input type="checkbox"/>		WVNJ 1160	Bergen, Hudson, Passaic
<input type="checkbox"/>		WLIB 1190	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WADO 1280	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
<input type="checkbox"/>		WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
<input type="checkbox"/>		WQEW 1560	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRL 1600	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRU 1660	Bergen, Hudson, Passaic (Korean)
<input type="checkbox"/>		WMTR 1250	Passaic
<input type="checkbox"/>		WGHT 1500	Passaic
<input type="checkbox"/>		WNNJ 1360	Sussex
FM			
<input type="checkbox"/>		WSOU 89.5	Bergen, Hudson
<input type="checkbox"/>		WCAA 105.9	Bergen, Hudson (Latino)
<input type="checkbox"/>		WBGO 88.3	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFDU 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WKCR-FM 89.9	Bergen, Hudson, Passaic

<input type="checkbox"/>		WNYU-FM 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFUV 90.7	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFMU 91.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYE 91.5	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKS 98.7	Bergen, Hudson, Sussex
<input type="checkbox"/>		WRTN 93.5	Bergen, Hudson, Sussex
<input type="checkbox"/>		WHCR-FM 90.3	Bergen, Passaic
<input type="checkbox"/>		WPSC-FM 88.7	Passaic
<input type="checkbox"/>		WRHV 88.7	Passaic
<input type="checkbox"/>		WNJP 88.5	Sussex
<input type="checkbox"/>		WNTI 91.9	Sussex
<input type="checkbox"/>		WCTO 96.1	Sussex
<input type="checkbox"/>		WSUS 102.3	Sussex
<input type="checkbox"/>		WNNJ-FM 103.7	Sussex
<input type="checkbox"/>		WDHA -FM 105.5	Sussex
<input type="checkbox"/>		WHCY 106.3	Sussex
<input type="checkbox"/>		WWYY 107.1	Sussex

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE

TARGETS ENTIRE HOUSING REGION 1				
Bi-weekly				
<input type="checkbox"/>		Al Manassah		Arab-American
Monthly				
<input type="checkbox"/>		Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL HOUSING REGION 1				
Daily				
<input type="checkbox"/>		24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly				
<input type="checkbox"/>		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		El Nuevo	Hudson County	Spanish-Language
<input type="checkbox"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lydenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>		Su Guia	Bergen and Passaic	Spanish-Language

<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		Ukranian Weekly	New Jersey	Ukranian community
3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)				
DURATION & FREQUENCY OF OUTREACH		NAME OF EMPLOYER/COMPANY		LOCATION
Hudson County				
<input type="checkbox"/>		United Parcel Service Inc. NY Corp		492 County Ave, Secaucus
<input type="checkbox"/>		USPS		80 County Road, Jersey City
<input type="checkbox"/>		Liz Claiborne Inc		1 Claiborne Ave, North Bergen
<input type="checkbox"/>		Credit Suisse First Boston LLC		1 Pershing Plz Jersey City
<input type="checkbox"/>		HealthCare Staffing and Consult		26 Journal Square, Jersey City
<input type="checkbox"/>		Ritter Sysco Food Service		20 Theodore Conrad Dr. Jersey City
<input type="checkbox"/>		Jersey City Medical Center Inc.		50 Grand St, Secaucus
<input type="checkbox"/>		Marsh USA Inc.		121 River St, Hoboken
<input type="checkbox"/>		National Retail Systems Inc.		2820 16th St North Bergen
<input type="checkbox"/>		Community Corrections Corp		Lincoln Hwy Kearny
<input type="checkbox"/>		Marine Personnel & Provisioning Inc.		1200 Harbor Blvd Weehawken
<input type="checkbox"/>		Port Authority of NY and NJ		241 Erie St. Jersey City and 120 Academy St. Jersey City
<input type="checkbox"/>		Christ Hospital Health Service		176 Palisade Ave, Jersey City
<input type="checkbox"/>		Bayonne Hospital		29th Street and Ave E, Bayonne
<input type="checkbox"/>		Salson Logistics Inc.		2100 88th St.and 7373 West Side Ave, North Bergen, NJ

<input type="checkbox"/>		National Financial Service	1000 Plaza, Jersey City
<input type="checkbox"/>		Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City
<input type="checkbox"/>		Maidenform Inc	154 Ave E, Bayonne
<input type="checkbox"/>		Lord Abbett & Company	90 Hudson City, Jersey City
<input type="checkbox"/>		Liberty Health Plan Inc.	50 Baldwin Ave Jersey City
<input type="checkbox"/>		Port Imperial Ferry Corp.	Pershing Rd Secaucus
<input type="checkbox"/>		Hudson News	1305 Paterson Plank Rd, North Bergen
<input type="checkbox"/>		Palisades General Hospital	7600 River Rd North Bergen, NJ
<input type="checkbox"/>		Equiserve Inc.	525 Washington Blvd Jersey city
<input type="checkbox"/>		Ciricorp Data Systems Incorporated	1919 Park Ave Secaucus
<input type="checkbox"/>		Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
<input type="checkbox"/>		Retailers & Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
<input type="checkbox"/>		Dynamic Delivery Corp	125 Pennsylvania Ave Kearny, NJ
<input type="checkbox"/>		Bowne Business Communications Inc.	215 County Ave Secaucus
<input type="checkbox"/>		North Hudson Community Action Corp.	5301 Broadway West New York 07093
<input type="checkbox"/>		Goya Foods Inc.	100 Seaview Dr. Secaucus
<input type="checkbox"/>		Cristi Cleaning Service	204 Paterson Plank Rd Union, NJ
Bergen County			
<input type="checkbox"/>		Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
<input type="checkbox"/>		Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee

<input type="checkbox"/>		County of Bergen, NJ	1 Bergen County Plaza Hackensack, NJ 07601
<input type="checkbox"/>		Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
<input type="checkbox"/>		NJ Sports & Expo Authority	50 State Highway 120 East Rutherford
<input type="checkbox"/>		Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
<input type="checkbox"/>		Quest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
<input type="checkbox"/>		AT&T	15 E Midland Ave Paramus
<input type="checkbox"/>		Englewood Hospital and Medical Center	350 Engle St. Englewood
<input type="checkbox"/>		Aramark Svcs Management of NJ Inc	50 Route 120 East Rutherford
<input type="checkbox"/>		Holy Name Hospital	718 Teaneck Road Teaneck
<input type="checkbox"/>		Doherty Enterprises Inc	7 Pearl Ct Allendale
<input type="checkbox"/>		Bergen Regional Medical Center	230 East Ridgewood Ave Paramus
<input type="checkbox"/>		Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
<input type="checkbox"/>		Howmedica Osteonics Corp	59 Route 17 Allendale
<input type="checkbox"/>		Becton Dickinson & Company Corp	1 Becton Dr. Franklin Lakes
<input type="checkbox"/>		Pearson Education, Inc.	1 Lake St. Upper Saddle River
Passaic County			
<input type="checkbox"/>		D&E Pharmaceutical Co.	206 Macoprin Rd Bloomingdale, NJ 07403
<input type="checkbox"/>		Acme Markets	467 AllWood Rd Clifton, NJ 07012
<input type="checkbox"/>		St. Mary's Hospital	350 Boulevard Passaic, NJ 07055
<input type="checkbox"/>		Merry Maids	14 Riverside Square Mall, Bloomingdale, NJ 07403

