

First Amendment to the Fourth Round Housing Element and Fair Share Plan

**Borough of Woodcliff Lake
Bergen County, New Jersey**

Prepared:
February 11, 2026

Prepared for:
Borough of Woodcliff Lake Land Use Board

Prepared by:



T&M Associates
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Middletown, NJ 07748

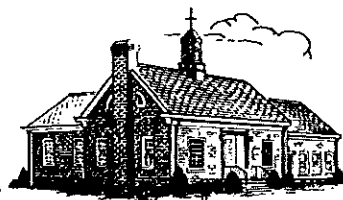
A handwritten signature in black ink that reads 'Daniel Hauben'.

Daniel Hauben, PP, AICP. LEED Green Associate
NJ Professional Planner: 33LI00630300

Adopted on February 24, 2026 by the Borough of Woodcliff Lake Land Use Board.

Endorsed on March 16, 2026 by the Woodcliff Lake Borough Council.

An original of this document will be signed and sealed in accordance with Law, and filed with the municipal clerk.



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky			X			
Margolis			X			
Marsh		X	X			
Pollack	X		X			
Stern			X			
Mayor Rendo						

RESOLUTION ENDORSING THE FIRST AMENDMENT TO THE FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

RESOLUTION NO. 26-86 MARCH 16, 2026

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L.2024, c.2, establishing a new framework for determining and enforcing municipal affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the New Jersey Fair Housing Act (the “FHA”) (N.J.S.A. 52:27D-301, *et al.*); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025, determining and setting forth its present and prospective fair share obligations for the “Fourth Round” of affordable housing obligations (“Fourth Round”); and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake (“Borough”) adopted Resolution No. 25-55 on January 27, 2025, committing to a present need obligation as 0 units and prospective need obligation as 329 affordable units for the Fourth Round.

WHEREAS, in accordance with the FHA and Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 (“Directive #14-24”), the Borough filed

a Complaint for Declaratory Judgment with the Superior Court of New Jersey, Law Division, Bergen County, entitled In the Matter of the Application of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, Docket No. BER-L-740-25 on January 29, 2025 (the “DJ Action”), identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) as required by the FHA; and

WHEREAS, the Borough received objections to its Present and Prospective Need numbers from Fair Share Housing Center and the New Jersey Builders Association prior to the February 28, 2025 deadline; and

WHEREAS, the Borough ultimately secured a determination by the Program Judge, the Honorable Ronald E. Bookbinder, A.J.S.C. (Ret.) confirming a mediated obligation consisting of a Present Need obligation of 0 and a Round 4 Prospective Need of 360; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a) and Directive #14-24, each municipality must adopt and file as part of its DJ Action a HEFSP, with associated resolutions and proposed drafts of the appropriate zoning and other ordinances, necessary to implement its HEFSP, no later than June 30, 2025; and

WHEREAS, the Borough of Woodcliff Lake Land Use Board, acting in its capacity as the planning board, (“Board”) adopted, and the Borough Council endorsed, the “Housing Element & Fair Share Plan”, dated June 11, 2025 (the “Fourth Round HEFSP”), as an amendment to the Borough’s Master Plan; and

WHEREAS, in accordance with the provisions of the Fair Housing Act, the Borough timely filed its Fourth Round HEFSP; and

WHEREAS, Fair Share Housing Center (“FSHC”) filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's Adopted HEFSP on August 28, 2025; and

WHEREAS, SIG 100 Tice, LLC filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's Adopted HEFSP on August 29, 2025; and

WHEREAS, mediation was held pursuant to the requirements of the Amended Fair Housing Act and the Administrative Office of the Courts directive in November and December of 2025 which resulted in a Mediation Agreement between the Borough and FSHC (the “Mediation Agreement”); and

WHEREAS, pursuant to the Mediation Agreement, the Borough agreed to amend the Fourth Round HEFSP; and

WHEREAS, on February 24, 2026, upon notice duly provided pursuant to N.J.S.A. 10:4-6 et seq. and N.J.S.A. 40:55D-13, the Board held a public hearing on the proposed First Amendment to the Fourth Round Housing Element & Fair Share Plan prepared by Daniel Hauben, P.P., AICP of T&M Associates, dated February 11, 2026 (the "Amended HEFSP"); and

WHEREAS, upon the conclusion of the public hearing held on the proposed Amended HEFSP on February 24, 2026, the Board adopted the Amended HEFSP; and

WHEREAS, the Governing Body desires to endorse the Amended HEFSP adopted by the Board on February 24, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Woodcliff Lake, Bergen County as follows:

1. The Governing Body does hereby endorse the First Amendment to the Fourth Round Housing Element & Fair Share Plan prepared by Daniel Hauben, P.P., AICP of T&M Associates, dated February 11, 2026 adopted by the Borough of Woodcliff Lake Land Use Board, acting in its capacity as the Planning Board, on February 24, 2026.
2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Amended HEFSP adopted by the Board on eCourts for review by the Program.
3. The Mayor and Clerk, together with other appropriate officers and employees of the Borough of Woodcliff Lake, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of March 16, 2026.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

WOODCLIFF LAKE BOROUGH

Mayor and Council

Carlos Rendo, Mayor
Joshua Stern, Council President
Christopher Bonanno, Councilman
Julie Brodsky, Councilwoman
Nicole Marsh, Councilwoman
Jennifer Margolis, Councilwoman
Benjamin Pollack, Councilman

Land Use Board

Corrado Belgiovine, Chairman, Class IV Member
Sanjeev Dhawan, Vice Chairman - Class IV Member
Carlos Rendo, Mayor – Class I Member
Evan Lazerowitz, Mayor’s Designee
Thomas Panso, Class IV Member
Nicole Marsh, Class III Member
Jared Shapiro, Class II Member
Nilufer Descherer, Class IV Member
Robert Friedberg, Class IV Member
Michael Kaufman, Class IV Member
Gerald Barbara, Alternate 1
Ariel Mazor, Alternate 2
Brian Distefano, Alternate 3
Lynda Picinic, Alternate 4

Clairese Aquilino, Land Use Board Secretary

Borough Officials

Tom Padilla, Borough Administrator
Debbie Dakin, RMC, Borough Clerk

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Amended Housing Element and Fair Share Plan Introduction

The Borough of Woodcliff Lake (“Borough”), Bergen County, adopted a Fourth Round Housing Element and Fair Share Plan (“Adopted Plan” or “HEFSP”) on June 24, 2025 as an amendment to the municipal master plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq., as amended by P.L. 2024, c.2, hereinafter “FHA2”). In accordance with an Order of May 13, 2025 by the Honorable Lina P. Corriston, J.S.C., the Borough’s Adopted Plan addressed a fourth round prospective need obligation of 360 new affordable housing units and a fourth round present need obligation of zero (0) rehabilitation units. It also reaffirmed the Borough’s strategy for addressing its prospective need obligations from the first, second, and third affordable housing rounds (hereinafter “Prior Rounds”). Furthermore, in accordance with FHA2, the Adopted Plan adjusted the **360-unit prospective need to a 66-unit “realistic development potential”, or “RDP”**, to reflect the limited vacant and developable land in Woodcliff Lake. This left a **294-unit “unmet need”** (the difference between the prospective need and the RDP).

The Borough’s Adopted HEFSP satisfied the 66-unit RDP and a portion of the unmet need with 124 existing, approved, or proposed affordable housing units and 16 bonus credits, for a total of 140 credits.

The Plan was challenged by SIG 100 Tice, LLC (“Tice”) by way of submittal to the Affordable Housing Dispute Resolution Program (“Program”) dated August 29, 2025, and by Fair Share Housing Center (“FSHC”) by way of a submittal to the Program dated August 28, 2025 (collectively, “Parties”).

Multiple mediation sessions took place between the Parties and the Borough between September 1 and December 31, 2025 with the Honorable Ronald E. Bookbinder, A.J.S.C. (Retired, appointed Program Judge) and Special Adjudicator Joseph Burgis, PP, AICP in order to attempt to resolve the challenges to the Plan.

The challenges were resolved as follows:

Tice Challenge

Tice is the owner of a 12.9-acre property at 100 Tice Boulevard, a.k.a. Block 301, Lot 3.05, occupied by an office building which, until recently, was the corporate headquarters of Party City. The Borough received a letter on April 9, 2025 requesting to include the property in the Fourth Round HEFSP, and to designate the property as an area in need of redevelopment and to adopt a redevelopment plan which would

permit the adaptive reuse of the existing office building for 100 to 120 apartments and the construction of 68 townhouses in the surrounding parking lot.

The Adopted Fourth Round HEFSP identified the property as land considered for affordable housing but excluded from the plan for addressing the Borough's affordable housing obligation due to the excessive densities proposed for the property, the unlikeliness of the property qualifying for designation as an area in need of redevelopment, and the Borough's desire for the property owner to continue to explore options for commercial uses on the property.

Through the challenge mediation process before the program, the Borough and Tice reached an agreement in which the Borough will rezone the property to permit the development of no more than 91 townhouse and apartment units, inclusive of no fewer than 18 age-restricted affordable housing units, and will amend its Fourth Round HEFSP to include the property as a compliance mechanism.

FSHC Challenge

Fair Share Housing Center is a non-profit organization with a stated mission of reducing barriers to safe, healthy, and affordable housing in New Jersey. Following the statutory June 30, 2025 deadline for municipalities to adopt their Fourth Round HEFSPs, FSHC challenged the Plans of hundreds of municipalities in New Jersey, either seeking additional information about plan components or challenging the substance and constitutionality conformity of the Plans. In the case of the Borough of Woodcliff Lake's Fourth Round Plan, the core of FSHC's challenge was a disagreement over the methodology used to achieve the 66-unit RDP adjustment of the Borough's fourth round prospective need. The Borough addressed FSHC's challenge with an amended vacant land adjustment analysis that increased the RDP to 131 units, reducing the unmet need to 229 units. Other aspects of the challenge from Fair Share which were addressed by the Borough include verifying the status and creditworthiness of projects from the prior rounds, clarifying and enhancing unmet need mechanisms, and agreeing to update ordinances and documents required to implement and effectuate the affordable housing plan.

Amending the Fourth Round HEFSP

Pursuant to agreements entered into between the Parties and the Borough of Woodcliff Lake, the Borough hereby amends the June 24, 2025 adopted HEFSP as follows:

- The Borough revises its RDP from 66 units to 131 units;
- The Borough updates the mechanisms utilized to address the 131-unit RDP as well as the mechanisms addressing the Unmet Need based on the settlements with the Parties;
- The Borough updates the Fourth Round Spending Plan to reflect newly adopted regulations.

Additionally, the Borough will adopt all necessary ordinances or ordinance amendments necessary to implement the Amended HEFSP, including zoning ordinances, redevelopment plans, and ordinances concerning the administering of affordable housing and the collection and spending of affordable housing trust funds, to reflect new regulations at N.J.A.C. 5:99 and amendments to N.J.A.C. 5:80-26.1 (“Uniform Housing Affordability Controls” or “UHAC”).

Amended Fair Share Plan

Affordable Housing Obligation

A municipality’s affordable housing obligation is made up of both a present need (rehabilitation obligation) and a prospective need obligation (new construction obligation). Obligations are calculated in time periods known as “rounds.” Whereas present need obligations reset each round, prospective need obligations accumulate over time.

Pursuant to an order dated May 13, 2025 by the Honorable Lina P. Corriston, J.S.C., the Borough has a fourth round prospective need obligation of 360 units and a present need obligation of 0 units.

Consequently, the Borough’s cumulative and current affordable housing obligations are as follows:

- Prior Round (Rounds 1 & 2, from 1987-1999) Obligation: 170 units
- Round 3 (from 1999-2025) Prospective Need Obligation: 386 Units
- Round 4 (from 2025-2035) Present Need (Rehabilitation Obligation): 0 units
- Round 4 (from 2025-2035) Prospective Need Obligation: 360 Units

Vacant Land Adjustment & Realistic Development Potential (RDP)

As a mostly built-out municipality, the Borough was eligible to adjust its 360-unit fourth round prospective need based upon a lack of vacant land in order to reduce the portion of its prospective need that is required to be created by 2035, when the fourth round ends. The adjustment is determined through an analysis of geospatial data, in which the Borough is statutorily required to identify all properties in the Borough that are “vacant” and “available”, determine the portion of those properties that are not environmentally constrained or legally encumbered, and calculate the number of affordable units that could hypothetically be produced on the unconstrained portions of those properties based upon a suitable density and a presumption that 20% of the housing units produced on the properties would be set-aside for low- and moderate-income households. In order to settle the challenge from

FSHC, the Borough has also included properties that are not vacant and available¹ but which are expected to be redeveloped and included in the housing plan.

The analysis concluded that the vacant and redevelopable lands in the Borough could produce **131 affordable units** if zoned for inclusionary development with a 20% set-aside. This is referred to as the realistic development potential, or RDP.

Historically, the difference between the prospective need and the RDP has been referred to as the “unmet need”, and has been addressed in part or in whole through mechanisms like overlay zoning or accessory apartment incentive programs which create opportunities for affordable housing, but which are not required to create that housing during the 10-year affordable housing round. The unmet need from an RDP of 131 and a prospective need of 360 units is **229 units**. FHA2 requires towns that receive a vacant land adjustment to provide for zoning or other mechanisms that provides a realistic opportunity for at least 25% of the unmet need to be created during the fourth round. For Woodcliff Lake Borough, that number is **58 units**.

Prior Round and Round 3 Obligations

The Borough adopted a Third Round Housing Element and Fair Share Plan on June 11, 2018 which addressed its affordable housing obligations from the first, second, and third rounds (“Prior Rounds”), accumulated between 1987 to 2015 and projected from 2015 to 2025 in accordance with a settlement agreement between the Borough and FSHC executed on November 6, 2017.

On September 11, 2023, the Borough adopted an amendment to the Third Round HEFSP based upon an amended settlement with FSHC dated December 14, 2022, modifying its third round realistic development potential and its compliance plan to reflect an emerging residential development at 188 Broadway and an opportunity to produce additional affordable housing in Woodcliff Lake.

The Third Round plans addressed the Borough’s **170-unit** first and second round prospective need and **386-unit** third round prospective need obligations.

The Adopted Fourth Round HEFSP reaffirmed the construction status and creditworthiness of the housing units addressing the obligations of the prior rounds. Pursuant to the Settlement Agreement with Fair Share Housing Center, the Borough will amend the overlay zones addressing the prior and third round unmet obligations to require a 20% set-aside, regardless of whether the overlaid properties are developed with rental or for-sale housing. Appended to this amendment to the HEFSP is a resolution for the approval of the affordable development at 230 Broadway, known in the Third Round HEFSP as the North Broadway project, as well as amendments to the overlay zone for the former Teva office at Block 402, Lot 2.

¹ As defined by the Council on Affordable Housing at N.J.A.C. 5:93-1.3

Round 4 Present Need

Woodcliff Lake's fourth round present need obligation is zero (0) units, meaning the Borough is not required to fund a program to rehabilitate housing units occupied by income qualified households. However, per the Agreement with Fair Share Housing Center, the Borough agrees not to take any action which would cause its residents to lose access to the Bergen County Home Improvement Program, which provides housing rehabilitation opportunities to income qualified homeowner households.

Round 4 Prospective Need

Woodcliff Lake's fourth round prospective need obligation of **360 units** is adjusted to a **131-unit** RDP and an **229-unit** unmet need, due to a lack of vacant and available land. Pursuant to FHA2, the HEFSP must satisfy the entire RDP and address at least 25% of the unmet need with compliance mechanisms that have a realistic probability of producing affordable housing during the round ending on June 30, 2035. This amendment to the Fourth Round HEFSP reaffirms and expands upon the compliance strategy in the Adopted Fourth Round HEFSP based upon the settlements between the Borough, FSHC, and Tice:

Satisfaction of the 131-unit RDP

240 Broadway. The Fourth Round HEFSP is hereby amended to reflect an update to this project as follows. The June 24, 2025 Adopted Fourth Round HEFSP included this project with 41 total housing units inclusive of seven (7) affordable units as approved by the Woodcliff Lake Land Use Board on January 28, 2025. The developer has since gained control of adjacent properties at 258 and 264 Broadway, and now includes the totality of Lots 15 and 16 on Block 2601. The Borough will proceed with a redevelopment plan² which will permit a total of **63 dwelling units** on the newly expanded tract, which will include **12 affordable units**. The project is eligible for 0.5 bonus credits per affordable unit due to proximity to the Woodcliff Lake NJ Transit Rail station, equaling six **(6) bonus credits** for a total of **18 credits** towards the Borough's RDP. The suitability criteria stated for this site in the Adopted HEFSP continue to be relevant and require no changes notwithstanding increase in tract area and yield.

Hilton Redevelopment Plan. As stated in the Adopted HEFSP, a Redevelopment Plan will be adopted on or before March 16, 2026 which will permit the redevelopment of Block 301, Lot 3.04 (200 Tice Boulevard) to permit **147 housing units**, of which **30 units** will be affordable. The project is eligible for 0.5 bonus credits per affordable unit as a redevelopment of a property formerly home to a nonresidential use (Hilton hotel). As a result, the 30 affordable units produce **15 bonus credits**, generating a

² If the property does not meet the statutory criteria for designation as an area in need of redevelopment, the Borough will re-zone the property.

combined **45 credits** towards the RDP. The suitability criteria stated for this site in the Adopted HEFSP continue to be relevant and require no changes.

BMW Redevelopment. The Borough adopted a Redevelopment Plan on July 21, 2025 for the former BMW Headquarters property at Block 602, Lot 1, which permits 370 units inclusive of 34 affordable family units and 40 supportive housing units, for a combined **74 affordable units**. As a redevelopment of a formerly non-residential use, the project is eligible for 0.5 redevelopment bonus credits per affordable housing units. For the purposes of addressing its fourth round obligation, the Borough is applying those bonus credits to the 34 family affordable units, yielding 10 bonus credits for a combined 44 credits. The Fourth Round Plan will also apply four (4) of the supportive housing units toward the RDP, for a total of **48 credits toward addressing the RDP**, and utilizing the remaining **36 supportive housing units to address the 58-unit unmet need requirement**. The suitability criteria stated for this site in the Adopted HEFSP continue to be relevant and require no changes

126 Broadway. As stated in the Adopted HEFSP, **eight (8) apartments** have been approved at this property, inclusive of **two (2) affordable units**, which are eligible for 0.5 transit oriented bonus credits per affordable unit, for a total of **one (1) bonus credit** and a cumulative **three (3) credits** toward the RDP.

230 Broadway / North Broadway Surplus. 230 Broadway, also known as the North Broadway project, is a Third Round project which was expected to produce 20 affordable units toward the Third Round RDP, but which was approved on DATE with comprised of 16 family and 8 special needs units, for a total of 24 affordable units. The surplus of **four (4) special needs bedrooms (units)** will be applied to the Fourth round RDP.

The Waterfront Rest Home Boarding House. As stated in the Fourth Round Plan, the Borough may address up to 10% of its RDP of 131 units with beds from transitional housing facilities. The Borough will continue to utilize **13 bedrooms (units)** from the Waterfront Rest Home Boarding house toward its RDP.

Satisfaction of the 58-unit Unmet Need Requirement

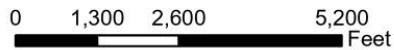
BMW Redevelopment. The remaining thirty-six (36) supportive housing units at the BMW site will be credited towards the Borough's unmet need.

THOII Overlay. The THO Townhouse Overlay Zone, created in 2022 on Block 908, Lot 2 (88 Overlook Drive), will be credited towards the unmet need. The Plan anticipates a yield of four affordable (4) units at full build-out based upon a 20% affordable housing set-aside.

100 Tice Boulevard. The Borough will adopt an ordinance permitting the creation of no more than 91 total units inclusive of no less than 18 age-restricted affordable units.



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Prepared by: DLH, 2/6/2026
 Source: NJDEP, NJOGIS
 File Path: G:\Projects\WCLK\00011\GIS\Projects\WCLGeneral.aprx

Fourth Round Plan Sites Woodcliff Lake Bergen County, New Jersey



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

Realistic Development Potential (RDP)							
Prospective Need=	360	Unmet Need=	58	Calculated RDP=	131	Max. Bonuses=	32
Project	Unit Types	Tenure	Anticipated Total Units	Anticipated Affordable Units	Bonus Ratio	Bonus Credits	Total Credits
240 Broadway	Family	Rental	63	12	0.5	6	18
Hilton	Family	Sale	147	30	0.5	15	45
BMW	Family	Rental	370	34	0.5	10	44
126 Bway	Family	Rental	8	2	0.5	1	3
230 Bway Surplus	Special Needs	Rental	28	4	0	0	4
Boarding House	Special Needs	Rental	13	13			13
BMW	Supportive	Rental	0	4	0	0	4
RDP Total			629	99		32	131

Unmet Need					
Project	Unit Types	Tenure	Anticipated Total Units	Anticipated Affordable Units	Total Credits
BMW	Family	Rental	370	0	0
BMW	Supportive	Rental	0	36	36
THOII	Family	Rental	0	4	4
100 Tice	Senior	Rental	91	18	18
Unmet Need Total			461	58	58

Micro-Requirement	Min/Max	Provided
Senior <= 30% AH Units	47	18
Family >= 50% AH Units	79	82
Rentals >= 25% AH Units	40	123

Other Amendments and Agreements

Pursuant to the agreement to be executed by the Borough of Woodcliff Lake and FSHC, the Borough will amend its ordinance at Articles V, “Development and Management of Low- and Moderate-Income Housing,” and X, “Affordable Housing Development Fees”, of Chapter 380, “Zoning” to reflect changes to the Fair Housing Act pursuant to P.L. 2024, c.2, amendments to the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., and newly adopted rules at N.J.A.C. 5:99 which amend and replace portions of COAH’s rules at N.J.A.C. 5:93 and N.J.A.C. 5:97.

Zoning and Redevelopment Plans

Not later than March 15, 2026, the Borough will adopt appropriate zoning for 240 Broadway and the former Hilton property, and will amend its Borough-wide mandatory set-aside ordinance and any existing zoning addressing its prior round obligations to require a 20% affordable housing set-aside with rounding to the nearest whole number.

The Borough has already, as of the writing of this plan amendment, adopted a redevelopment plan for the BMW property.

Spending Plan

Consistent with the Borough’s agreement with FSHC, the Borough amends its Spending Plan based upon N.J.A.C. 5:99.

Minimums & Maximums

The FHA2 stipulates certain requirements within C.52:27D-311.k(10)1 which the Woodcliff Lake plan meets. The following is noted:

- A maximum of 30% of the affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation, may be addressed with age restricted housing. The 18 affordable units proposed at 100 Tice Boulevard are within the 30% cap.
- A minimum of 50% of the actual affordable housing units, exclusive of bonus credits, created to address its prospective need obligation must be satisfied with the creation of housing available to families with children. At least 50% of units in the Borough’s compliance plan are family units.
- A minimum of 25% of the actual affordable housing units, exclusive of bonus credits, created to address its prospective need obligation, must be satisfied with the creation of rental housing. With the exception of the 30 units at the Hilton Redevelopment project, the plan is addressed with rental units.

- A minimum of 13% percent of all affordable units referenced in this HEFSP addressing the Borough’s fourth round prospective need obligation shall be very low-income units for households earning 30 percent or less of the regional median income.

The Borough will ensure to the best of its ability that all affordable housing units satisfying the prior round obligations will continue to meet the applicable minimums and maximums set forth in the third round settlement agreement with FSHC as well as any applicable regulatory or statutory requirements.

Conclusion

The adoption of this document by the Woodcliff Lake Land Use Board and its endorsement by the Woodcliff Lake Mayor and Council shall constitute an amendment to the Fourth Round HEFSP adopted on June 24, 2025 to address the terms of the agreements between the Borough, FSHC, and Tice with respect to the satisfaction of the Borough’s fourth round obligation and its compliance the constitutional obligation to produce a realistic opportunity for affordable housing.

Appendices

This report contains the following appendices.

[Appendix A](#): Agreements with Fair Share Housing Center and SIG 100 Tice

[Appendix B](#): Amended Vacant Land Adjustment

[Appendix C](#): Amended Development Fee & Affordable Housing Ordinances

[Appendix D](#): Amended Spending Plan

[Appendix E](#): Hilton Redevelopment Plan

[Appendix F](#): BMW Redevelopment Plan

[Appendix H](#): Redevelopment Plan for 240 Broadway

[Appendix I](#): Amended Administrative Manuals and Affirmative Marketing Plan

[Appendix J](#): Amended Zoning Ordinances

[Appendix K](#): Zoning Ordinance for 100 Tice

[Appendix L](#): Additional Project Crediting Documents

[Appendix M](#): June 2025 Adopted Fourth Round Housing Element and Fair Share Plan

Appendix A: Agreements with Fair Share Housing Center and SIG 100 Tice

PREPARED BY THE AFFORDABLE HOUSING PROGRAM:

In the Matter of the Borough of
Woodcliff Lake, County of Bergen

Superior Court of New Jersey
Law Division, Civil Part

Docket No. BER-L-740-25

**Program Settlement Recommendation -
Housing Element and Fair Share Plan**

THIS MATTER, having come before the Affordable Housing Dispute Resolution Program (Program), pursuant to the Complaint for Declaratory Judgment filed in this matter on January 29, 2025 (DJ Complaint) by the Petitioner Borough of Woodcliff Lake, pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (FHA), and in accordance with Administrative Directive #14-24 and its Addenda, seeking a certification of compliance with the FHA;

AND IT APPEARS that on May 13, 2025, the Hon. Lina P. Corriston, J.S.C. entered an Order as follows:

(a) Establishing the Municipality’s Fourth Round “present need” at 0 units;

(b) Establishing the Municipality’s Fourth Round “prospective need” at 360 units;

(c) Directing the Municipality to prepare and adopt a Housing Element and Fair Share Plan on or before June 30, 2025; and

(d) Granting the Municipality immunity from exclusionary zoning litigation; and

AND IT APPEARS that the Municipality timely adopted and filed the Municipality's Proposed Fourth Round Housing Element and Fair Share Plan (HEFSP);

AND IT APPEARS that a challenge(s) to the Municipality's Fourth Round Housing Element and Fair Share Plan was timely filed by two interested parties: Fair Share Housing Center (FSHC) on August 28, 2025 and SIG 100 Tice, LLC on August 29, 2025;

AND the Program having appointed Special Adjudicator Joseph Burgis PP, AICP;

AND the Program Member having conducted a settlement conference(s) on October 8, 2025, October 16, 2025, November 21, 2025, December 2, 2025, December 11, 2025, and December 16, 2025 at which time all parties reached a settlement. The general settlement terms were placed on the record and include, but are not limited to the following:

(a) The Municipality's Present Need (Rehabilitation) Obligation is

0 units;

(b) The Municipality's Prospective Need Obligation (2025-2035) is 360 units;

(c) The Municipality's First and Second Rounds Obligation is 170 units;

(d) The Municipality’s Third Round Obligation (1999-2025) is 407 units;

(e) The Municipality’s Realistic Development Potential (RDP) for the 4th

Round is 97 units as established based on table below. The Municipality shall satisfy its Fourth Round RDP as follows:

NAME	TYPE	AH UNITS	BONUS	TENURE	STATUS
240 Broadway	Family	7	3	Rental	Approved
BMW Redevelopment	Family	68	0	NI	Site designated
126 Broadway	Family	2	0	Rental	Pending Site Plan Approval
Boarding House	Transitional	13	0	NI	Existing
THOH	Family	4	0	Sales	Zoned
Total		94	3		

(f) The Municipality’s Unmet Need is 263 units. The Municipality shall satisfy its Fourth Round Unmet Need as follows:

NAME	TYPE	AH UNIT	BONUS	TENURE	STATUS
SIG 100 Tice, LLC	Mixed use	18	0	Rental	Proposed

Hilton Redevelopment	Family	30	13	For Sale	Site designated
TOTAL		48	13		

AND the parties have not yet executed a written settlement agreement or consent order memorializing the settlement terms. However, SIG 100 Tice LLC's attorney has submitted an email summarizing the basic terms that were put on the record regarding their site, which the Borough Attorney concurred with, as follows:

- (a) The Borough shall adopt an overlay zone for the subject property permitting 73 market rate townhouse units and two buildings consisting of 18 affordable age-restricted apartments above approximately 20,000 square feet of retail space, generally consistent with Concept Plan H;
- (b) Of the 73 townhouse units, 25 shall be 'age-targeted carriage units;
- (c) The townhomes shall comply with RSIS parking standards;
- (d) The developer shall make a \$300,000 contribution to the Borough's Affordable Housing Trust Fund;
- (e) The parties shall fully cooperate on the establishment of bulk and use standards regarding the rezoning ordinance;
- (f) SIG 100 Tice, LLC shall withdraw its objections.