<input type="checkbox"/>		Health Center at Bloomingdale	255 Union Ave Bloomingdale, NJ 07403
<input type="checkbox"/>		Sommers Plastic Product Co. Inc.	31 Styertowne Rd Clifton, NJ 07012
<input type="checkbox"/>		St. Joseph's Hospital	703 Main St. Paterson, NJ 07503
<input type="checkbox"/>		BAE Systems	164 Totowa Rd, Wayne, NJ 07470
<input type="checkbox"/>		Drake Bakeries Inc	75 Demarest Dr, Wayne, NJ 07470
<input type="checkbox"/>		Toys R Us National Headquarters	1 Geoffrey Way, Wayne, NJ 07470
<input type="checkbox"/>		GAF Materials Corporation	1361 Alps Rd, Wayne, NJ 07470
<input type="checkbox"/>		Valley National Bank Headquarters	1455 Valley Road Wayne, New Jersey 07470
Sussex County			
<input type="checkbox"/>		Selective Insurance	40 Wantage Ave, Branchville, NJ
<input type="checkbox"/>		Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ
<input type="checkbox"/>		Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
<input type="checkbox"/>		County of Sussex	One Spring Street, Newton, NJ 07860
<input type="checkbox"/>		Newton Memorial Hospital Inc.	175 High St, Newton, NJ
<input type="checkbox"/>		Vernon Township Board of Education	539 State Rt 515, Vernon, NJ
<input type="checkbox"/>		F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
<input type="checkbox"/>		Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
<input type="checkbox"/>		Saint Clare's Hospital	20 Walnut St, Sussex, NJ
<input type="checkbox"/>		Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:											
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)											
	<table border="1"> <thead> <tr> <th>BUILDING</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Sussex County Main Library</td> <td>125 Morris Turnpike, Newton, NJ 07860</td> </tr> <tr> <td><input type="checkbox"/> Hudson County Administration Building</td> <td>595 Newark Avenue, Jersey City, NJ 07306</td> </tr> <tr> <td><input type="checkbox"/> Passaic County Administration Building</td> <td>401 Grand Street, Paterson, NJ 07505 (973) 225-3632</td> </tr> <tr> <td><input type="checkbox"/> Bergen County Administration Building</td> <td>One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000</td> </tr> </tbody> </table>	BUILDING	LOCATION	<input type="checkbox"/> Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860	<input type="checkbox"/> Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306	<input type="checkbox"/> Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632	<input type="checkbox"/> Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
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<input type="checkbox"/> Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000										
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)											
4c. Sales/Rental Office for units (if applicable)											

V. CERTIFICATIONS AND ENDORSEMENTS

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

–

Name (Type or Print)

–

Title/Municipality

–

Signature

Date

Appendix E – Deed Restrictions

Appendix F – Highlands Buildout Analysis



New Jersey Highlands

2024 Municipal Build-Out Update

The Highlands region, by the terms of the Highlands Act and the Highlands RMP, is an area of the state designated for limited growth, both in terms of overall scale of new development and the portions of the region that are suitable for development. Long-term management of the region for the protection of its vital resources requires that all future development, including affordable housing, be appropriate in scale, location, and design to ensure that those resources will be available for future generations of New Jersey's residents and businesses.

Parcels

In Municipality

4,905

Parcels

Need Review

0

Parcels

Developable

0

Acres

Developable

0

This Review Portal provides an application to access and review the 2024 GIS vacancy and build-out analysis conducted in accordance with the Highlands Affordable Housing RMP 2024 Amendment.

[Go to the Review Portal](#)

[Go to Resources](#)

[Access the Datasets](#)

EXHIBIT P-2

**PLANNING BOARD
BOROUGH OF RINGWOOD**

**RESOLUTION ADOPTING 2025 FOURTH ROUND HOUSING ELEMENT AND FAIR
SHARE PLAN**

WHEREAS, the Planning Board of the Borough of Ringwood has adopted a Master Plan pursuant to N.J.S.A. 40:55D-28 and, as a component of the Master Plan, the Planning Board adopted a 2010 Housing Element and Fair Share Plan in accordance with N.J.S.A. 40:55D-28b(3) and N.J.S.A. 52:27D-310; and

WHEREAS, the Housing Plan Element and Fair Share Plan was adopted by the Planning Board and endorsed by the Governing Body in accordance with N.J.A.C. 5:97-2.1 and 2.3, and N.J.A.C. 5:97-3.1 and 3.2; and

WHEREAS, the Planning Board desires to adopt the 2025 Fourth Round Housing Element and Fair Share Plan prepared by J. Caldwell & Associates, LLC, dated June 2, 2025; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the proposed 2025 Fourth Round Housing Element and Fair Share Plan on June 2, 2025, at which time the Planning Board considered the sworn testimony of its professional planner, and considered the sworn testimony and comments of the public, if any; and

WHEREAS, upon the conclusion of the public hearing, the Planning Board determined that the 2025 Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Master Plan and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan are designed to achieve the goal of access to affordable housing, are in the public interest, and will protect public health and safety and

promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Ringwood as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.

Section 2. The Planning Board hereby adopts the 2025 Fourth Round Housing Element and Fair Share Plan prepared by J. Caldwell & Associates, LLC, dated June 2, 2025.

Section 3. The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Governing Body and to all others as required by law.

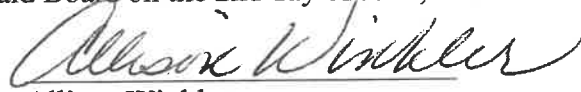
Section 4. The Planning Board may take all reasonable, proper and necessary steps to effectuate the purposes of this Resolution.

Section 5. This Resolution shall take effect in accordance with applicable law.

Dated: June 2, 2025

CERTIFICATION

The undersigned, Secretary of the Ringwood Planning Board, hereby certifies that the above is a true copy of the resolution adopted by said Board on the 2nd day of June, 2025.



Allison Winkler
Secretary, Planning Board

Board Member	Motion	Second	Ayes	Nayes	Abstain	Absent
Robert Stiers, Chairman			X			
Andrew Burgoyne, Vice Chairman			X			
John Speer, Executive Secretary			X			
Sean Noonan, Mayor's Designee						X
Zoltan Kiraly, Councilman	X		X			
James Martocci						X
Joseph Cortina			X			
Jennifer Larson		X				
Angelo Martino			X			
John Caillie, Alternate # 1			X			
Robert Monroe, Alternate # 2			X			

EXHIBIT P-3

Resolution Number
2025-133

RESOLUTION ENDORSING THE 2025 HOUSING ELEMENT AND FAIR
SHARE PLAN AS ADOPTED BY THE PLANNING BOARD

WHEREAS, N.J.A.C. 5:97 requires the adoption of the Housing Element and Fair Share Plan by the Planning Board and endorsement thereof by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Ringwood, located in the County of Passaic in the State of New Jersey, considered the Fourth Round Housing Element and Fair Share Plan on June 2, 2025; and

WHEREAS, the Planning Board considered the sworn testimony of its professional planner, and considered the sworn testimony and comments of the public, if any; and

WHEREAS, the Planning Board determined that the Housing Element and Fair Share Plan is consistent with the goals and objectives of the Borough of Ringwood's Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan is designed to achieve the goal of access to affordable housing, is in the public interest and will protect public health and safety and promote the general welfare; and

WHEREAS, the Planning Board, by Resolution adopted June 2, 2025, adopted the Housing Element and Fair Share Plan prepared by the Professional Planner, Jessica Caldwell, PP, AICP, of J. Caldwell & Associates, LLC., and dated June 2, 2025; and

WHEREAS, the Governing Body of the Borough of Ringwood wishes to endorse the Fourth Round Housing Element and Fair Share Plan adopted by the Planning Board of the Borough of Ringwood on June 2, 2025.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of Borough of Ringwood located in the County of Passaic and the State of New Jersey hereby endorses the Fourth Round Housing Element and Fair Share Plan as adopted by the Planning Board of the Borough of Ringwood on June 2, 2025.


JAIME MATTEO-LANDIS, MAYOR

I hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at its Business Meeting of June 17, 2025.


 NICOLE LANGENMAYR, RMC
 MUNICIPAL CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Matteo-Landis						X
Kerr			X			
Baumgartner			X			
Echols			X			
Kiraly	X		X			
Noonan		X	X			
Rubacky			X			

EXHIBIT P-4

Ordinance No. 2026-#04

AN ORDINANCE REPEALING AND REPLACING SECTION 40-16, "FAIR SHARE HOUSING" OF THE BOROUGH OF RINGWOOD'S ZONING REGULATIONS.

WHEREAS, on March 20, 2024, the New Jersey governor signed into law P. L. 2024,c.2 which amended various provisions of the New Jersey Fair Housing Act, N.J.S.A. 52:27-D -301 et. seq. (FHA); and

WHEREAS, The FHA sets forth the fourth round period of affordable housing obligations shall run from July 1, 2025, through June 30, 2023 ("Fourth Round") and

WHEREAS, amongst other things, P.L. 2024, c2 abolished the Council on Affordable Housing, created the Affordable Housing Dispute Resolution Program (the "Program") and establish new procedures and deadlines for municipalities to come into compliance with the FHA and Mount Laurel Doctrine for each future ten (10) year Affordable Housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

WHEREAS, The Borough of Ringwood availed itself to the declaratory judgment process set forth in the Program and was subsequently challenged by the Fair Share Housing Center, (an Affordable Housing advocacy group "Fair Shar");

WHEREAS, The Borough of Ringwood had subsequently settled with Fair Share by virtue of filing a court approved Consent Order Conditional Compliance Certification N.J.S.A. 52:27D-304 (q)); and

WHEREAS, pursuant to the terms and conditions of the Consent Order Conditional Compliance Certification N.J.S.A. 52:27D-304 (q)), the Borough must take the following actions to secure unconditional compliance and secure a Final Judgement of Repose:

- a. Adopt a manual for its municipal housing rehabilitation program that complies with N.J.A.C. 5:93-5.2(k).
- b. Adopt a Spending Plan that complies with the forthcoming regulations at N.J.A.C. 5:99 before March 15, 2026.
- c. Update its Affordable Housing Ordinance, Development Fee Ordinance, Affirmative Marketing Plan, and other administrative documents in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq, and N.J.A.C. 5:99 after they are adopted and before March 15, 2026.

WHEREAS, the Borough of Ringwood has complied with all of the requisite steps through the present date of the Program in order to secure temporary immunity from builders remedy lawsuits and is desirous of perfecting its Fourth Round Affordable Housing obligations and securing the Final Judgment of Repos immunizing it from builders remedy litigation for the entirety of the Fourth Round it wishes to update its Ordinance as set forth above.

BE IT HEREBY ORDAINED THAT;

Section 1. The foregoing clauses are incorporated herein by reference and made a part hereof.

Section 2. The entirety of §40-16 of the Borough Code (including all subsections) be repealed and replaced with the following:

§ 40-16 Affordable Housing.

§ 40-16.1 Introduction & Applicability

- a. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Ringwood Borough 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% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
- c. The Ringwood Borough Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- d. This 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 currently exist and that are proposed to be created pursuant to the municipality'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 Municipal 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 are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

§ 40-16.2 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 40-16.3 Monitoring and Reporting Requirements

- a. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - 1. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 - 2. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 - 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.

§ 40-16.4 New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

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

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

90	100
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- c. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
1. Design of 100 percent affordable developments:
 - (a) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - (b) Each bedroom in each restricted unit must have at least one window.
 - (c) Restricted units must include adequate air conditioning and heating.
 2. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - (a) Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - (b) Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - (c) Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - (d) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - (e) Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - (f) Each bedroom in each restricted unit must have at least one window.
 - (g) Restricted units must be of the same unit type as market-rate units within the same building.
 - (h) Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 3. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:

- (a) Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - (b) Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - (c) Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhomes 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.
 - (d) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - (e) Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - (f) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - (g) Each bedroom in each restricted unit must have at least one window; and
 - (h) Restricted units must include adequate air conditioning and heating.
- d. Utilities.
1. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 2. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C. 5:80-26.13(e).
- e. Low/moderate split and bedroom distribution.
1. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 2. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.

3. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 4. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - (b) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - (c) The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units.
 - (d) At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.
 - (e) At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units.
 - (f) The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
 5. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
- f. Accessibility requirements.
1. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 2. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;

- (b) An adaptable kitchen on the first floor;
- (c) An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
- (d) An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
- (e) If not all of the foregoing requirements in 2(a) through 2(d) can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
- (f) An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (1) 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.
 - (2) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (3) 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.
 - (4) 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.
 - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

§ 40-16.5 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 municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 5. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
 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.
 7. Passaic County Rehabilitation Program.
 - (a) The Borough will participate in Passaic County's Housing Rehabilitation Program, which is funded through the Passaic County Community Development Block Grant Program.

- (b) The objective of the Passaic County CDBG Urban County program is to assist low- and moderate-income residents and individuals with special needs in the County of Passaic in the twelve (12) communities participating in the Urban County CDBG program: Bloomingdale, Haledon, Hawthorne, Little Falls, North Haledon, Pompton Lakes, Prospect Park, Totowa, Ringwood, Wanaque, West Milford and Woodland Park.
 - (c) The application can be found online at:
<https://www.passaiccountynj.org/departments/planning-economic-development/community-development-block-grant-program>
- c. 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 municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - (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 municipality shall fund and complete the work.
 - (e) The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - (f) The deed restriction for the extended control period shall be filed with the County Clerk.
- d. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- 1. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - (a) Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).
 - (b) Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall

not exceed the rent standards established and published by the New Jersey Department of Human Services.

- (c) The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
- (d) Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
- (e) Occupancy shall not be restricted to youth under 18 years of age.
- (f) In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- (g) The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (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 approved by the sponsoring program;
 - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- (h) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- (i) Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- (j) The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (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.
- (k) The sponsor/owner shall complete annual monitoring as directed by the MHL.

§ 40-16.6 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.

§ 40-16.7 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% of regional median income.
- d. 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.
- e. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
- f. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
- g. 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.
- h. 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.
- i. 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.
 - j. 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.
 - k. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 - l. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

§ 40-16.8 Affirmative Marketing.

- a. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.

- b. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and is required to be followed throughout the period of deed restriction.
- 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. There shall be a regional preference for all households that live and/or work in Housing Region 1 comprising Bergen, Hudson, Passaic, and Sussex Counties.
 - 2. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - 3. 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 municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
- 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 shall 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 counseling services to low- and moderate-income applicants 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.
- j. 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.

§ 40-16.9 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.

§ 40-16.10 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.

§ 40-16.11 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 municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - 2. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.

- f. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- g. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- h. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- i. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

§ 40-16.12 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.

§ 40-16.13 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% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
- b. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
- c. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

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

§ 40-16.14 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% 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).

§ 40-16.15 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 amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
- b. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
- c. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
- d. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
- e. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

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

§ 40-16.16 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 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- e. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
- f. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
- g. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
- h. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

§ 40-16.17 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% of the regional median income by household size.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
- b. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- c. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

§ 40-16.18 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.

§ 40-16.19 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 municipality.
- c. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
- d. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 2. Affirmative marketing:
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - (b) Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 3. Household certification.

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households.
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
4. Affordability controls.
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - (b) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - (c) Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - (d) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
5. Records retention.
- (a) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - (b) Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
6. Resales and re-rentals.
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - (b) Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
7. Processing requests from unit owners.
- (a) Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to

determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.

- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - (c) Notifying the municipality of an owner's intent to sell a restricted unit.
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
8. Enforcement.
- (a) Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - (d) Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - (e) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
9. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

§ 40-16.20 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. 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.

§ 40-16.21 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 municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- b. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (a) A fine of not more than \$1,250 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 municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
- d. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
1. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 2. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a

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

3. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 4. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 5. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 6. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- 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.

§ 40-16.22 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 municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
 - 2. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
- c. Residential Development Fees
 - 1. Imposed fees
 - (a) Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
 - (b) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

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

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

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

d. Non-Residential Development Fees

1. Imposition of fees

- (a) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (b) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Eligible exactions, ineligible exactions and exemptions for non-residential development
 - (a) The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
 - (b) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
 4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 5. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.
- e. Collection Procedures
1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
 2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
 3. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
 4. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
 5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.

6. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 7. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
 8. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.
- f. Appeal of development fees
1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 2. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- g. Affordable Housing Trust Fund
1. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
 2. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - (b) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (c) Rental income from municipally operated units;
 - (d) Repayments from affordable housing program loans;
 - (e) Recapture funds;

- (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
3. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
 4. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
 - (a) Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - (b) Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - (c) Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - (d) Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - (e) Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - (f) Revocation of compliance certification or a judgment of compliance and repose;
 - (g) Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 - (h) Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
 5. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.
- h. Use of Funds
1. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
 2. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.

3. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - (b) Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
4. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.
 - i. Monitoring
 1. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.
 - j. Ongoing Collection of Fees
 1. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
 2. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).
 - k. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair

share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Section 3. If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

Section 4. All ordinances and resolutions, including but not limited to parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

Section 5. This Ordinance shall take effect upon final passage and publication according to law.


NICOLE LANGENMAYER, RMC
MUNICIPAL CLERK


JAIME MATTEO-LANDIS, MAYOR

Introduced: February 24, 2026
Adopted: March 12, 2026
Effective: April 1, 2026

EXHIBIT P-5

Resolution Number
2026-53

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RINGWOOD, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY ADOPTING FOURTH ROUND AFFORDABLE HOUSING SPENDING PLAN

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended various provisions of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. ("Amended FHA")); and

WHEREAS, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025, through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, a municipality may not spend or commit to spend any affordable housing development fees, without first obtaining the approval of the expenditure as part of its compliance certification or by the New Jersey Department of Community Affairs (DCA); and

WHEREAS, the Governing Body of the Borough of Ringwood, County of Passaic, State of New Jersey, adopted a development fee ordinance on July 28, 2008; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or any other funds collected for affordable housing purposes; and


WHEREAS, the Borough of Ringwood has prepared a Fourth Round Affordable Housing Trust Fund Spending Plan, dated January 2026; and

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Ringwood, County of Passaic, New Jersey, that the Borough of Ringwood hereby adopts the Fourth Round Affordable Housing Trust Fund Spending Plan for the Borough of Ringwood, dated February 2026, prepared by J. Caldwell & Associates, LLC, which is attached hereto and incorporated herein.