AND the Municipality having represented it intends to adopt an Amended HEFSP in accordance with the terms of the settlement;

AND the Program Member having determined that the terms of the settlement are fair, reasonable and adequately protects the interests of low and moderate-income residents of the Municipality;

AND the Program Member having determined that the terms of the settlement are constitutionally compliant and provide a fair and reasonable opportunity for the Municipality to meet its obligations under the FHA and Mount Laurel doctrine;

AND for all those reasons, as well as those set forth in the attached Statement of Reasons, the Program Member hereby recommends an ORDER directing that:

- (a) The settlement terms as set forth above are approved; and
- (b) In accordance with N.J.S.A. §52:27D-304.1(f)(2)(c), on or before March 15, 2026, the Municipality shall adopt and file its Amended HEFSP that contains the terms of the settlement as well as the implementing ordinances and resolutions proposed within the Amended HEFSP, along with obligatory missing information 3rd Round Plan mechanisms and their status; and
- (c) Thereafter, the court shall schedule a Fairness and/or Compliance Hearing to consider approval of the Municipality's Amended HEFSP and the issuance of a Certification of Compliance and Repose; and

(d) Grant the Municipality continued immunity from exclusionary zoning litigation for the duration of the compliance process conditioned upon the Municipality's compliance with its order and good faith implementation of the Amended HEFSP and good faith participation in the compliance process.

Respectfully Submitted by the Program:

/s/ Ronald E. Bookbinder

Hon. Ronald E. Bookbinder, AJSC (Ret.)

Dated: 2/12/2026

PREPARED BY THE AFFORDABLE HOUSING PROGRAM:

<p>In the Matter of the Application of the Borough of Woodcliff Lake, County of Bergen</p>	<p>Superior Court of New Jersey Law Division, Civil Part</p> <p>Docket No. BER-L-000740-25</p> <p style="text-align: center;">STATEMENT OF REASONS</p>
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The Fair Housing Act declared that the State’s “preference for the resolution of existing and future disputes involving exclusionary zoning is the mediation and review process set forth in this act and not litigation, and that it is the intention of this act to provide various alternatives to the use of the builder’s remedy as a method of achieving fair share housing.” N.J.S.A. §52:27D-303. To that end, the FHA directed the Program to facilitate settlement between a municipality and any interested parties that filed a challenge to the municipality’s HEFSP and give the municipality until December 31, 2025, to commit to revise its HEFSP or provide an explanation for why it will not make all or some of the requested changes. N.J.S.A. §52:27D-304.1 (f)(2)(b). Upon resolution of a challenge, the Program shall issue a compliance certification conditioned upon the municipality’s “commitment, as necessary, to revise its fair share plan and housing element in accordance with the resolution of the challenge.” Ibid.

Despite the Legislature’s preference for settlement, it is still incumbent upon the Program to determine whether the municipality’s proposed amended HEFSP

enables the municipality to satisfy its fair share obligation and is compliant with the FHA and the Mount Laurel doctrine. See N.J.S.A. §52:27D-304.1 (f)(2)(b). The Program is mindful of the fact that the municipality is permitted to use a variety of means and techniques to provide for its fair share of affordable housing as set forth in N.J.S.A. §52:27D-311 and that courts should employ flexibility in assessing a municipality's HEFSP for compliance with the FHA and Mount Laurel doctrine. In re Adoption of N.J.A.C. 5:96 & 5:97, 221 NJ. 1, 29-33 (2015).

Having reviewed all the submissions of the parties (including the original HEFSP and the proposed Amended HEFSP), the recommendation of the Special Adjudicator and having presided over the settlement conferences, this Program member is satisfied that the Municipality's proposed Amended HEFSP provides a realistic opportunity for the construction of its fair share of low and moderate income housing and thus is compliant with the FHA and in accordance with S. Burlington Cnty, NAACP v. Mount Laurel, 92 NJ. 158-220-22 (1983). This Program member is also satisfied that the terms of the settlement between the Municipality and interested party/ies Fair Share Housing Center are fair, reasonable and adequately protect the interests of low and moderate-income residents of the municipality. The parties have represented on the record that this matter is settled. The parties are to submit a mediation agreement documenting the settlement. Matter of Twp. Of Bordentown, 471 NJ. Super. 196, 218 (App. Div. 2022).

Therefore, it is recommended that the settlement terms be approved by the Bergen County Mt. Laurel Judge in accordance with the attached recommendation.

Respectfully Submitted by the Program:

/s/ Ronald E. Bookbinder

Dated: 2/12/2026

Hon. Ronald E. Bookbinder, AJSC (Ret.)



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

B U R G I S
ASSOCIATES, INC.

February 11, 2026

Hon. Ronald Bookbinder J.S.C. (ret)
Affordable Housing Dispute Resolution Program
Richard J. Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625

Re: Borough of Woodcliff Lake, New Jersey
Final Special Adjudicator Report
Docket No. BER-L-740-25
BA#: 4366.00

Your Honor,

This report has been prepared in my capacity as Special Adjudicator to assist the Affordable Housing Dispute Resolution Program (the 'Program') with respect to the matter of the Application of the Borough of Woodcliff Lake, New Jersey, County of Bdergen, New Jersey, Docket No. BER-L-740-25.

This report addresses the following with respect to the Borough's efforts to obtain a judgment of compliance certification (aka judgment of compliance and repose) for their proposed 4th Round Housing Element and Fair Share Plan (HE&FSP):

1. Compliance with the Borough's HE&FSP, adopted and filed with the Program on June 25 2025, and which shall be supplemented pursuant to discussions during the mediation process regarding Plan modifications and ordinance adoptions.
2. The Borough's HE&FSP received two objections, by Fair Share Housing Center (FSHC) filed August 28, 2025 and by SIG 100 Tice, LLC (SIG) filed on August 29, 2025.
3. The following provides a summary of the Township's participation in the Program:
 - a. January 27, 2025: The Borough filed its Declaratory Judgment with the Program.
 - b. May 13 2025: Hon. Lina P. Corriston, J.S.C. enters Order establishing Borough's affordable housing obligation.
 - c. June 24, 2025: The Borough adopted its HE&FSP.
 - d. June 24, 2025: The Borough filed HE&FSP with the Program.
 - e. August 28 & 29, 2025: Objections to HE&FSP filed with the Program by FSHC and SIG.

- f. October 8 & 16, 2025: Program Member conducted settlement conferences with the parties.
- g. November 21, 2025: Program Member conducted settlement conference with the parties.
- h. December 2, 11, & 16, 2025: Program Member conducted settlement conferences with the parties.
- i. Various dates: Special Adjudicator participated in calls with the parties and with Program Member.

Affordable Housing Obligation

Borough of Madison's affordable housing obligations through four rounds of affordable housing are as follows:

- 1. 1st and 2nd Rounds: 170 units.
- 2. 3rd Round: 407 units.
- 3. 4th Round: 360 units
- 4. Rehabilitation: 0 units.

Borough Plan to Address Obligation

The way the Borough is addressing its 4th Round of affordable housing obligations is detailed in the accompanying Program Settlement Form (see tables on pages 3 & 4). It is noted that:

- 1. While there is a settlement in principle, as detailed on page 4-5 of the Program Settlement Form, this office has yet to receive drafts or final signed settlements from either FSHC or SIG. This must be addressed by the parties.
- 2. The 4th Round HE&FSP must be revised to reflect the final settlement as detailed in the Program Settlement Form. It must also be supplemented with information detailing the status of all 3rd Round Plan mechanisms.

As Special Adjudicator I have reviewed the Borough's HE&FSP and supplemental submissions against the New Jersey Fair Housing Act, applicable COAH rules, Uniform Housing Affordability Controls (UHAC), Program Administrative Directives (#14-24 and Addendum) and relevant case law. Based on that analysis I note:

- 1. There is merit to the settlement in principle as noted above. However, as noted final forms of settlement need to be provided.
- 2. The HE&FSP does require significant modification to reflect the final, agreed upon terms of settlement, along with the additional information required of a HE&FSP as set forth in the applicable regulations..
- 3. The Borough needs to review the distribution of plan mechanisms noted in the Program Settlement Form, since I had to make my own judgment of the distribution of the plan mechanisms, as they have not been spelled out during the course of the mediation.
- 4. With respect to the Borough's Present (Rehabilitation) Need, the Borough has a zero unit obligation, thus precluding the need to provide a rehabilitation plan component to their affordable housing planning.

The Objectors

As noted above, two objectors filed with the Program with respect to this phase of the program process. FSHC and the Borough have not yet submitted a form of settlement documentation, although at the last conference on this matter these parties seemed to be in agreement. Similarly, no settlement documents between the Borough and SIG has been submitted, although SIG has presented a list of conditions (detailed in the Program Settlement Form) to which the Borough Attorney gave a verbal acceptance of their list.

Findings and Recommendations

Based on the above, I recommend approval of the HE&FSP, subject to the following amendments and submissions, to ensure compliance with applicable regulations governing such issues as the following:

1. Amend the HE&FSP to reflect the settlement provisions as noted herein, by March 15, 2026.
2. The maximum 30% cap on age-restricted units.
3. Minimally 50% of units being available as family units.
4. Minimally 25% of units being available as rental units.
5. Minimally 13% of all units being available for households earning 30% or less of the regional median income, with half of the very low income units being available to families.
6. Affordable Housing Ordinance amendments as may be required by any forthcoming affordable housing amendments with respect to UHAC regulations, including affirmative marketing and spending plan provisions as determined necessary.

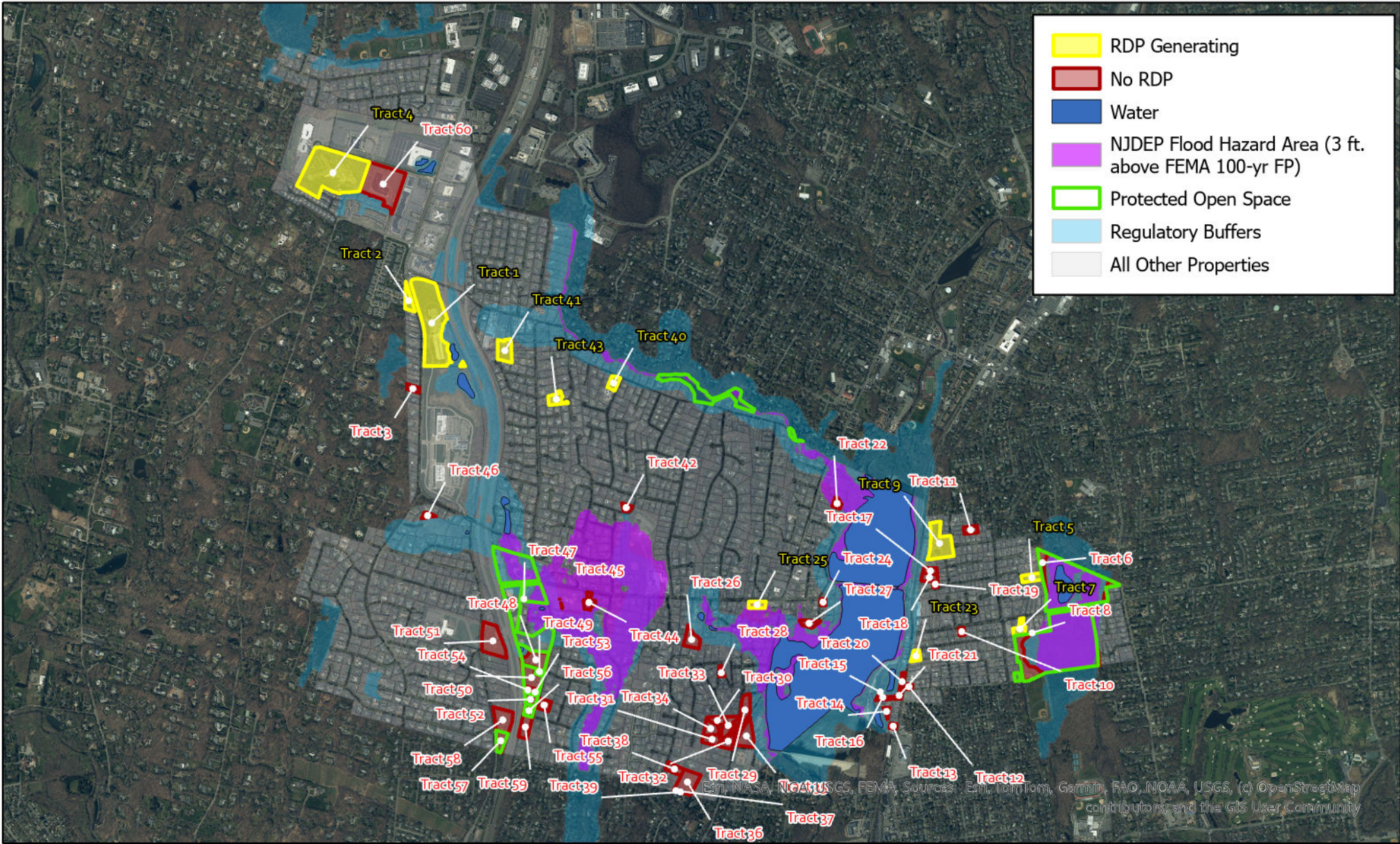
Based on all the above, I recommend approval of the Borough Housing Element and Fair Share Plan.

Very truly yours,



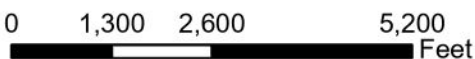
Joseph Burgis PP, AICP

Appendix B: Amended Vacant Land Adjustment



- RDP Generating
- No RDP
- Water
- NJDEP Flood Hazard Area (3 ft. above FEMA 100-yr FP)
- Protected Open Space
- Regulatory Buffers
- All Other Properties


 11 Tindall Road
 Middletown, NJ 07748-2792
 Phone: 732-671-6400
 Fax: 732-671-7365

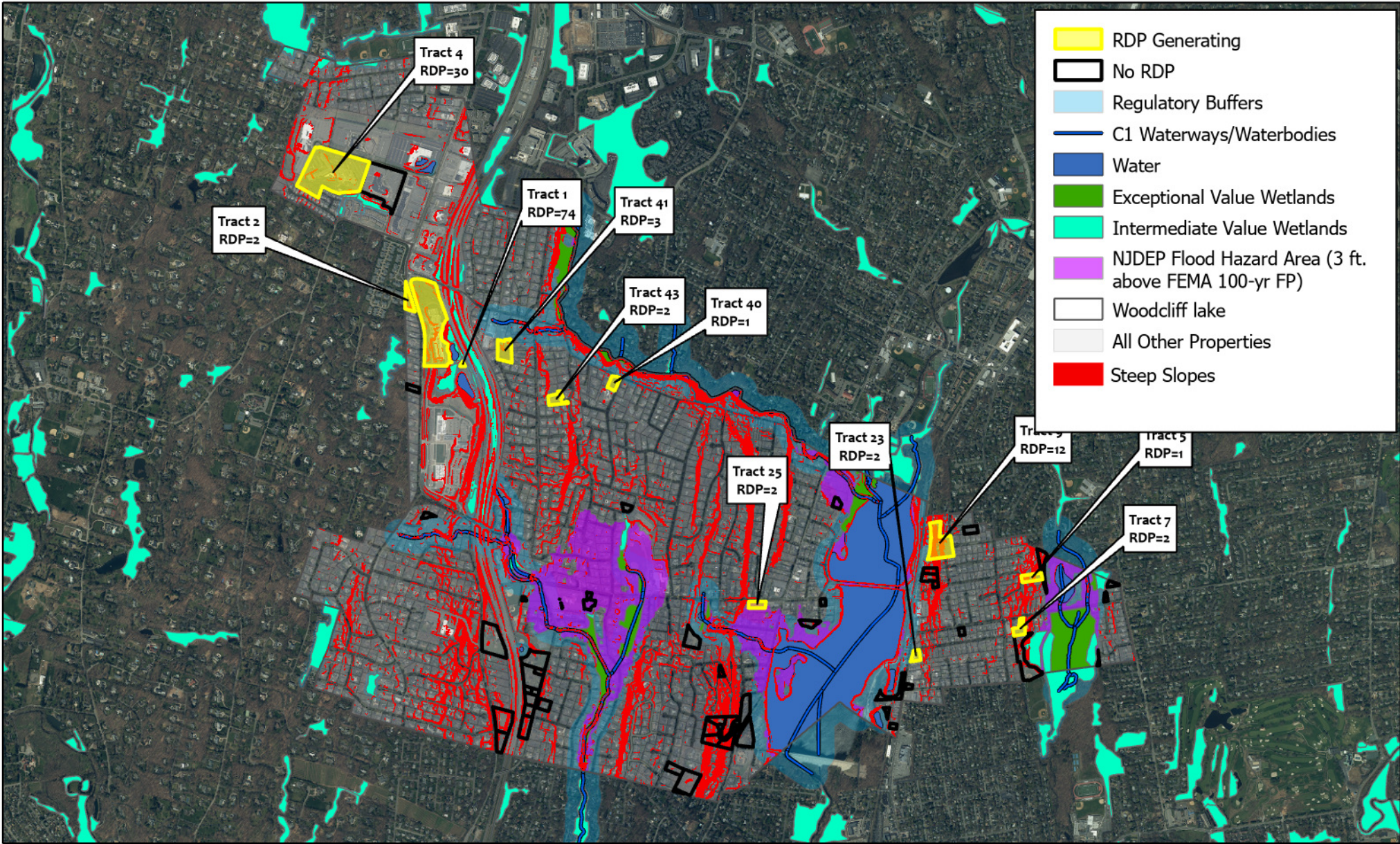


Vacant Land Analysis Woodcliff Lake Bergen County, New Jersey

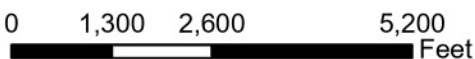
Prepared by: DLH, 2/5/2026
 Source: NJDEP, NJOGIS
 File Path: G:\Projects\WCLK\00011\GIS\Projects\WCLGeneral.aprx



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.




 11 Tindall Road
 Middletown, NJ 07748-2792
 Phone: 732-671-6400
 Fax: 732-671-7365



Prepared by: DLH, 2/6/2026
 Source: NJDEP, NJOGIS
 File Path: G:\Projects\WCLK\00011\GIS\Projects\WCLGeneral.aprx

Environmental Constraints **Woodcliff Lake** **Bergen County, New Jersey**



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.



YOUR GOALS. OUR MISSION.

Woodcliff Lake, NJ
Vacant Land Analysis
Tract List

Tract	Block	Lot	Address	Applied		Yield	Set-Aside	RDP	Notes
				Net Acreage	Density				
1	602	1	300 CHESTNUT RIDGE RD	16.1	N/A	370	74	74	BMW Redevelopment site
2	601	1	CHESTNUT RIDGE ROAD	1.1		6	6	2	0 HOA Common Area
3	701	4	257 CHESTNUT RIDGE ROAD	0.5		6	3	0	0 Undersized
4	301	3.04	200 TICE BOULEVARD	19.0	N/A	147	30	30	Vacant Hilton site
5	2902	22	24 AMY COURT	1.1		6	6	1	1
6	2903	1	PROSPECT AVE	2.0		6	11	3	0 Open Space, ineligible
7	2801	12	PROSPECT AVE	1.0		6	6	2	Landscaper yard
8	2801	18	PROSPECT AVE	4.0		6	23	5	0 Open Space listed in Master Plan; ineligible for VLA
9	2601	15	240 BROADWAY	3.8	N/A	63	12	12	Approved inclusionary development in HEFSP
10	2702	7	38 PROSPECT AVE	0.3		6	2	0	0 Undersized
11	2601	5	ELM PLACE	0.8		6	4	0	0 Undersized
12	2704	5	80 BROADWAY	0.3		18	4	0	0 Parking
13	2303	6	BROADWAY	0.3		18	4	0	0 Parking
14	2301	5	COLES CROSSING	0.3		18	5	1	0 Reservoir, ineligible
15	2301	1	PASCACK RD WOODCLIFF LK	0.5		10	4	0	0 2002 Master Plan lists as open space, ineligible for VLA
16	2301	3	BROADWAY	0.5		10	4	0	0 2002 Master Plan lists as open space, ineligible for VLA
17	2602	2	230 BROADWAY	1.9		18	33	7	0 Approved Third Round Housing Development
18	2602	1	230 BROADWAY	1.9		18	33	7	0 Approved Third Round Housing Development
19	2602	9	15 HIGHVIEW AVE	1.9		18	33	7	0 Approved Third Round Housing Development
20	2406	11	BROADWAY	0.8		18	14	3	0 Reservoir, ineligible
21	2303	1	BROADWAY	0.8		18	14	3	0 Reservoir, ineligible
22	2501	13	WOODCLIFF AVE	0.5		6	3	0	0 Reservoir, ineligible
23	2703	1	126 BROADWAY	0.7	N/A	8	2	2	Approved 4th Round HEFSP Development
24	2404	1	<Null>	0.3		6	1	0	0 Driveway to House, ineligible
25	2004	5	55 WOODCLIFF AVE	0.9		9	7	2	0 Constrained by Flood Hazard Area
26	2005.01	13	107 WOODCLIFF AVE	1.8		6	10	2	0 Landlocked due to environmental constraints, ineligible
27	2301	1	PASCACK RD WOODCLIFF LK	0.8		10	8	2	0 2002 Master Plan lists as open space, ineligible for VLA
28	2106	15	WEST HILL ROAD	0.3		6	1	0	0 Undersized
29	2105	1	7 PASCACK RD	1.9		6	11	3	0 Reservoir related, IDd in 2002 Master Plan as open space
30	2205.01	3	3 ROSENGREN COURT	6.4		6	38	8	0 Rosengren Settlement - Townhouse development progressing

Tract	Block	Lot	Address	Net Acreage	Applied Density	Yield	Set-Aside	RDP	Notes
31	2205.01	5	6 ROSENGREN COURT	6.4		6	38	8	0 Rosengren Settlement - Townhouse development progressing
32	2205.01	6	2 ROSENGREN COURT	6.4		6	38	8	0 Rosengren Settlement - Townhouse development progressing
33	2205.01	2.01	1 ROSENGREN COURT	6.4		6	38	8	0 Rosengren Settlement - Townhouse development progressing
34	2205.01	4	10 ROSENGREN COURT	6.4		6	38	8	0 Rosengren Settlement - Townhouse development progressing
35	2301	1	PASCACK RD WOODCLIFF LK	2.5		10	24	5	0 2002 Master Plan lists as open space, ineligible for VLA
36	2205	9	PASCACK ROAD	3.1		6	18	4	0 Landlocked parcel
37	2205	12	BLUEFIELD COURT	0.1		6	0	0	0 Undersized
38	2205	16	30 KENWOOD DRIVE	1.1		6	6	2	0 Dwelling
39	2205	11	9 BLUEFIELD COURT	0.1		6	0	0	0 Undersized
40	1707	12	179 GLEN ROAD	0.9		6	5	1	1
41	605	16	<Null>	2.4		6	14	3	3
42	1502	4	DORCHESTER ROAD	0.5		6	2	1	0 Undersized
43	1701	2.01	32 BIRCHWOOD DRIVE EXT.	1.2		6	7	2	2
44	1402	10	WOODCLIFF AVENUE	1.0		6	5	1	0 Prohibitive flood constraints
45	1402	7	223 WOODCLIFF AVE	0.0		6	0	0	0 Undersized
46	808	3	10 DEERFIELD DRIVE	0.4		6	2	0	0 Undersized
47	1401	2	1 OAK AVENUE	0.1		6	0	0	0 OS listed in MP, ineligible
48	1401	6	75 WERIMUS ROAD	2.9		6	17	4	0 OS listed in MP, ineligible
49	1202	1	63 WERIMUS ROAD	0.4		6	2	0	0 Undersized
50	1202	2	55 WERIMUS RD	2.9		6	17	4	0 Open Space, ineligible
51	908	2	88 OVERLOOK DRIVE	4.8		6	28	6	0 THOII Zone - Unmet Need Site
52	1202	3.01	47 WERIMUS ROAD	1.0		6	6	2	0 Open Space, ineligible
53	1202	2.02	<Null>	0.4		6	2	0	0 Undersized
54	1202	2.03	<Null>	0.4		6	2	0	0 Undersized
55	1302	9	42 WERIMUS RD	<Null>		6	6	2	0 Open Space, ineligible
56	1202	3.02	39 WERIMUS ROAD	0.9		6	5	1	0 Open Space, ineligible
57	1201	7	OVERLOOK DR	1.4		6	8	2	0 Open Space, ineligible
58	1201	6	OVERLOOK DRIVE	3.0		6	18	4	4 Reservoir related property
59	1202	4	WERIMUS ROAD	1.7		6	10	2	0 Reservoir, IDd in 2002 MP as perpetual open space
60	301	3.05	100 TICE BOULEVARD	<Null>	N/A		91	18	0 100 Tice Site, Unmet Need
Total								131	

**Appendix C: Amended Development Fee & Affordable Housing
Ordinances**

Borough of Woodcliff Lake
Bergen County, New Jersey

ORDINANCE NO. 26-02

ARTICLE X
Affordable Housing Development Fees

WHEREAS, In Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, The Borough established an affordable housing trust fund and adopted a development fee ordinance at Article X, "Affordable Housing Development Fees" in Chapter 380 of the Borough Code on November 15, 1993, which was amended on November 4, 2009 to incorporate the amendments to the MLUL (N.J.S.A. 40:55D-8.1 through 40:55D-8.7) resulting from P.L. 2008, c. 46, Section 8., establishing the requirement to collect non-residential development fees; and

WHEREAS, The Borough development fee ordinance was most recently amended on October 16, 2023 in order to implement its amended Third Round Housing Element and Fair Share Plan; and

WHEREAS, NJDCA adopted NJAC 5:99 on November 20, 2025 replacing COAH regulations and supplementing NJSA 40:55D-8.1 through 8.7 with respect to the collection and spending of trust fund revenues pursuant to P.L. 2024, c.2., and the agreements with Fair Share Housing Center (FSHC) require the Borough to amend the development fee ordinance to reflect the new rules at 5:99; and

BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, that the Code of the Borough of Closter is hereby amended to include the following provisions regulating the collection and disposition of mandatory development fees to be used in connection with the Borough's affordable housing programs, as directed by the Superior Court and consistent with N.J.A.C. 5:99, *et seq.*, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985 as amended by P.L. 2024, c.2, as follows:

Section 1. Article X, "Affordable Housing Development Fees" in Chapter 380 of the Borough Code, is hereby repealed and replaced with the following:

§ 380-68. Purpose.