This Resolution shall take effect immediately.


JAIME MATTEO-LANDIS, MAYOR

I hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at its Business Meeting of February 24, 2026.


NICOLE LANGENMAYR, RMC
MUNICIPAL CLERK

Resolution Number
2026-53

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Matteo-Landis			X			
Kerr			X			
Auferi			X			
Echols			X			
Kiraly		X	X			
Noonan			X			
Rubacky	X		X			

AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

RINGWOOD BOROUGH PASSAIC COUNTY, NEW JERSEY

February 2026

Prepared by: Jessica C. Caldwell, P.P., A.I.C.P.
NJPP License #5944

SPENDING PLAN

INTRODUCTION

The Borough of Ringwood, Passaic County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the present and prospective affordable housing need in accordance with the Municipal Land Use Law (MLUL), the Fair Housing Act (FHA), the regulations of the Council on Affordable Housing (COAH) and recent decisions by the Courts.

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines was adopted in December 4, 2008. The ordinance established a fee of 2.5% for new non-residential development. The ordinance will be updated to include 1.5% for new residential development for new commercial construction. The ordinance established the need for a Borough of Ringwood Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate-interest-bearing affordable housing trust fund account for the purposes of affordable housing. This Spending Plan supersedes any previously adopted Spending Plans.

The Borough of Ringwood has prepared this Spending Plan (2026) to guide the allocation of funds within the Borough of Ringwood Affordable Housing Trust Fund. As of December 31, 2024, the Borough of Ringwood had \$157,245.29 in funds in its Affordable Housing Trust Fund. Any new funds collected shall be spent in accordance N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Fourth Round substantive certification, the Borough of Ringwood considered the following:

- (a) Development fees:
 - 1. Nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
 - 2. All nonresidential 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) Payments in Lieu (PIL): Payments in Lieu of development into the Borough's Housing Trust are permitted under certain circumstances, particularly prior resolutions of approval for development.
- (c) Other funding sources: The Borough reserves the option to pursue various public funding options to support its municipal rehabilitation program.
- (d) Projected interest: Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate is 0.5% based on prevailing interest rates for savings accounts.

Projected Revenue Schedule, 2025-2035
Borough of Ringwood Affordable Housing Trust Fund

Source of Funds	Up to 12/31/2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development Fees	\$157,245												
1. Approved Residential and Nonresidential Development Projects	NA	\$2,500	\$2,500	\$2,500									\$7,500
2. Projected Residential Development Projects Only	NA	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$82,500
3. Projected Non-Residential Development Projects (New construction only)	NA	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$33,000
(b) Payments in lieu of Construction	NA												
(c) Other Funds (specify source)	NA												
Subtotal	\$157,245	\$10,500	\$10,500	\$10,500	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$123,000
(d) Interest	NA	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$11,000
Total Revenue from Development Fees	\$157,245	\$10,500	\$10,500	\$10,500	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$291,245

The Borough of Ringwood projects a total of \$134,000 to be collected between January 1, 2025 and December 31, 2035 for residential and non-residential new construction. There is an existing balance of \$157,245, resulting in a total of \$291,245 for use on affordable housing. Projections are based on projected development as it relates to permits issued within the Borough over the last five years and revenues generated by the fund over the last ten years.

ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

Ringwood will follow the process for the collection and distribution of development fee revenues detailed below.

- (a) Collection of development fee revenues: Ringwood will collect development fee revenues in a manner that is consistent with the Borough's development fee ordinance for both residential and nonresidential development and in accordance with applicable regulations.
- (b) Distribution of development fee revenues: Ringwood will distribute funds with the oversight of the Borough Committee. The Committee will work with the Borough Administration and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

The Borough of Ringwood proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

- (a) **Rehabilitation Projects** (N.J.A.C. 5:97-6.2): the Borough of Ringwood will dedicate the following funds to Rehabilitation projects in order to meet its fair share affordable unit obligation:
Borough Rehabilitation Program: At least \$12,500 per unit for a total of 15 units for a budget of \$192,245.
- (b) **Administrative Expenses** (N.J.A.C. 5:97-8.9) the Borough of Ringwood will dedicate no more than 20 percent of revenue from the affordable housing trust fund to be used for administrative purposes. **The current budget for administrative expenses is \$11,000, with any additional funds subject to the 20 percent cap are as follows:**
 - Administration of affordable housing programs;
 - Legal fees associated with affordable housing administration;
 - Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
 - Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within the Borough of Ringwood.
- (c) **Affordability Assistance** (N.J.A.C. 5:97-8.8) Ringwood will dedicate **\$88,000** from the affordable housing trust fund to render units more affordable through its rehabilitation program, including at \$44,000 to render units more affordable to households earning 30% or less of median income by region. This will include the rehabilitation program and providing assistance to existing low-income and very low-income homeowners and renters in Ringwood Borough.

- (d) **Supportive Living and Special Needs** (N.J.A.C. 5:97-6.10): Ringwood will dedicate funds to assist in the development and renovation of supportive and special needs homes as the budget permits.

- (e) **Excess Funds:** Any excess funds will be dedicated to emergent projects such as municipally sponsored 100% affordable housing/ market to affordable program, accessory apartments and other permitted affordable housing programs.

SUMMARY

Ringwood intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the affordable housing programs outlined in the Borough's Housing Element and Fair Share Plan dated June 2, 2025.

**Spending Plan Summary
Ringwood Affordable Housing Trust Fund**

Trust fund balance as of 12/31/2024	\$157,245
Projected Revenue (2025-2035)	
Development fees	\$123,000
Payments in lieu of construction	
Other funds	
Interest	\$11,000
Total Revenue (Rounded)	\$134,000
Expenditures	
Rehabilitation	\$192,245
Administration	\$11,000
Affordability Assistance	\$88,000*
Total Projected Expenditures	\$291,245

*WILL BE FUNDED WITH ANY ADDITIONAL FUNDS COLLECTED.

EXHIBIT P-6

Resolution Number
2026-54

RESOLUTION OF THE MAYOR AND GOVERNING BODY OF THE BOROUGH OF RINGWOOD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ADOPTING THE "AFFIRMATIVE MARKETING PLAN" FOR THE BOROUGH OF RINGWOOD

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Borough of Ringwood is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the Housing Element and Fair Share Plan within the Borough of Ringwood, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region #1, the Affordable Housing Region encompassing the Borough of Ringwood.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Governing Body of the Borough of Ringwood, County of Passaic, State of New Jersey, do hereby adopt the Affirmative Marketing Plan attached hereto as Exhibit A.

This Resolution shall take effect immediately.


JAIME MATTEO-LANDIS, MAYOR

I hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at its Business Meeting of February 24, 2026.


NICOLE LANGENMAYR, RMC
MUNICIPAL CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Matteo-Landis			X			
Kerr		X	X			
Auleri			X			
Echols			X			
Kiraly			X			
Noonan	X		X			
Rubacky			X			

EXHIBIT A

**BOROUGH OF RINGWOOD
COUNTY OF PASSAIC, STATE OF NEW JERSEY**

Affordable Housing
Affirmative Marketing Plan

Borough of Ringwood Municipal Building
60 Margaret King Ave.
Ringwood, NJ 07456
(973) 962-7037

Contents

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Overview

All affordable units are required to be affirmatively marketed using the Borough of Ringwood's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

The Borough of Ringwood provides this Affirmative Marketing Plan for any affordable housing within the Borough. Individual projects may develop their own affirmative marketing plan in compliance with this plan.

Every Affirmative Marketing Plan must include all of the following:

1. Publication of at least one advertisement in a newspaper of general circulation within the housing region;
2. Broadcast of at least one advertisement by radio or television throughout the housing region; and
3. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious, and civic organizations.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan must include the following information:

1. The address of the project and development name, if any;
2. The number of rental units;
3. The price ranges of the rental units;
4. The name and contact information of the Municipal Housing Liaison, Administrative Agent, property manager, or landlord;
5. A description of the Random Selection method that will be used to select applicants for affordable housing; and
6. Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing opportunity:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;

5. The maximum income permitted to qualify for the housing units;
6. The locations of applications for the housing units;
7. The business hours when interested households may obtain an application for a housing unit; and
8. Application fees, if any.