- A. This article establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the New Jersey Fair Housing Act of 1985 as amended by P.L. 2024, c.2 (N.J.S.A. 52:27D-301 *et seq.*), the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), and N.J.A.C. 5:99, *et seq.* 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 Spending Plan approved through the Program, the Division of Local Planning Services within the Department of Community Affairs, or a court of competent jurisdiction.

B. Basic requirements.

- (1) This article shall not be effective until approved by the relevant jurisdiction.
- (2) The Borough of Woodcliff Lake shall not spend development fees until the Division, Program, or court of competent jurisdiction has approved a plan for spending such fees (Spending Plan).

§ 380-69. Definitions.

The following terms, as used in this article, shall have the following meanings:

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

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

“Affordable” means a sales price or rent within the economic means of a low- or moderate-income household, as defined in the UHAC as, 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 the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

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

“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.

“COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Fair Housing Act. This was eliminated by P.L. 2024, c2.

“Compliance certification” means the certification issued to the Borough by the Program pursuant to section 3 at P.L. 2024, c. 2, that provides the Borough immunity from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of 4 the year the next round of affordable housing obligations begins, which is also known as a “judgment of compliance” resulting in an “order for repose.” “Compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 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.).

“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 5 may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq

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

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

“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 Borough 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 Borough assessor.

“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 as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, which may readily be adopted with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) by which the Borough proposes to satisfy its 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 Borough proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and 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.

“Firm and binding obligation” means a demonstration by a municipality, evidenced by documentation substantiating a legally enforceable agreement entered into by the municipality with a third party, sufficient proof of building or other permits, efforts concerning land acquisition or project development, or other documentation that demonstrates a commitment to spend trust fund monies in a manner consistent with the Act, the municipality’s fair share plan, the Act, an approved spending plan, and all applicable regulations. “Housing element” means the portion of the Borough’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 Borough’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 project” means a project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term “housing project” may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2 for each round of low- and moderate-income housing obligations pursuant to the Act.

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

“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 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 50 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.

“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 may be 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 or equal to 80 percent of the regional median income.

"Moderate-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 more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by the Borough for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing, 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 Borough 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. As used in this chapter, "municipal affordable housing trust fund" shall also mean a "municipal development trust fund" and a "municipal development fee Trust fund."

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

"Municipal housing liaison" or "MHL" means an appointed municipal employee who is responsible for oversight and/or administration of the affordable housing units created within the Borough and oversight of the authorization of individuals being provided access to the AHMS.

"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.

"Non-residential development" means: 1. 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; 2. Hotels, motels, vacation timeshares, and child-care facilities; and 3. 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 the Borough 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 payment of funds to the Borough by a developer when affordable units are not produced on a site zoned for an inclusionary development.

"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.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into prior to July 18, 2008, to transfer a portion of the Borough’s affordable housing obligation to another municipality within its housing region.

“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.

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

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

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

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

“Very-low-income 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.

§ 380-70. Development fees.

A. Residential development fees.

(1) Imposed fees.

- (a) Within all zone districts, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase

in the equalized assessed value of the property due to the additional dwelling unit. When an increase in residential density has been permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a increased development fee of a maximum of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If 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.

- (2) Eligible exactions, ineligible exactions and exemptions for residential development.
- (a) Affordable housing developments and/or developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Borough of Woodcliff Lake, shall be exempt from the payment of development fees.
 - (b) Developments that have received preliminary or final site plan approval prior to the adoption of this article 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, necessitating an amended preliminary or a new preliminary approval pursuant to N.J.S.A. 40:55D-46.b and 40:55-48.b. . Where a site plan approval does not apply, 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, regardless of the time of collection of the fee.
 - (c) Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started shall be exempt from the payment of development fees. For purposes of this section, "market value" shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of the repair, reconstruction or improvements shall be determined by an itemized construction cost estimate prepared and submitted to the Construction Official. The estimate shall be signed and sealed by an architect or professional engineer licensed by the State of New Jersey, or where no such professionals are retained, signed by the contractor or the homeowner. Where prepared by the homeowner or contractor, the Borough Engineer may review such estimates for accuracy. "Substantial improvement" is considered to commence when the first alteration of any wall, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

[1] Any project for improvement of a structure to comply with existing state or

local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

[2] Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.

(d) Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.

(e) Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.

(f) Federal, state, county and local governments shall be exempted from paying a development fee.

(g) Residential structures demolished and replaced as a result of a fire, flood, or any natural disaster or catastrophe shall be exempt from paying any residential development fee, even if the new structure has an increased EAV as compared to the previous structure.

B. Non-residential development fees.

(1) Imposed fees.

(a) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots, or such other amount pursuant to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7. Nonresidential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(b) 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 preexisting land and improvement and the equalized assessed value of the newly improved structure,

i.e., land and improvements, and such calculations shall be made at the time the 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) A developer of a mixed-use development shall be required to pay the non-residential development fee of 2.5% relating to the non-residential development component of a mixed-use development subject to the provisions at N.J.S.A. 52:27D-329.1 et seq., unless otherwise exempted below.
 - (b) Nonresidential developments shall be exempt from the payment of nonresidential 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 Nonresidential Development Certification/Exemption Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - (c) 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 for the non-residential development, whichever is later.
 - (d) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Woodcliff Lake as a lien against the real property of the owner.
 - (e) A fee equal to two-and-one-half percent of the increase in EAV, of the additions or alterations to existing structures to be used for non-residential purposes, or such other amount pursuant to the Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7. All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, that are tax-exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to this section, provided that the property continues to maintain its tax exempt status pursuant to that statute for a period of at least three years from the date of issuance of the certificate of occupancy. In addition, the following shall be exempt from the imposition of a non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7:
 - i. Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, or whether the parking lot is developed as an independent non-residential development.

- ii. Any non-residential development that is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers that are developed in conjunction with, or funded by, a non-residential developer.
 - iii. Non-residential construction resulting from a relocation of, or an on-site improvement to, a nonprofit hospital or a nursing home facility.
 - iv. Projects that are located within a specifically delineated urban transit hub, as defined pursuant to N.J.S.A. 34:1B-208.
 - v. Projects that are located within an eligible municipality, as defined pursuant to N.J.S.A. 34:1B-208, the Urban Transit Hub Tax Credit Act, when a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system.
 - vi. Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey Department of Transportation.
- (f) Non-residential construction connected with the relocation of the facilities of a for-profit hospital shall be subject to the fee authorized to be imposed pursuant to this section to the extent of the increase in equalized assessed valuation.

§ 380-71. Collection of fees.

A. Collection procedures.

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority or entity shall notify or 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 Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (3) For residential developments, regardless of the time of collection or the date of approvals, the fee shall be based on the residential development fee percentage pursuant to the municipal ordinance in effect on the date that residential building permits are issued.
- (4) 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.
- (5) 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.

- (6) The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the local Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (7) Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development in accordance with the rules adopted by the Treasurer pursuant to N.J.S.A. 54:1-35.35; calculate the development fee pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7; and thereafter notify the developer of the amount of the non-residential 30 development fee.
- (8) Should the Borough of Woodcliff Lake 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 N.J.S.A. 40:55D-8.6.b.
- (9) Except as provided in § 380-70B(1)(c) hereinabove, 50% of the initially calculated 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 fee calculated at building permit and that determined at the time of issuance of certificate of occupancy.

B. Appeal of development fees.

- (1) A developer may challenge residential development fees imposed pursuant to N.J.S.A. 52:27D-329.1 et seq. by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing, if possible, escrow account by the Borough of Woodcliff Lake. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Any interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) 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, if possible, escrow account by the Borough of Woodcliff Lake. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Any interest earned on amounts escrowed shall be credited to the prevailing party.

§ 380-72. Affordable Housing Trust Fund.

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

extinguished controls.

- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
- (1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or Agreement with the Borough of Woodcliff Lake;
 - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with the Borough of Woodcliff Lake's affordable housing program.
- C. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- D. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
- (1) Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - (2) Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - (3) Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - (4) Failure to address the Division's conditions for approval of a plan to spend funds within the deadlines imposed by the Division;
 - (5) Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - (6) Expenditure of funds on activities not approved by the Program or the Division or otherwise permitted by law;
 - (7) Revocation of compliance certification or a judgment of compliance and repose;
 - (8) 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;
 - (9) Other good cause demonstrating that municipal affordable housing funds are not being

used for an approved purpose.

- E. N.J.A.C. 5:99-5.6, Enforcement, identifies the remedies available to the Division or a court of competent jurisdiction should any of the items above be found to have occurred.
- F. 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, 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.

§ 380-73. Use of funds.

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

- (2) Affordability assistance to households earning 30% or less of regional median household income by household size 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 specific programs to be used for very low-income affordability assistance shall be identified and described within the spending plan.
- D. The Borough of Woodcliff Lake may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance, in accordance with N.J.A.C. 5:96-18. Note: Former Ch. 96 of the New Jersey Administrative Code, Procedural Rules of the New Jersey Council on Affordable Housing for the Period Beginning on June 2, 2008, expired 6-2-2015 in accordance with N.J.S.A. 52:14b-5.1b.
- E. No more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, shall be expended on administration.
- (1) Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program.
 - (2) Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements.
- F. The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund. Development fees collected by the Borough shall be expended or committed for expenditure within four years of the date of collection. For the purposes of this section, funds are expended, or committed for expenditure, if one of the following standards has been met:
- (1) The funds have been spent on a housing activity in accordance with N.J.A.C. 5:99-2.3;
 - (2) The Division has been provided with an executed contract or legally enforceable agreement funding the implementation of an allowable housing activity in accordance with N.J.A.C. 5:99-2.3, and the following, as applicable: a municipal resolution or ordinance creating the affordable housing program, a policy and procedures manual, and completion of affordable housing trust fund and unit monitoring, indicating units completed or rehabilitated, or the Borough has otherwise demonstrated a firm and binding obligation to spend such funds in a manner consistent with addressing its respective affordable housing obligation;
 - (3) For affordability assistance expenses, the Division has been provided with the following: demonstration of a firm and binding obligation to spend such funds in a manner consistent

with addressing the affordability assistance obligation required by the Act or a municipal resolution or ordinance and an executed contract or agreement for expenses related to providing affordability assistance to existing low- and moderate-income households, a policies and procedures manual for any affordability assistance program executed by the Borough, and a contract with an administrative agent to carry out the program if applicable; or

- (4) For administrative expenses, the Division has been provided with the following: a municipal resolution or ordinance and an executed contract or agreement for expenses related to administering affordable housing.
- G. 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.
- H. 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.

§ 380-74. Ongoing collections of fees.

- A. The ability of the Borough of Woodcliff Lake to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its judgment of compliance unless the Borough of Woodcliff Lake has first filed an adopted Housing Element and Fair Share Plan with the Affordable Housing Dispute Resolution Program or filed a Declaratory Judgment with a court of competent jurisdiction, and has received compliance certification or a Judgment Of Compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Borough of Woodcliff Lake 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 (N.J.S.A. 52:27D-320).
- C. The Borough of Woodcliff Lake shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Borough of Woodcliff Lake retroactively impose a development fee on such a development. The Borough of Woodcliff Lake also shall not expend any of its collected development fees after the expiration of its judgment of compliance.

§ 380-75. through § 380-77. (Reserved)

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. To the extent that any portion of the Ordinance conflicts with or amends or modifies any provision of any other of the Borough' s development regulations, the conflicts shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Borough' s zoning ordinance shall be deemed amended accordingly.

Section 5. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Mayor Carlos Rendo

Attest: Deborah A. Dakin, RMC, CMR
Borough Clerk

The above Ordinance with the foregoing title was passed on second and final reading at the regular meeting of the Mayor and Council of the Borough of Woodcliff Lake on March 16, 2026.

ORDINANCE NO. 26-03

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 380, ARTICLE V, "DEVELOPMENT AND MANAGEMENT OF LOW- AND MODERATE-INCOME HOUSING" IN ACCORDANCE WITH UPDATED RULES AT N.J.A.C. 5:80-26.1 ET SEQ. AND N.J.A.C. 5:99-1 ET SEQ.

WHEREAS, the State of New Jersey has adopted an Amended Fair Housing Act at P.L. 2024, c. 2 (A4) which provides new Fourth Round affordable housing fair share requirements for each municipality; and

WHEREAS, the State has adopted new Fourth Round substantive affordable housing regulations at N.J.A.C. 5:99; and

WHEREAS, The New Jersey Department of Community Affairs (DCA) and the Housing and Mortgage Finance Agency (NJHMFA) have adopted new Uniform Housing and Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq; and

WHEREAS, in order to maintain compliance with said state regulations regarding affordable housing, the Borough of Woodcliff Lake (the "Borough") must amend certain sections of the Borough Code; and

WHEREAS, Article V, "Development and Management of Low- and Moderate-Income Housing, within Chapter 380 contains requirements for affordable housing provisions based on previous COAH regulations; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, that Article V of Chapter 380 in the Borough Code is hereby repealed and replaced as follows:

380-15. Introduction & Applicability

- A. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Borough of Woodcliff Lake 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 affirmative marketing and random selection procedures set forth in UHAC

- C. The Woodcliff Lake Land Use Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the Borough shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- E. Applicability
 - (1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that are proposed to be created pursuant to the Borough's most recently adopted HEFSP.
 - (2) This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the 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 proposed for credit in the municipality's most recently adopted HEFSP shall comply with the affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

380-16. 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 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 Borough’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.

“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.

“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.

“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.

“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.

“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.

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

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

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

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed

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

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

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

“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 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.

“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.

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

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

aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

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

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

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

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

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

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

"Unit type" means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse

(attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

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

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

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

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

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

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

380-17. Monitoring and Reporting Requirements

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

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

380-18. Borough-wide Mandatory Set-Aside

- A. All new multi-family development providing a minimum of five new housing units are required to include an affordable housing set-aside of 20%, rounding to the nearest whole number (0.5 or more units, round up; 0.499 or fewer units, round down), regardless of whether the units are for-rent or for-sale.
- B. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
- C. All such affordable units shall be governed by this ordinance, the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
- D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
- E. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the Borough to grant such rezoning, variance or other relief.
- F. This Borough-wide mandatory set-aside requirement shall supersede set-aside requirements for new development in all inclusionary zones and redevelopment plans created to satisfy the prospective need obligation for the years 1987 to 2025.

380-19. 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.).

- 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

- 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 townhouses *may* be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - (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.AC 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 to the nearest whole number, 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 multi-floor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - (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 b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - (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 Borough 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.

380-20. 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. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
 - (1) An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - (a) The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - (b) The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - (c) The Borough shall obtain a continuing certificate of occupancy or a certified statement from the 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 Borough shall fund and complete the work.
 - (e) The Borough shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - (f) The deed restriction for the extended control period shall be filed with the County Clerk.
- C. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
 - (1) An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.

- (2) The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - (3) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - (4) Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - (5) Low- and moderate-income residents cannot be charged any upfront fees.
 - (6) The units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - (b) The deed restriction may be on the facility, rather than individual apartments or rooms;
 - (c) Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - (7) Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
- 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) The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - (b) Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - (c) Occupancy shall not be restricted to youth under 18 years of age.
 - (d) In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - (e) The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - [1] Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - [2] Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
 - (f) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have

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

- (g) Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- (h) The following documentation shall be submitted by the sponsor to the Borough prior to marketing the completed units or facility:
 - [1] An Affirmative Marketing Plan; and
 - [2] If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- (i) The sponsor/owner shall complete annual monitoring as directed by the MHL.

380-21. 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.

380-22. 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. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.

- D. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. Very low-income units, if required, should be distributed between each bedroom count as proportionally as possible to the total number of restricted units within each bedroom count, and shall be part of the low-income requirement.
- E. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% 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.
- F. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
- G. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - (1) A studio or efficiency unit shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (3) A two-bedroom unit shall be affordable to a three-person household;
 - (4) A three-bedroom unit shall be affordable to a four and one-half person household;
 - and
 - (5) A four-bedroom unit shall be affordable to a six-person household.
- H. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - (1) A studio or efficiency unit shall be affordable to a one-person household;
 - (2) A one-bedroom unit shall be affordable to a one and one-half person household;
 - and
 - (3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
- I. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Freddie Mac 30-Year

Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

- J. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
- K. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following a minimum 90-day notice provided to the occupant household, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3 and published by the Agency. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

380-23. Affirmative Marketing.

- A. The Borough shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable

units in that region. It is a continuing program that directs all marketing activities toward Housing Region 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) Where the Borough has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - (2) There shall be a regional preference for all households that live and/or work in Housing Region 1 comprised of Hudson, Bergen, Passaic, and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, except for units in affordable programs that are exempt from Affirmative Marketing as noted herein.
- E. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent should consider the use of language translations where appropriate.
- F. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; Borough Hall and Woodcliff Lake Public Library ; 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. Additional notice shall be provided to FSHC; the Latino Action Network; the New Jersey State Conference of the NAACP; Bergen County NAACP; Urban League of Bergen County, Bergen County Housing Coalition; and the Supportive Housing Association. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
- H. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of HUD-certified housing counselors or otherwise experienced entities approved by the Division providing counseling services on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

- I. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy and may begin before construction commences. For owner-occupied units, affirmative marketing advertising and outreach activities must continue until all of the marketed units have been sold, except that paid advertising may cease when the number of applications received is at least three times the number of units to be sold. For rental units, affirmative marketing advertising and outreach activities must continue, as long as applications are being accepted, except that paid advertising may cease when the number of applications received is at least three times the number of units to be filled.
- J. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of owner-occupied units, in which case, applications must be accepted for no less than 30 days.
- K. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

380-24. 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.

380-25. 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.

380-26. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
- B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).

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

380-27. 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.

380-28. 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 Borough, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (1) The household currently pays more than 35% (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

380-29. 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).

380-30. 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 Borough shall record a preliminary instrument provided by the Administrative Agent.
- F. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.

- G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit;
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - (4) The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

380-31. 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.

380-32. 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.

380-33. 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.

380-34. Administrative Agent.

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

- D. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
- (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - (2) Affirmative marketing:
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough and the provisions of N.J.A.C. 5:80-26.16.
 - (b) Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - (3) Household certification.
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households.
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 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 Borough constitute public records of the Borough as defined by N.J.S.A. 47:3-16, and are legal property of the Borough.
- (6) Resales and re-rentals.
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - (b) Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- (7) Processing requests from unit owners.
- (a) Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - (c) Notifying the Borough of an owner's intent to sell a restricted unit.
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (8) Enforcement.
- (a) Securing annually from the Borough a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - (d) Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - (e) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

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

380-35. 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.

380-36. Enforcement of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the Borough may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (a) A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- (c) In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- C. The Borough shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
- D. The Borough may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
- (1) Such judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (2) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the Borough for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Borough for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the owner or forfeited to the Borough.
 - (3) Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title

and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Borough may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 - (5) Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the Borough, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - (6) The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- E. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
- F. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the

property is located. Any loan issued in violation of this subsection is void as against public policy.

G. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

H. Appeals

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

Repealer

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

Severability

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

Effective Date

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



Mayor Carlos Rendo

Attest: Deborah A. Dakin, RMC, CMR

Borough Clerk

The above Ordinance with the foregoing title was passed on second and final reading at the regular meeting of the Mayor and Council of the Borough of Woodcliff Lake on March 16, 2026.

Appendix D: Amended Spending Plan



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky			X			
Margolis			X			
Marsh		X	X			
Pollack	X		X			
Stern			X			
Mayor Rendo						

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY ADOPTING AMENDED FOURTH ROUND AFFORDABLE HOUSING SPENDING PLAN

**RESOLUTION NO. 26-87
MARCH 16, 2026**

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 Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, originally adopted a development fee ordinance in 1993; 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 has caused to be prepared an Amended Fourth Round Affordable Housing Spending Plan, dated March 16, 2026; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, State of New Jersey, that the Borough hereby adopts the Amended Borough of Woodcliff Lake Fourth Round Affordable Housing Spending Plan, dated March 16, 2026, prepared by T&M Associates, which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of March 16, 2026.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



AMENDED BOROUGH OF WOODCLIFF LAKE

FOURTH ROUND AFFORDABLE HOUSING SPENDING PLAN

March 16, 2025

INTRODUCTION

The Borough of Woodcliff Lake has prepared a Housing Element and Fair Share (“HEFSP”) in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301). The Borough of Woodcliff Lake first adopted a development fee ordinance in 1993 to begin funding its affordable housing trust fund.

N.J.A.C. 5:99 requires that a municipality which has adopted a HEFSP and intends to collect development fees and other permitted revenues to fund the implementation of an approved HEFSP shall adopt a plan for spending current funds and funds anticipated to be collected during the affordable housing round (“spending plan”). The most recent spending plan was adopted by the Borough in June of 2025 for the implementation of the Borough’s Fourth Round HEFSP.

All development fees, payments in-lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited into this separate, interest-bearing Affordable Housing Trust Fund “Trust Fund” for the purposes of affordable housing.

These funds shall be spent in accordance with applicable affordable housing regulations.

1. REVENUES FOR CERTIFICATION PERIOD

As of January 1, 2026, the Borough of Woodcliff Lake has a balance of **\$457,332.04** in its Affordable Housing Trust Fund. All of Woodcliff Lake’s development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, interest generated on the trust fund, and other permitted revenues, are deposited in separate interest-bearing affordable housing trust funds for the purposes of affordable housing. All housing trust fund monies shall be spent in accordance with current affordable housing rules as described in the sections that follow.

To date, the Borough has collected **\$6,637,345** in fees and interest, **\$150,000** in payments in lieu of construction of on-site affordable housing, and **\$140,822** in other revenues. The Borough has

expended \$ 5,659,654 on affordable housing activities and \$ 811,181 in consulting fees and other administrative costs.

The Borough projects the following revenue through the end of Round 4 (June 30, 2035).

- (a) Development fees: Based on historical trends and likely development opportunities, the Borough is estimating annual development fees that total **\$174,350** through June 30, 2035.
- (b) Payment in lieu (PIL): The Borough does not anticipate any new payments in-lieu of constructing affordable housing.
- (c) Other funding sources: The Borough anticipates a payment of \$300,000 from SIG 100 Tice based on the settlement of their challenge to the Borough's Fourth Round HEFSP concerning 100 Tice Boulevard.
- (d) Projected interest: It is estimated that the Borough of Woodcliff Lake will collect approximately **\$22,004** in total interest through June 30, 2035.

TABLE 1: PROJECTED REVENUES											
Affordable Housing Trust Fund, January 1, 2026 through June 30, 2035											
Source	1/1/26- 12/31/26	1/1/27- 12/31/27	1/1/28- 12/31/28	1/1/29- 12/31/29	1/1/30- 12/31/30	1/1/31- 12/31/31	1/1/32- 12/31/32	1/1/33- 12/31/33	1/1/34- 12/31/34	1/1/35- 6/30/35	Total
a) Development Fees	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$12,350	\$174,350
b) PIL Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
c) Other Funds	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300,000
d) Interest	\$1,501	\$4,332	\$3,819	\$3,306	\$2,793	\$2,280	\$1,767	\$1,254	\$741	\$211	\$22,004
Total	\$319,501	\$22,332	\$21,819	\$21,306	\$20,793	\$20,280	\$19,767	\$19,254	\$18,741	\$12,561	\$496,354

The Borough of Woodcliff Lake projects a total of **\$496,354** in development fees, interest, and other revenues to be collected between January 1, 2026 and June 30, 2035. This projected amount, when added to the Borough of Woodcliff Lake's trust fund balance of **\$457,332.04** results in anticipated total funds of **\$953,686** available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough of Woodcliff Lake.

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Borough's development fee ordinance for both residential and non-residential developments in accordance with all applicable rules, regulations and legislation.

(b) Distribution of development fee revenues:

The release of funds requires adoption by the governing body of a resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the Trust Fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

The Borough of Woodcliff Lake anticipates utilizing its trust fund resources as follows:

(a) **Creation of Affordable Housing (N.J.A.C. 5:99-2.3)**

The Borough will commit the \$300,000 contribution from SIG 100 Tice to fulfill its Third Round requirement to provide funding to the Bergen County United Way for the creation of special need bedrooms at 230 Broadway.

(b) **Administrative Expenses (N.J.A.C. 5:99-2.4)**

The Borough is permitted to spend up to 20% of the of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA (regional contribution agreement), on administrative expenses. Because "affordable housing trust funds" includes payments in lieu of constructing affordable units on site, the Borough's administrative expenses allowance is estimated at **\$618,124** as detailed in Table 2, below.

Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Affordable Housing Dispute Resolution Program ("Program"), including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program. Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities

related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division’s monitoring requirements.

The Borough anticipates spending **\$300,000** from the affordable housing trust fund on administrative expenses over the course of the Fourth Round.

TABLE 2: ADMINISTRATIVE EXPENSE CALCULATION		
		Total
Actual trust fund revenues through January 1, 2026		\$ 6,928,167
Projected development fees and interest through June 30, 2035	+	\$ 196,354
Other projected revenues through June 30, 2035	+	\$ 22,004
Sum of trust fund revenues	=	\$ 7,146,525
Less revenues expended on RCA Programs	-	
Net trust fund revenues		\$ 7,146,525
20% Maximum for Admin. Expense	x .20	\$ 1,429,305
Less Admin through 1/1/2026	-	\$ 811,181
Available for Admin. Through June 30, 2035	=	\$ 618,124

(c) **Affordability Assistance (N.J.A.C. 5:99-2.5)**

The Borough is required to “set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipality’s fair share plan”. This may include use of funds to subsidize the creation of very-low income housing, including special needs and supportive housing.

The Borough’s administrative agent, Piazza & Associates, Inc., will operate an affordability assistance program which will include assistance for homeowner association costs, energy efficiency retrofitting of older affordable units, and rental assistance programs from a pool of **\$350,000** from the affordable housing trust fund. Should the Borough find that there is little demand for these programs, the Borough reserves the right to amend its Spending Plan at a later date to allocate affordability assistance funds toward the creation of special needs housing.

4. EXPENDITURE SCHEDULE

The Borough of Woodcliff Lake intends to expend its affordable housing trust funds in accordance with the schedule detailed in Table 3. In accordance with N.J.A.C. 5:99-5.5, the Borough will spend or commit to expend all development fees on authorized activities or purposes within four years of the date of collection.

TABLE 3: EXPENDITURE SCHEDULE

Projects/ Program	Projected Expenditure Schedule July 1, 2025 – December 31, 2035										
	1/1/26- 12/31/26	1/1/27- 12/31/27	1/1/28- 12/31/28	1/1/29- 12/31/29	1/1/30- 12/31/30	1/1/31- 12/31/31	1/1/32- 12/31/32	1/1/33- 12/31/33	1/1/34- 12/31/34	1/1/35- 6/30/35	Total
Affordability Assistance	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$350,000
Bergen County United Way	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300,000
Administrative Expenses	\$85,000	\$10,000	\$10,000	\$10,000	\$50,000	\$10,000	\$10,000	\$10,000	\$10,000	\$95,000	\$300,000
Total	\$420,000	\$45,000	\$45,000	\$45,000	\$85,000	\$45,000	\$45,000	\$45,000	\$45,000	\$130,000	\$950,000

5. EXCESS OR SHORTFALL OF FUNDS

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated to rehabilitation and/or affordability assistance program, and/or additional affordable housing activity related to emergent opportunities. In the event that a shortfall of anticipated revenues occurs, the Borough of Woodcliff Lake will address the shortfall of funds through an alternative funding source to be identified by the Borough, or the Borough will amend its spending plan to reduce the amount of funds available for the affordability assistance program, administrative expenses, or maintenance/improvement of existing housing. The Borough adopted a resolution of intent to fund its fourth round affordable housing obligation on June 25, 2025.