Regional Preference

The Borough of Ringwood has provided that households that live or work in Housing Region #1 (comprised of Bergen, Hudson, Passaic, and Sussex Counties) shall be selected for an affordable housing unit before households from outside of this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Implementation

The affirmative marketing process for affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Borough of Ringwood's Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following daily regional newspapers/publications when units are available and there is no wait list for existing units and when any new units may be constructed in the future:

1. The Suburban Trends
2. The Bergen Record/ Herald News

The primary marketing will take the form of at least one (1) press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an as-needed basis. The advertisement will include a description of the:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;
5. Maximum income permitted to qualify for the units;
6. Location of applications;
7. Business hours when interested households may obtain an application; and
8. Application fees.

All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

1. The Suburban Trends
2. The Bergen Record/ Herald News

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. 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.

The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

1. Station(s): Select two from Attachment A.

The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on those contacts that are able to reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region #1 (Attachment A) as well as the following entities:

1. Quarterly informational flyers and applications shall be sent to the Bergen, Hudson, Passaic, and Sussex Counties' Boards of Realtors for publication in their journals and for circulation among their members; and
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the municipalities and counties of Bergen, Hudson, Passaic, and Sussex.

Applications will be mailed to prospective applicants upon request.

The following is the location of applications, brochure(s), signs and/or poster(s) used as part of the affirmative program, including specific employment centers within the region:

1. Municipal Building: 60 Margaret King Ave, Ringwood, NJ 07456
2. Municipal Library: 30 Cannici Drive Ringwood, NJ 07456

The following is the community contact person who will aid the affirmative marketing program:

Municipal Housing Liaison
60 Margaret King Ave,
Ringwood, NJ 07456
(973) 962-7037

Additionally, quarterly informational circulars and applications for new units which may be constructed in the future will be sent to the chief administrative employees of each of the following agencies in the counties of Bergen, Hudson, Passaic, and Sussex:

1. Welfare or Social Service Board;
2. Rental assistance office (local office of DCA);
3. Office on Aging.
4. Housing Agency or Authority.
5. County Library.
6. Area community action agencies.

Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Borough of Ringwood Administrative Offices;
2. Borough of Ringwood website;
3. Developer's Sales/Rental Offices;
4. Bergen, Hudson, Passaic, and Sussex Counties' Administration Buildings;
5. Bergen, Hudson, Passaic, and Sussex Counties' Libraries (all branches); and
6. Other public buildings and agencies as deemed appropriate by the Administrative Agent.

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. In addition, the foregoing entities shall be notified directly whenever an affordable housing unit(s) becomes available in the Borough of Ringwood.

The following is a listing of community contact person(s) and/or organizations in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low-and moderate-income units:

1. CUMAC's The Place of Promise: 64 Clinton Street, Paterson (973) 742-5518
2. Family Promise of Passaic County, (973) 928-6007, <http://familypromise.org/>

3. Housing Authority of the City of Passaic (HACP), Administrative Office, 52 Aspen Place, Passaic (973) 365-6330, <http://www.passaichousing.org/>
4. New Jersey Community Development Corporation (NJCDC), P.O. Box 6976, Paterson (973) 413-1600 <http://www.njcdc.org/> Housing
5. NJ Housing Resource Center, <http://www.nj.gov/njhrc/>
6. Passaic Affordable Housing Coalition, 5 Eighth Avenue, Passaic (973) 473-2587
7. Passaic County Women's Center, PO Box 244, Paterson (973) 881-1450, <http://www.passaiccountywomenscenter.org/>
8. Paterson Coalition for Housing, 262 Main Street, Paterson (973) 684-5998
9. Paterson Habitat for Humanity 146 North 1st Street, Paterson (201) 697-6696, <https://www.patersonhabitat.org/>
10. Paterson Housing Authority, 60 Van Houten Street, P.O. Box H, Paterson (973) 345-5080, <http://patersonhousingauthority.org/>

A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region #1, comprised of in Bergen, Hudson, Passaic, and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.

The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low-, low- and moderate-income households; to place income-eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

The Administrative Agent shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services. In addition, it shall be the responsibility of the Administrative Agent to inform owners of affordable units and prospective occupants of affordable units of the Borough's affordability assistance programs and to assist with the implementation of such programs.

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

The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until

all very low-, low- and moderate-income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.

The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's adopted Affordable Housing Ordinance.

An applicant pool will be maintained by the Administrative Agent for re-rentals.

1. When a re-rental affordable unit becomes available Administrative Agent will select applicants from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above. The selection of applicants from the applicant pool is described in more detail in this manual under the section **Random Selection & Applicant Pool(s)**.

Sample Advertisement for Available Rental Units

The **Town/Township/Borough** of **municipality** hereby announces that **# affordable housing units** will be available for rent in the **name of development/project**. The housing is under development by **developer** and is available for **type of income** households. **Development** is located at **address, description**.

The affordable housing available includes rents from **\$.###/month** and includes **#-bedroom units**. **Utilities are included (if applicable)**. Interested households will be required to submit **application, documentation if applicable, and any other requirements** in order to qualify. The maximum household incomes permitted are **\$41,471 for a one person household, \$47,395 for a two person household, \$53,320 for a three person household, \$59,244 for a four person household, \$63,984 for a five person household, and \$69,723 for a six person household**. Once certified, households will be matched to affordable units through a lottery system. All successful applicants will be required to demonstrate the ability to pay a security deposit (**requirements of security deposit**).

Applications are available at **Location(s), hours of operation**. Applications can also be requested via mail by calling **Realtor** at **Phone #**. Applications will be accepted until **mm/dd/yy** and there is a **\$5 fee for the credit check**.

Visit www.njhousing.gov or call 1-877-428-8844 for more affordable housing opportunities.

Although any income eligible households may apply, workers of **[Insert counties in the COAH Housing regional preference zone]**; Passaic County will be selected before residents of other counties or states.

Sample Public Service Announcement

10 second slot:

Affordability priced homes available in Mayberry Borough. Income restrictions apply. Call (800) 555-1234 for information.

30-35 second slot:

Affordably priced, brand new two, three, and four-bedroom attractive homes with nice amenities are available at the Equality at Mayberry Development in desirable Mayberry Borough. Call A Home For You at (800) 555-1234 for information on sales prices and income limits and to get a pre-application. The deadline to submit a pre-application is August 1, 2020, so don't delay. These homes are in accordance with State requirements for low- and moderate-income housing.

Random Selection & Applicant Pool(s)

The following is a description of the random selection method that will be used to select occupants for low- and moderate-income housing:

There will be a period in which to complete and submit applications. Households that have completed applications in that timeframe and have been determined that they are income eligible will be randomly selected to establish an order (service list) in which they will be evaluated by the Administrative Agent for the available unit(s). A copy of the first page of the applications will be folded and placed in a container of sufficient size to allow the applications to be randomly mixed. Once mixed, all applications will be drawn one by one from the container until none are left. The first application drawn will be the first position on the service list, and so on.

At least two people will be present during a random selection and both will sign the resulting service list as having participated and/or witnessed the random selection. Once the applicant is placed on the service list, they shall remain in that position until they are served or asked to be withdrawn from the list. Applicants on the service list shall not be a part of any future random selections. If the household on the list is not of an appropriate household size, income or does not live or work in the Housing Region, that applicant will be skipped and the next applicant household with sufficient income will be evaluated for the available unit. This will continue until a properly sized household with sufficient income or purchase or rent the unit is reached.

The applicant household will be required to submit a complete application to establish their eligibility as defined by the Fair Housing Act. If the end of the service list is reached before an appropriately-sized household that lives or works in the New Jersey Housing Region is identified the Administrative Agent will review skipped households in the order of the random selection. Households that live or work in the Housing Region that are smaller than the ideal household size, as defined by the Borough's Affordable Housing Ordinance, will be considered next.

Any applicants that are skipped for size, income or regional preference will remain on the list and continue to be considered for future restricted units in the order in which they were selected in the random selection.

Unless applicants ask to be removed from the list or become ineligible for assistance, or are unresponsive to our communications, they will remain on the service list. Therefore, these applicants will not need to be in future random selections. Instead, the service order created by future random selections will be placed at the end of the service list set by all prior random selections.