6. BARRIER- FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough of Woodcliff Lake's Affordable Housing Ordinance and in accordance with N.J.A.C. 5:99.

SUMMARY

The Borough intends to spend affordable housing trust fund revenues pursuant to applicable rules and to be consistent with the housing programs outlined in the 2025 Housing Element and Fair Share Plan and the 2026 Amendment to the Housing Element and Fair Share Plan.

The Borough's Affordable Housing Trust Fund has a balance of **\$457,332** as of January 1, 2026 and estimates a total of **\$496,354** in potential revenue and interest to be collected by June 30, 2035, when the fourth round ends. This projected amount, when added to the Borough of Woodcliff Lake's trust fund balance results in anticipated total of **\$953,686** of trust funds available to fund

and administer its affordable housing plan. The Borough intends to spend its current and projected trust funds as shown in Table 4, Spending Plan Summary, below.

TABLE 4: SPENDING PLAN SUMMARY		
		Total
Balance as of January 1, 2026		\$457,332
Projected Revenue Through June 30, 2035		
Development fees	+	\$174,350
Interest	+	\$22,004
Payments in lieu of construction	+	\$0
Other funds	+	\$300,000
Total Available Funds		\$953,686
Projected Expenditures through 2035		
Affordability Assistance	+	\$350,000
Administration	+	\$300,000
United Way Payment	+	\$300,000
Total Projected Expenditures	=	\$950,000
Remaining Balance on July 1, 2035	=	\$3,686

*Administrative expenses are limited to 20 percent of what is actually collected.

Appendix E: Hilton Redevelopment Plan

ORDINANCE NO. 26-07

**AN ORDINANCE OF THE BOROUGH OF WOODCLIFF LAKE, BERGEN COUNTY, ADOPTING
THE BLOCK 301, LOT 3.04 REDEVELOPMENT PLAN**

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (the "LRHL") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an "area in need of redevelopment" as described in Section 5 of the Redevelopment Law; and

WHEREAS, on October 21, 2024, the Borough Council of the Borough of Woodcliff Lake (the "Council") adopted Resolution #24-222, which authorized and directed the Borough of Woodcliff Lake Land Use Board (the "Board") to conduct a preliminary investigation to determine whether Block 301, Lot 3.04 as shown on the Tax Map of the Borough of Woodcliff Lake (the "Property"), meets the criteria set forth in Section 5 of the LRHL and should be designated as a "Non-Condemnation Area In Need of Redevelopment;" and

WHEREAS, on behalf of the Board, DMR Architects ("DMR") issued a report of Preliminary Investigation for Determination of an area in need of redevelopment dated January 2025 (the "Preliminary Investigation"), which concluded, for the reasons stated therein, that the Property meets certain criteria under the LRHL supporting a declaration that the Property is a non-condemnation redevelopment area; and

WHEREAS, the Planning Board held a duly noticed public hearing on April 22, 2025, concerning the above-referenced Preliminary Investigation; and

WHEREAS, at the April 22, 2025, public hearing, the Planning Board further concurred and agreed with the reasons stated in the Preliminary Investigation that the Property constitutes and meets certain criteria under the LRHL supporting the recommendation that the Property be determined and declared a non-condemnation "area in need of redevelopment"; and

WHEREAS, on June 16, 2025, the Council adopted Resolution #25-185 declaring the Property a non-condemnation area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, FAR Planning prepared a redevelopment plan dated February 2026 (the "Redevelopment Plan") for the Property, a copy of which is attached hereto as Exhibit A; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(d)-(e), upon introduction of this Ordinance, the Redevelopment Plan shall be referred to the Borough's Land Use Board for review of the Redevelopment Plan and a determination of its consistency with the Borough of Woodcliff Lake Master Plan within forty-five (45) days of referral.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, State of New Jersey, that:

Section 1. Pursuant to N.J.S.A. 40A:12A-7 the Council hereby accepts and approves the Redevelopment Plan, as attached hereto as Exhibit A and as set forth herein, and hereby adopts said Redevelopment Plan.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. To the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Borough's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Borough's zoning ordinance shall be deemed amended accordingly.

Section 5. This Ordinance shall take effect upon passage and publication in accordance with applicable law.



Mayor Carlos Rendo

Attest: Deborah A. Dakin, RMC, CMR
Borough Clerk

The above Ordinance with the foregoing title was passed on second and final reading at the regular meeting of the Mayor and Council of the Borough of Woodcliff Lake on March 16, 2026.

Appendix F: BMW Redevelopment Plan

ORDINANCE NO. 25-11

**AN ORDINANCE OF THE BOROUGH OF WOODCLIFF LAKE IN BERGEN COUNTY ADOPTING THE
BLOCK 601, LOT 1 REDEVELOPMENT PLAN**

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (the "LRHL") authorizes municipalities to determine whether certain parcels of land within the municipality constitute; and

WHEREAS, on December 16, 2024, the Borough Council of the Borough of Woodcliff Lake (the "Council") adopted Resolution #24-311, which authorized and directed the Borough of Woodcliff Lake Land Use Board (the "Board") to conduct a preliminary investigation to determine whether Block 601, Lot 1 as shown on the Tax Map of the Borough of Woodcliff Lake (the "Property"), meets the criteria set forth in Section 5 of the LRHL and should be designated as a "Non-Condensation Area In Need of Redevelopment;" and

WHEREAS, on behalf of the Board, DMR Architects ("DMR") issued a report of Preliminary Investigation for Determination of an area in need of redevelopment dated April 2025 (the "Preliminary Investigation"), which concluded, for the reasons stated therein, that the Property meets certain criteria under the LRHL supporting a declaration that the Property is a non-condemnation redevelopment area; and

WHEREAS, the Planning Board held a duly noticed public hearing on April 22, 2025, concerning the above-referenced Preliminary Investigation; and

WHEREAS, at the April 22, 2025, public hearing, the Planning Board further concurred and agreed with the reasons stated in the Preliminary Investigation that the Property constitutes and meets certain criteria under the LRHL supporting the recommendation that the Property be determined and declared a non-condemnation "area in need of redevelopment"; and

WHEREAS, on June 16, 2025, the Council adopted Resolution #25-186 declaring the Property a non-condemnation area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, FAR Planning prepared a redevelopment plan dated July 2025 (the "Redevelopment Plan") for the Property, a copy of which is attached hereto as Exhibit A; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(d)-(e), upon introduction of this Ordinance, the Redevelopment Plan shall be referred to the Borough's Land Use Board for review of the Redevelopment Plan and a determination of its consistency with the Borough of Woodcliff Lake Master Plan within forty-five (45) days of referral.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, State of New Jersey, that:

Section 1. Pursuant to N.J.S.A. 40A:12A-7 the Council hereby accepts and approves the Redevelopment Plan, as attached hereto as Exhibit A and as set forth herein, and hereby adopts said Redevelopment Plan.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. To the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Borough's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Borough's zoning ordinance shall be deemed amended accordingly.

Section 5. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

ROLL CALL:

Motion: Marsh

Second: Pollack

Ayes: Bonanno, Brodsky, Margolis, Marsh, Pollack, Stern

Nays: None

Abstain: None

Absent: None

Introduced: July 21, 2025

Adopted: September 15, 2025

Mayor Carlos Rendo

Attest: Deborah A. Dakin, RMC, CMR

Borough Clerk

The above Ordinance with the foregoing title was passed on second and final reading at the regular meeting of the Mayor and Council of the Borough of Woodcliff Lake on September 15, 2025.

Appendix H: Redevelopment Plan for 240 Broadway

ORDINANCE NO. 26-06

**AN ORDINANCE OF THE BOROUGH OF WOODCLIFF LAKE IN BERGEN COUNTY ADOPTING THE
BLOCK 2601, LOT 15, 16 and 17 REDEVELOPMENT PLAN**

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (the "LRHL") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an "area in need of redevelopment" as described in Section 5 of the Redevelopment Law; and

WHEREAS, on September 15, 2025, the Borough Council of the Borough of Woodcliff Lake (the "Council") adopted Resolution #25-239, which authorized and directed the Borough of Woodcliff Lake Land Use Board (the "Board") to conduct a preliminary investigation to determine whether Block 2601, Lots 15, 16 and 17 as shown on the Tax Map of the Borough of Woodcliff Lake (the "Property"), meets the criteria set forth in Section 5 of the LRHL and should be designated as a "Non-Condensation Area In Need of Redevelopment;" and

WHEREAS, on behalf of the Board, FAR Planning ("FAR") issued a report of Preliminary Investigation for Determination of an area in need of redevelopment dated January 2026 (the "Preliminary Investigation"), which concluded, for the reasons stated therein, that the Property meets certain criteria under the LRHL supporting a declaration that the Property is a non-condemnation redevelopment area; and

WHEREAS, the Planning Board held a duly noticed public hearing on January 27, 2026, concerning the above-referenced Preliminary Investigation; and

WHEREAS, on February 19, 2026, the Council adopted Resolution #26-XX declaring the Property a non-condemnation area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, FAR Planning prepared a redevelopment plan dated February 202 (the "Redevelopment Plan") for the Property, a copy of which is attached hereto as Exhibit A; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(d)-(e), upon introduction of this Ordinance, the Redevelopment Plan shall be referred to the Borough's Land Use Board for review of the Redevelopment Plan and a determination of its consistency with the Borough of Woodcliff Lake Master Plan within forty-five (45) days of referral.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, State of New Jersey, that:

Section 1. Pursuant to N.J.S.A. 40A:12A-7 the Council hereby accepts and approves the Redevelopment Plan, as attached hereto as Exhibit A and as set forth herein, and hereby adopts said Redevelopment Plan.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. To the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Borough's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Borough's zoning ordinance shall be deemed amended accordingly.

Section 5. This Ordinance shall take effect upon passage and publication in accordance with applicable law.



Mayor Carlos Rendo

Attest: Deborah A. Dakin, RMC, CMR
Borough Clerk

The above Ordinance with the foregoing title was passed on second and final reading at the regular meeting of the Mayor and Council of the Borough of Woodcliff Lake on March 16, 2026.

**Appendix I: Amended Administrative Manuals and Affirmative Marketing
Plan**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky			X			
Margolis			X			
Marsh		X	X			
Pollack	X		X			
Stern			X			
Mayor Rendo						

RESOLUTION OF THE BOROUGH OF WOODCLIFF LAKE ADOPTING AN "AFFIRMATIVE MARKING PLAN" FOR THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 26-85
MARCH 16, 2026

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

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

Affirmative Marketing Plan

- A. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor of

affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Woodcliff Lake is located in Housing Region 1, consisting of Bergen, Hudson, Passaic, and Sussex Counties.

- B. The Borough of Woodcliff Lake has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality's Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Woodcliff Lake, or the Administrative Agent of any specific developer approved by the municipality.
- D. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- E. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days prior to expected occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- F. The Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period of affordability restrictions. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Borough of Woodcliff Lake or on behalf of a specific developer, shall meet the following requirements at a minimum:
 - 1. The primary marketing and advertising must be employed at the start of the marketing program and continue until all units are leased or sold or until the number of applications received is at least three times the number of units. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

2. The advertisements shall, at a minimum, include:
 - a. The name and location of the housing project;
 - b. An address sufficient to find directions to the housing units;
 - c. A range of prices or rents for the affordable housing units;
 - d. The sizes, as measured in number of bedrooms of the affordable housing units;
 - e. The types (that is, family, age-restricted, or supportive) and number of affordable units available;
 - f. The number of units available to very low-, low-, and moderate-income households;
 - g. The accessibility features, if any, of the affordable housing units;
 - h. The maximum income permitted to qualify for the affordable housing units;
 - i. The population(s), if any, given preference in the selection process pursuant to N.J.A.C. 5:80-26.17(k)2;
 - j. Where applications (paper and online) for the affordable housing units may be found;
 - k. The expected lease-up/closing date(s) for the affordable housing units;
 - l. The expected date of the random selection;
 - m. The business hours when interested households may obtain paper applications for the affordable housing units;
 - n. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
 - o. The name of the sales agent and/or rental manager; and
 - p. Application fees, if any.
3. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in UHAC at N.J.A.C. 5:80-26.16 in all media and outlets required by the rules.
4. Each affordable housing development must complete worksheet substantially in the form of the model affirmative marketing worksheet published by the state.
5. Affordable units must be listed on the New Jersey Housing Resource Center's website (www.njhrc.gov) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.

6. Applications or notices thereof, used as part of the affirmative marketing program must be available in the following locations:
 - a. All county administration buildings in the Region
 - b. All county libraries in the Region
 7. The Borough will provide special notice of available affordable housing units to FSHC, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, the Supportive Housing Association
 8. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.
- G. The municipality's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
- H. The municipality's Administrative Agent shall develop, maintain and update a list of major employers in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program.
- I. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the municipality's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16(d). This Affirmative Marketing Plan provides a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 1, which is comprised of Bergen, Hudson, Passaic, and Sussex Counties, with a subordinate and secondary state-wide preference. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.
- J. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the municipality's Administrative Agent.

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

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

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of March 16, 2026.