If there are sufficient names remaining on the service list to fill two years of resales and rentals, the applicant pool may be closed by the Administrative Agent. The Administrative Agent will notify the Borough in writing if it intends to close the waiting list. Any households calling or writing to express their interest in an affordable home will be directed to call back on a future date determined by the Administrative Agent. When the applicant pool is being depleted to a point where there is not a sufficient number of people to fill two (2) years of re-sales or rentals, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The service list established by subsequent random selection shall be added to the end of the previous service list.

Initial Randomization

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit).
3. Households are informed of the date, time and location of the lottery and invited to attend.
4. An applicant pool is created by listing applicants in the order selected.
5. Applications are reviewed for income-eligibility.
6. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information.
7. Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as [regional preference or] the need for an accessible unit).
8. If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be closed.
9. When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

Randomization After Certification

Random selection is conducted when a unit is available, and only certified households seeking the type and bedroom size of the available unit are placed in the lottery. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. All applications are reviewed and households are either certified or informed of non-eligibility. (The certification is valid for 180 days, and may be renewed by updating income-verification information.)
3. Eligible households are placed in applicant pools based upon the number of bedrooms needed (and any other special requirements, such as regional preference or the need for an accessible unit)
4. When a unit is available, only the certified households in need of that type of unit are selected for a lottery.
5. Households are informed of the date, time, and location of the lottery and invited to attend.

6. After the lottery is conducted, the first household selected is given 3 days to express interest or disinterest in the unit. (If the first household is not interested in the unit, this process continues until a certified household selects the unit.)
7. Applications are accepted on an ongoing basis, certified households are added to the pool for the appropriate household income and size categories, and advertising and outreach is ongoing, according to the Affirmative Marketing Plan.

Matching Households to Available Units

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:
 - a. Maximum of two person per bedroom;
 - b. Children of same sex in same bedroom;
 - c. Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms;
 - d. Children not in same bedroom with parents;
 - e. Provide an occupant for each unit bedroom;
 - f. Provide children of different sex with separate bedrooms;
 - g. Require that all the bedrooms be used as bedrooms; and
 - h. Require that a couple requesting a two-bedroom unit provide a doctor's note justifying such request.

In no case shall a household be referred to an affordable housing unit that provides for more than one additional bedroom per household occupancy as stated in the policies above.

The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor.

A household can be eligible for more than one unit category, and should be placed in the applicant pool for all categories for which it is eligible.

ATTACHMENT A

Affirmative Fair Housing Marketing Plan
For Affordable Housing in Region #1

EXHIBIT P-7

Resolution Number
2026-55

RESOLUTION OF THE MAYOR AND GOVERNING BODY OF THE BOROUGH OF RINGWOOD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ADOPTING THE "REHABILITATION PROGRAM MANUAL" FOR THE BOROUGH OF RINGWOOD

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Borough of Ringwood is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the Housing Element and Fair Share Plan within the Borough of Ringwood, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region #1, the Affordable Housing Region encompassing the Borough of Ringwood.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Governing Body of the Borough of Ringwood, County of Passaic, State of New Jersey, do hereby adopt the Rehabilitation Program Manual attached hereto as Exhibit A.

This Resolution shall take effect immediately.

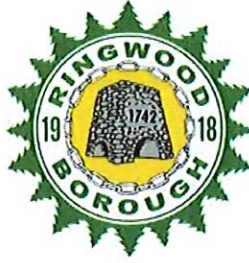

JAIME MATTEO-LANDIS, MAYOR

I hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at its Business Meeting of February 24, 2026.


NICOLE LANGENMAYR, RMC
MUNICIPAL CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Matteo-Landis			X			
Kerr	X		X			
Auteri		X	X			
Echols			X			
Kiraly			X			
Noonan			X			
Rubacky			X			

**EXHIBIT A – Borough of Ringwood Rehabilitation
Program Manual**



The Borough of Ringwood

Operating Manual For the Administration of Rehabilitation Units

In Accordance with the
Uniform Housing Affordability Controls

February 3, 2026

Prepared by:



**J Caldwell
& Associates, LLC**
Community Planning Consultants

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Introduction

This Rehabilitation Program Operating Manual has been prepared to assist in the administration of affordable rental units in the Borough of Ringwood Rehabilitation Program. It will serve as a guide to the program staff.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rehabilitation process. It describes the eligibility requirements for participation in the program, program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall program administration.

The following represents the procedures developed to offer an applicant the opportunity to apply to the program.

A. Fair Housing and Equal Housing Opportunities

It is unlawful to discriminate against any person making application to participate in the rehabilitation program or rent a unit with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-833-653-2748 or visit

<https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/>

I. Eligible Participants**A. Categories of Participants**

Both owner-occupied and renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard. Owners of rental properties do not have to be low- or moderate-income households. If a structure contains two or more units and an owner, who is not income eligible, occupies one unit funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Rents must be affordable to low- or moderate-income households.

B. Income Limits for Participation

The occupants of the units must have incomes that fall within the income guidelines established for Passaic County by the Annual Regional Income Limits chart. These limits are revised annually as the Affordable Housing Dispute Resolution Program ("the Program") figures become available and can be found in Appendix A.

For owner-occupied units, the carrying costs of the unit (taxes, mortgage, insurance, including the rehabilitation repayment mortgage) should meet FHA criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

C. Program Area

This is a municipal-wide program. The rehabilitation property must be located in the Borough of Ringwood.

D. Certification of Substandard Housing

The purpose of the program is to bring substandard housing up to code. Substandard units are those units requiring repair or replacement of at least one major system. A major system is any one of the following:

- Roof;
- Plumbing (including wells);
- Heating;
- Electrical;
- Sanitary plumbing (including septic systems);
- Load bearing structural systems;
- Lead paint abatement; and
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors).

Code violations will be determined by an inspection conducted by a licensed inspector.

II. Available Benefits**A. Program Financing**

Up to \$12,500 per unit (for a total of two units for a budget of \$25,000) may be available for improvements to eligible owner-occupied and renter-occupied units.

B. Program Affordability Controls

Ten-year controls on affordability on both owner-occupied units and rental units are required.

C. Owner-Occupied Affordability Controls

On owner-occupied units, the controls on affordability may be in the form of a lien.

D. Renter-Occupied Affordability Controls

For rental units, the controls on affordability shall be in the form of a deed restriction and may also include a lien. If a unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate- income household at an affordable price and affirmatively marketed pursuant to the N.J.A.C. 5:97-9. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

III. Eligible Property Improvements

A. Eligible Property Improvements

Housing rehabilitation funds may be used only for repairs or system replacements necessary to bring a substandard unit into compliance with municipal health, safety and building codes, applicable code violations, as well as any other cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

At least one major system must be replaced or included in the repairs, which include one of the following:

- Roof;
- Plumbing (including wells);
- Heating;
- Electrical;
- Sanitary plumbing (including septic systems);
- Load bearing structural systems;
- Lead paint abatement; and
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors).

The related work may include, but not be limited to the following:

- Interior trim work;
- Interior and/or exterior doors;
- Interior and/or exterior hardware;
- Window treatment;
- Interior stair repair;
- Exterior step repair or replacement;
- Porch repair;
- Wall surface repair;
- Painting; and
- Exterior rain carrying system repair.

B. Ineligible Property Improvements

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are strictly cosmetic), additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners shall not be funded under this program.

C. Rehabilitation Standards

Upon rehabilitation, housing deficiencies shall be corrected and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

D. Certification Standard

All code deficiencies noted in the inspection report must be corrected and rehabilitated units must be in compliance with the standards proscribed in sub-section C above upon issuance of a certificate of completion or occupancy. The licensed inspector must certify any structure repaired in whole or in part with rehabilitation funds to be free of any code violations.

E. Emergency Repairs

A situation relating to a safety and/or health hazard for the occupants would constitute an emergency. A municipal inspector will confirm the need for such work. In emergency cases, the formal solicitation process will not be followed. A minimum of three (3) estimates will be obtained, when possible, for the "emergency" work. However, eligibility, as stated in Section I, subsection B, must be determined prior to soliciting estimates. Application for additional non-emergency work may be made in accordance with the procedures outlined in this Operating Manual. The funding for the emergency work and any additional rehabilitation may not exceed the program financing provisions in Section II, sub-section A.

IV. Overview of Administrative Procedures***A. Application/Interview***

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the program staff. Preliminary applications are available at the following locations:

Borough of Ringwood Municipal Building
60 Margaret King Avenue
Ringwood Borough, NJ 07456

Upon request, the program staff will mail a preliminary application to an interested property owner.

If after the program staff reviews a preliminary application an owner-occupant appears to be income eligible, an interview will be arranged with the applicant for a formal application to the program. At the time of the interview, the applicant must present required documentation. Applicants for rental rehabilitation funding must provide a list of tenants and the rents paid by each. The program staff will contact the tenants to provide evidence of income eligibility of the occupants of the units.

Applications will be processed in the order of receipt.

B. Income Eligibility and Program Certification

For the households seeking a determination of income eligibility, both owner-occupants and renter-occupants, all wage earners 18 years of age or older in the household must submit appropriate documentation to document the household income, as further described below.

Property owners of both owner-occupied and renter-occupied units must submit the following documentation:

- Copy of the deed to the property.
- Proof that property taxes and water and sewer bills are current.
- Proof of property insurance, including liability, fire and flood insurance where necessary.

If after review of the income documentation submitted an applicant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if the applicant's or each tenants' income exceeds the Program's income limits or, for owner occupied units, if the carrying costs of the unit (taxes, mortgage, insurance, [including the rehabilitation repayment mortgage]) exceed FHA criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

The program staff will arrange for a title search of all properties entering the program.

After the initial interview and the program staff has substantiated that the occupant is income-eligible, and the title search is favorable, the Eligible Certification Form will be completed and signed.

Upon confirmation of income eligibility of the applicant or the applicant's tenants, the program staff will send a letter, including the Eligible Certification Form, to the applicant certifying the applicant's and or tenant's eligibility. Eligibility will remain valid for six months. If the applicant has not signed a contract for rehabilitation within six months of the date of the letter of certifying eligibility, the applicant will be required to reapply for certification.

C. Housing Inspection/Substandard Certification

Once determined eligible, the program staff will arrange for a qualified, licensed, housing/building code inspector to inspect the entire residential property.

The licensed inspector will inspect the house, take photographs, and certify that at least one major system is substandard. All required repairs would be identified.

D. Ineligible Properties

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be ineligible, the program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined ineligible for any one of the following reasons:

- Title search is unfavorable.

- Property does not need sufficient repairs to meet eligibility requirements.
- Real estate taxes are in arrears.
- Proof of property insurance not submitted.
- Property is listed for sale.
- Property is in foreclosure.
- Total debt on the property will exceed the value of the property.

The municipality may disqualify properties requiring excessive repairs to meet municipal housing standards. The estimated or bid cost of repairs must exceed 50 percent of the estimated after-rehabilitation value of the property for the municipality to exclude the property.

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be eligible, the inspector will then certify that the dwelling is substandard by completing and signing the Certificate of Substandard Form and submitting this to the program staff.

E. Cost Estimate

The program staff will prepare or cause to be prepared a Work Write-up and Cost Estimate. This estimate will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specifics on the materials to be used. A Cost Estimate will be computed and included within the program documentation. The program staff will review the Preliminary Work Write-up with the property owner.

Only required repairs to units occupied by income eligible households will be funded through the housing rehabilitation program. If the property owner desires work not fundable through the program, including work on an owner-occupied unit of a rental rehabilitation project, work on a non-eligible rental unit in a multi-unit building or improvements not covered by the program, such work may be added to the work write-up if the property owner provides funds to be deposited in the municipality's Housing Trust Fund prior to the commencement of the rehabilitation of the property equivalent to 110 percent of the estimated cost of the elective work. Such deposited funds not expended at the time of the issuance of a certificate of completion/occupancy will be returned to the property owner with accrued interest.

F. Contractor Bidding Negotiations

After the unit and the unit occupant have been certified as eligible, the program staff will provide a list of approved, pre-qualified trade contractors for bidding. The property owner reviews this list and selects a minimum of three and a maximum of five contractors from whom to obtain bids. The program staff and property owner will then review these bids. The lowest responsible trade contractor shall then be selected. If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

The program may permit a property owner to seek proposals from non-program participating contractors. However, the municipality must pre-approve the contractor prior to submitting a bid.

G. Contract Signing/Pre-Construction Conference

Program staff will meet with the property owner to review all bids by the various trades. This review will include a Final Work Write-up and Cost Estimate. The Contractor Agreement will be prepared by the program staff, as well as the Property Rehabilitation Agreement covering all the required terms and conditions.

The program staff will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include: Contractors Agreement(s), Right of Entry Document, a Restricted Covenant, Mortgage and Mortgage Note. The property owner, program staff representative, contractor and bank representative will execute the appropriate documents and copies will be provided as appropriate. A staff member will outline project procedures to which property owner must adhere. A Proceed to Work Order, guaranteeing that the work will commence within fifteen (15) calendar days of the date of the conference and be totally completed within ninety (90) days from the start of work, will be issued to each contractor at this Conference.

H. Progress Inspections

The program staff will make periodic inspections to monitor the progress of property improvements. This is necessary to ensure that the ongoing improvements are in accordance with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Building Inspector before closing up walls on plumbing and electrical improvements.

I. Change Orders

If it becomes apparent during the course of construction that additional repairs are necessary or the described repair needs to be amended, the program staff will have the qualified professional(s) inspect the areas in need of repair and prepare a change order describing the work to be done. The applicant and the contractor will review the change order with the program staff and agree on a price. Once all parties approve of the change order and agree on the price, they will sign documents amending the contract agreement to include the change order. Additionally, if the applicant is not funding the additional cost, new financing documents will be executed reflecting the increase.

J. Payment Schedule

The contract will permit three progress payments if the project costs less than \$20,000 or four progress payments if the project costs more than \$20,000. For example: \$24,000 project has four payments, with the first payment of \$10,000 and the remaining payments are divided equally. First payment is made when the project is one-quarter completed. Second payment is made when the project is one-half completed. Third at three quarters completed. Fourth and final payment upon completion.

The contractor will submit a payment request. The applicant will sign a payment approval if both the applicant and housing/building inspector are satisfied with the work performed. The municipality will then release the payment.

Final payment will be released once all final inspections are made, a Certificate of Occupancy is issued (if applicable) and the program staff receives a Property Owner Sign-off letter.

The contractor's performance bond will be released within three (3) months after the final payment is made to the contractor.

K. Appeal Process

If an applicant does not approve a payment that the housing/building inspector has approved, the disputed payment will be appealed to the municipality's Governing Body for a hearing. The municipality's Governing Body will decide if the payment shall be released to the contractor or the contractor must complete additional work or correct work completed before the release of the payment. The municipality's Governing Body decision will be binding on both the applicant and the contractor.

L. Final Inspection

Upon notification by the contractor that all work is complete and where required a Certificate of Occupancy has been issued, a final inspection shall be conducted and photographs taken. The program staff (or a representative), the property owner, and the necessary contractors shall be present at the final inspection to respond to any final punch list items.

M. Record Restricted Covenant and Mortgage Documentation

Program staff will file the executed Restricted Covenant and Mortgage with the County Clerk.

N. File Closing

After the final payment is made, the applicant's file will be closed by the program staff and submitted to the municipality upon termination of the program.

V. Procedure for Income-Eligibility Certification***A. Complete a Household Eligibility Determination Form***

The program staff shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income, pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq. (except for the asset test). Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs [including both the check and the stub], including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- A letter or appropriate reporting form verifying monthly benefits such as
 - Social Security or SSI – Current award letter or computer printout letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF current award letter
 - Disability - Worker's compensation letter or
 - Pension income (monthly or annually) – a pension letter

- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court or education scholarship/stipends – current award letter.
- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

Income

1. Wages, salaries, tips, commissions
2. Alimony
3. Regularly scheduled overtime
4. Pensions
5. Social security
6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered

income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.

13. Rent from real estate is considered income

14. Any other forms of regular income reported to the Internal Revenue Service

Not Income

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of dependents enrolled as full-time students
11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market

value established by a market value appraisal. Based on current money market rates, interest will be imputed on the determined value of the real estate.

B. Records Documenting Household Composition and Circumstances

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration;
- Adoption papers, or legal documents showing adoption in process;
- Income tax return;
- Birth Certificate or Passport; and
- Alien Registration Card.

C. Application

Certify the income eligibility of low- and moderate-income households by completing the application form. Provide the household with the original and keep a copy in the project files.

D. Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Affordable Housing Dispute Resolution Program ("the Program"), (<https://www.njcourts.gov/courts/civil/affordable-housing>). The Program's written decision, which shall be made within 15 days of receipt of an appeal, shall be a final administrative action of the Program.

VI. Contractor Related Procedures

A. Contractor Selection

Contractors must apply to the program staff to be placed on the pre-approved contractors list. Contractors seeking inclusion on the list must submit references from at least three recent general contracting jobs. Contractors also must submit documentation proving financial stability and the ability to obtain performance bonds, as performance bonds will be required on every rehabilitation project. If it is ever necessary for the municipality or the Administrative Agent to access the performance bond in order to complete a project, the contractor will be removed from the pre-approved contractors list. Contractors must carry workmen's compensation coverage and liability insurance of at least \$100,000/\$300,000 for bodily injury or death and \$50,000 for property damage. Only licensed tradesmen will be permitted to perform specialty work such as plumbing, heating, and electrical.

B. Number of Proposals Required

The property owner will select a minimum of three general contractors from a list of pre-approved contractors. Property owners may not select contractors who do not appear on the list.¹ The approved work write-up will be submitted to the selected contractors by the program staff. Contractors must visit the property and submit bids within 14 days. The contract will be awarded to the lowest bidder,² provided that the housing/building inspector or the professional who drafted the work write-up certify that the work can be completed at the price bid and that the bid is reasonably close to the cost estimate. Bids must fall within 10 percent of the cost estimate.

¹ The program may permit a property owner to seek proposals from non-program participating contractors. However, the municipality must pre-approve the contractor prior to submitting a bid.

² If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

C. Contractor Requirements

Upon notification of selection, the contractor shall submit all required insurance certification to the program staff. A contract signing conference will be called by the program staff to be attended by the property owner and contractor. At the time of Agreement execution, the contractor shall sign a Certification of Work Schedule prepared by the program staff.

VII. Maintenance of Records**A. Files to be Maintained on Every Applicant**

The program staff will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form
- Tenant Information Form (Rental Units Only)
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

B. Files of Applicants Approved for the Program

Files of applicants who have been approved for the program will also contain the following additional documentation:

- Housing Inspection Report
- Photographs - Before
- Certification of Property Eligibility or Determination of Ineligibility
- Proof of Homeowners Insurance
- Copy of Deed to Property

C. For Properties Determined Eligible and Where Applicants Continue in the Program

For properties determined eligible for the program where the applicants choose to continue in the program, the files shall contain the following:

- Work Write-Up/Cost Estimate
- Copies of Bids
- Applicant/Contractor Contract Agreement
- Recorded Mortgage/Lien Documents
- Copies of All Required Permits
- Contractor Requests for Progress Payments

- Progress Payment Inspection Reports
- Progress Payment Vouchers
- Change Orders (If needed)
- Final Inspection Report
- Photographs - After
- Certification of Completion
- Certification of Release of Contractor's Bond

Individual files will be maintained throughout the process and submitted to the municipality upon termination of the program.

D. Rehabilitation Log

A rehabilitation log will be maintained by the program staff that depicts the status of all applications in progress.

E. Monitoring

For each unit the following information must be retained to be reported annually:

- Street Address
- Block/Lot/Unit Number
- Owner/Renter
- Income: Very Low/Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Development Fees expended
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of Affordability Controls (yrs)
- Date Affordability Controls removed

- Reason for removal of Affordability Controls

VIII. Program Marketing

The program will conduct a public meeting announcing the implementation of the housing rehabilitation program. For the term of the program, the municipality will include flyers once a year with the tax bills, water bills, or other regular municipal mailing to all property owners. Program information will be available at the municipal building, library, and on the municipal website. Posters regarding the program will be placed in retail businesses throughout the municipality.

Prior to commencement of the program and periodically thereafter, the municipality will hold informational meetings on the program to all interested contractors. Each contractor will have the opportunity to apply for inclusion of the municipal contractor list.

Rehabilitation Program Audit Checklist

	UP-TO-DATE OPERATING MANUAL	Comments
<input type="checkbox"/>	Income Limits	
<input type="checkbox"/>	List of Pre-Qualified Contractors	
<input type="checkbox"/>	Sample Forms and Letters	
	MAINTENANCE OF RECORDS	
<input type="checkbox"/>	Files To Be Maintained on Every Applicant	
<input type="checkbox"/>	<i>Preliminary Application</i>	
<input type="checkbox"/>	<i>Application Form</i>	
<input type="checkbox"/>	<i>Income Verification</i>	
<input type="checkbox"/>	<i>Letter of Certification of Eligibility or</i>	
<input type="checkbox"/>	<i>Letter of Determination of Ineligibility.</i>	
<input type="checkbox"/>	Files to be Maintained on Every Property	
<input type="checkbox"/>	<i>Housing Inspection Report.</i>	
<input type="checkbox"/>	<i>Photographs – Before Certification of Property</i>	
<input type="checkbox"/>	<i>Homeowner’s Insurance</i>	
<input type="checkbox"/>	<i>Property Deed</i>	
<input type="checkbox"/>	<i>Eligibility or Determination of Ineligibility</i>	
<input type="checkbox"/>	<i>Work Write-Up/Cost Estimate.</i>	
<input type="checkbox"/>	<i>Applicant/Contractor Contract Agreement.</i>	
<input type="checkbox"/>	<i>Mortgage/Lien Documents.</i>	
<input type="checkbox"/>	<i>Copies of All Required Permits.</i>	
<input type="checkbox"/>	<i>Contractor Requests for Progress Payments.</i>	
<input type="checkbox"/>	<i>Progress Payment Inspection Reports.</i>	
<input type="checkbox"/>	<i>Progress Payment Vouchers.</i>	
<input type="checkbox"/>	<i>Change Orders (If Needed).</i>	
<input type="checkbox"/>	<i>Final Inspection Report.</i>	
<input type="checkbox"/>	<i>Photographs - After</i>	
<input type="checkbox"/>	<i>Certification of Completion.</i>	
<input type="checkbox"/>	<i>Certification of Release of Contractor’s Bond.</i>	
<input type="checkbox"/>	Rehabilitation Log	
	MONITORING INFORMATION	
<input type="checkbox"/>	Complete Monitoring Reporting Forms	
	PROGRAM MARKETING	
<input type="checkbox"/>	Annual Public Hearing Notice on Program	
<input type="checkbox"/>	Program Flyer	
<input type="checkbox"/>	Program Brochure	
<input type="checkbox"/>	Flyer mailed Annually to All Property Owners	
<input type="checkbox"/>	Program information available in municipal building, library and senior center.	
<input type="checkbox"/>	Program information posted on municipal website.	
<input type="checkbox"/>	Program posters placed in retail businesses throughout the municipality.	

Rehabilitation Program Audit Checklist – Rental Units

<input type="checkbox"/>	UP-TO-DATE OPERATING MANUAL	Comments
<input type="checkbox"/>	Income Limits	
<input type="checkbox"/>	Sample Forms and Letters	
AFFIRMATIVE MARKETING		
<input type="checkbox"/>	Copies of Ads	
<input type="checkbox"/>	Copies of PSA Requests	
<input type="checkbox"/>	Copies of Marketing Requests	
RANDOM SELECTION		
<input type="checkbox"/>	Log of Applications Received	
<input type="checkbox"/>	Log of Random Selection Results	
<input type="checkbox"/>	Database of Referrals	
MAINTENANCE OF RECORDS		
	Files to Be Maintained on Every Applicant	
	Preliminary Application.	
<input type="checkbox"/>	Application Form.	
<input type="checkbox"/>	Tenant Information Form	
<input type="checkbox"/>	Income Verification	
<input type="checkbox"/>	Letter of Certification of Eligibility or	
<input type="checkbox"/>	Letter of Determination of Ineligibility	
<input type="checkbox"/>	Files To Be Maintained on Every Rental Unit	
	Base rent	
<input type="checkbox"/>	Identification as low- or moderate-income	
<input type="checkbox"/>	Description of number of bedrooms and physical layout	
<input type="checkbox"/>	Floor plan	
<input type="checkbox"/>	Application materials, verifications and certifications of	
<input type="checkbox"/>	all present tenants, pertinent correspondence	
<input type="checkbox"/>	Copy of lease	
<input type="checkbox"/>	Appendix K	
<input type="checkbox"/>	Files To Be Maintained on Every Property	
	Deed	