Deborah A. Dakin, RMC, CMR
Borough Clerk



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky			X			
Margolis			X			
Marsh		X	X			
Pollack	X		X			
Stern			X			
Mayor Rendo						

RESOLUTION ADOPTING AFFORDABLE HOUSING SERVICES OPERATING MANUAL FOR SALES AND REALES AND FOR RENTAL PROGRAM IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 26-88
MARCH 16, 2026

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 Woodcliff Lake is required to adopt Operating Manuals to ensure that all affordable housing units are administered according to all applicable rules and regulations; and

WHEREAS, the Borough of Woodcliff Lake's administrative agent, Piazza & Associates, Inc., has prepared a Sales and Resales Program Manual and Rental Program Manual that is consistent with the applicable statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Woodcliff Lakes, County of Bergen, State of New Jersey, do hereby adopt a Sales and Resales Program Manual and Rental Program Manual attached hereto as Exhibit A.

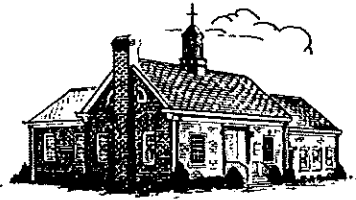
BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of March 16, 2026.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Bonanno			X			
Brodsky			X			
Margolis			X			
Marsh		X	X			
Pollack	X		X			
Stern			X			
Mayor Rendo						

RESOLUTION ADOPTING THE AFFORDABILITY ASSISTANCE PROGRAM MANUALS FOR BOROUGH OF WOODCLIFF LAKE

**RESOLUTION NO. 26-89
MARCH 16, 2026**

WHEREAS, in accordance with the Fair Housing Act, Uniform Affordability Control Act, and the newly adopted regulations at N.J.A.C. 5:99, the Borough of Woodcliff Lake is required to set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan; and

WHEREAS, the Borough of Woodcliff Lakes' administrative agent, Piazza & Associates, Inc., has prepared Affordability Housing Assistance Manuals for an Energy Efficiency Grant Program, a Homeowner Association Fee Assistance Program, and a Rental Assistance Program that is consistent with the applicable statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lakes, County of Bergen, State of New Jersey, do hereby adopt the Affordability Housing Assistance Manuals for an Energy Efficiency Grant Program, a Homeowner Association Fee Assistance Program, and a Rental Assistance Program prepared by its Administrative Agent, and attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen, and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of March 16, 2026.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in the BOROUGH OF WOODCLIFF LAKE
(REGION 1)

I. APPLICANT AND PROJECT INFORMATION

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

Administrative Agent Name, Address, Phone Number Frank Piazza Piazza & Associates, Inc. 201 Rockingham Row Princeton, NJ 08540		Development or Program Name, Address 	
Number of:	Affordable Rental Units	Affordable For-Sale Units	
Affordable Units Total			
Affordable Age Restricted Units			
Affordable Non-Age Restricted Units			
Affordable Supportive Housing Units			
Price or Rental Range	Approximate Starting Dates		
From:	Advertising:		
To:	Occupancy:		
Counties: Bergen, Hudson, Passaic and Sussex Counties		Preferences, if any (veteran, regional, NJ): VETERANS' PREFERENCE: Where the municipality has entered into an agreement with a developer, a preference may be given to veterans who served, pursuant to N.J.S.A. 52:27D-311.j, for up to 50% of the restricted units. REGIONAL PREFERENCE: There will be a preference for applicants who live and/or work in Housing Region 1 (Bergen, Hudson, Passaic, Sussex Counties). STATE PREFERENCE: Subordinate to regional preference, there shall be a preference for households that live and/or work in New Jersey.	
Accessibility Features, if any:			
Managing/Sales Agent's Name, Address, Phone Number 			
Application Fees (if any): No fees will be charged for the affordable housing application.			

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

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

II. RANDOM SELECTION

<p>RENTAL PROCESS</p> <p>A. An initial deadline date, no less than 45 days after the start of the marketing process (90 days for those properties with a Veterans Preference), will be established. A lottery may not take place prior to 60 days from the start of marketing. All online preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date.</p> <p>B. Households that apply for very low-, low- and moderate-income housing will prescreen themselves for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). Households will also prescreen themselves for all preferences pursuant to state regulations and local ordinance. All households are notified</p>

as to their preliminary status at the time an application is submitted.

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

NEW SALE PROCESS:

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

- H. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
- I. The sales agreement may also limit closing to a reasonable time to be approved by Piazza & Associates in advance of the process.

RESALE PROCESS:

- A. The Seller submits a Preliminary Notice with a copy of their recorded deed in order to determine the maximum resale price.
- B. We will respond to the Seller in writing, explaining some of the details of the process and informing the Seller of the Maximum Sales Price (based on the change in median income as set forth by the New Jersey Dept. of Community Affairs) as well as the Maximum Income allowed for potential purchasers, as adjusted for family size.
- C. The Seller submits a final “Notice of Intent to Sell” to Piazza & Associates.
- D. We will email a “Notice of Availability” to households on our waiting list for an affordable home of the same size and income category. At the same time, we will email the seller a copy of a QR code, which directs applicants to an address-specific online application. The Notice will ask interested households to contact the Seller or their agent, directly, to make an appointment to see the affordable home within a two-week time frame. The Seller may want to prepare a flyer for us to distribute with our notice of availability. We reserve the right to limit the number of notices that are mailed, based on the chronological order in which the pre-qualified applications were received. If the notices are limited in this way, applicants receiving notices will have a priority over those who do not. Once the home is marketed, the price may not be increased unless a new marketing period is initiated.
- E. We automatically place a notification of the availability on NJHRC.gov. The Seller or their agent may also want to advertise. Ads should include the “Equal Housing Opportunity” logo and should be sent to our office for review prior to distribution.
- F. The Seller or their agent, upon showing the home, provides potential buyers with a copy of the QR code. All interested parties must submit the online Preliminary Application, whether or not they have already submitted an application to our office or are on our waiting list. Also, the Seller or their agent must keep a record of the name, address and telephone number of everyone who viewed the home.
- G. At the end of the two-week time period, our office reviews all of the Preliminary Applications submitted for a particular home. These applications are prioritized on the basis of a blind selection process or lottery. Preference may be given to households that can utilize all of the bedrooms, as well as handicap accommodations, when applicable.
- H. The first two applicants on the prioritized list are emailed a letter which requires them to complete a final application within fourteen days. When an applicant is approved as a buyer, a copy of the approval letter is sent to the Seller and their agent, as applicable.
- I. The Seller and the certified interested household (now Buyer) execute a “Contract of Sale”. Piazza & Associates ensures the Deed, Recapture Mortgage, Recapture Mortgage Note, and Disclosure Statement (Appendix J) are submitted as part of the closing packet to the attorney responsible for the closing or other closing agent.
- J. The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event the potential buyer is not able and/or willing to purchase the affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.
- K. When an applicant is in second priority position to purchase an affordable home (the *original* home), and another home of the same size and type in the same municipality (the *next* home) becomes available within 90 days of the lottery date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone

that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unable or unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.

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

III. MARKETING

Direction of Marketing Activity: Based on demographic data from the 2020 census, this table provides a comparison of race and ethnic origin between Housing Region 1 and the Borough of Woodcliff Lake. The most significant negative differences point to the greatest need for affirmative marketing. In this case, African Americans (-7.6%) and Hispanic (-24.8%), represent the clearest differences between the Municipality and the region.

The U. S. Census Data 2020:

Subject	RACE							HISPANIC OR LATINO	
	Total population	Race alone or in combination with one or more other races: [1]						Total population	
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Hispanic or Latino (of any race)	Not Hispanic or Latino
Bergen	955,732	543,849	54,831	4,535	158,630	217	96,383	204,683	751,049
Sussex	144,221	121,879	3,088	336	3,002	20	4,469	14,310	129,911
Hudson	724,854	248,561	79,498	7,388	124,555	417	159,950	293,019	431,835
Passaic	524,118	229,573	57,809	6,383	30,852	195	134,687	224,030	300,088
Region 1	2,346,925	1,143,862	195,226	18,642	317,039	849	395,489	736,042	1,612,883
% Region 1	100%	48.7%	8.3%	0.8%	13.5%	0.0%	16.9%	31.4%	68.6%

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

Specific Radio and Television Stations – ND – Non-Digital

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

X	Optimum - Cablevision
----------	-----------------------

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

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

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

X Specific Newspapers and Other Publications (Developer)

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

		D-Digital or ND-Non-Digital
<input type="checkbox"/>	Jewish Link NJ https://www.jewishlinknj.com/	
<input type="checkbox"/>	Jewish Voice and Opinion https://thejewishvoiceandopinion.com/	
<input type="checkbox"/>	News India Times http://www.newsindiatimes.com	
<input type="checkbox"/>	PLUS - New Jersey & Pennsylvania http://www.tygodnikplus.com/	
<input type="checkbox"/>	Zaman Amerika http://zamanamerika.com	
<input type="checkbox"/>	Jewish Standard http://jewishstandard.timesofisrael.com	
<input type="checkbox"/>	Arab Voice http://arabvoice.com	
<input type="checkbox"/>	Catholic Beacon, The https://rcdop.org/the-beacon	
<input type="checkbox"/>	Ahora News http://ahoranews.net	
<input type="checkbox"/>	Tri-State Voice https://www.tristatevoice.com/	
X	El Especial/El Especialito http://www.elespecialitomk.com/ http://elespecial.com	
<input type="checkbox"/>	La Tribuna NJ — Decano de la Prensa Hispana http://latribunanj.com	

X Employers Throughout the Housing Region – ND – Non-Digital – List Attached (Piazza & Associates)

5:80-26-16(e)3 offers outreach to regional employers as an option. A comprehensive and regularly updated list of employers is available in the Marketing Outreach Tool. Please reach out to each listed employer in the region; you may add more if desired. If an employer no longer exists or has moved, please inform DCA.

X Community Organizations Throughout the Housing Region – ND – Non-Digital -List Attached (Piazza & Associates)

5:80-26-16(e)4 offers community and regional organizations as an option, including nonprofit, religious, governmental, fraternal, civic, and other organizations. A comprehensive and regularly updated list of organizations is available in the Marketing Outreach Tool. Please reach out to each listed organization in the region. You may add more if desired. If an organization no longer exists or has moved, please inform DCA.

X Municipal and County Websites – D – Digital (Piazza & Associates)	
5:80-26-16(e)5 offers municipal and county website advertising as an option. Insert the URL for the municipality. To ensure regional outreach, advertise in all county websites listed below.	
Municipality: https://wclnj.com/	
https://www.hcnj.us/	
https://bergencountynj.gov/	
https://www.passaiccountynj.org/	
https://sussex.nj.us/	
X Social Media– D – Digital (Piazza & Associates)	
5:80-26.16(e)6 offers social media as an option. Some common platforms are listed below. You may place ads on these platforms or market for free on your own page.	
X	Facebook
X	Instagram
X	HousingQuest Newsletter (email Blast) – 90,000 + Recipients
<input type="checkbox"/> Public Transit Stops – ND – Non-Digital	
A comprehensive and regularly updated list of NJ Transit stops is available at https://www.nj.gov/dca/hmfa/about/has/ , or in map form at njgis-newjersey.opendata.arcgis.com . Note that you must get permission from NJ Transit to post flyers.	
<input type="checkbox"/> Other Advertising Efforts to Groups Least Likely to be Reached	

IV. SUMMARY

Non-Digital Outreach	Digital Outreach

IV. APPLICATIONS (Piazza & Associates)

Applications for affordable housing or notices thereof, if offered online, for the above units will be available in all County Administration Buildings and Libraries for all counties in the housing region:		
	BUILDING	LOCATION
X	Sussex County Administration Building	1 Spring Street, Newton, NJ 07860 (973)579-0200
X	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860 (973)948-3660
X	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306 (201) 795-6000
X	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
X	Passaic County Library	195 Gregory Avenue, Passaic, NJ 07055 (973) 779-0474
X	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
X	Bergen County Library	21-00 Route 208 South, Suite 130, Fair Lawn, NJ 07410 bccls@bccls.org
Municipality in which the units are located (list municipal building and municipal library and address)		
Borough of Woodcliff Lake 188 Pascaek Road Woodcliff Lake, NJ 07677 (201) 391-4977		

Montvale Public Library
12 DePiero Drive
Suite 100
Montvale, NJ 07645
(201) 391-5090

Hillsdale Public Library (Part of BCCLS)
509 Hillsdale Avenue
Hillsdale, NJ 07642
(201) 358-5072

Park Ridge Public Library
51 Park Avenue
Park Ridge, NJ 07656
(201) 391-5151

Address of Sales/Rental Office for units (if applicable) and phone No.

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's compliance and/or any state funding.

Frank Piazza Jr.
Name (Type or Print)

Administrative Agent, Borough of Woodcliff Lake
Title/Municipality



9 March 2026

Signature

Date

Company Name	Address	City	ZIP Code
Academic Achievement Inc	246 Fairmount Ave	Glen Rock	07452
Advance Digital Inc	3100 Plaza Five	Jersey City	07311
American Microloan LLC	2115 Linwood Ave # 308	Fort Lee	07024
Arrow Fastener Co LLC	271 Mayhill St	Saddle Brook	07663
BAE Systems	164 Totowa Rd # 1	Wayne	07470
BAE Systems Info & Elect Syst	150 Parish Dr	Wayne	07470
Bayer Healthcare Phrmctcls	6 Westbelt	Wayne	07470
Becton Dickinson & Co	1 Becton Dr	Franklin Lakes	07417
Bergen County Admin Dept	1 Bergen County Plz # 580	Hackensack	07601
Bergen County Parks Dept	1 Bergen County Plz	Hackensack	07601
Bergen New Bridge Medical Ctr	230 E Ridgewood Ave	Paramus	07652
Bergenfield Board Of Education	225 W Clinton Ave	Bergenfield	07621
Best Foods	800 Sylvan Ave	Englewood Cliffs	07632
Bioreference	481 Edward H Ross Dr	Elmwood Park	07407
Bioreference Laboratories LLC	481 Edward H Ross Dr	Elmwood Park	07407
Bmw Of North America LLC	300 Bmw Dr	Woodcliff Lake	07677
Burns & Roe	800 Kinderkamack Rd # 1	Oradell	07649
CA Ferolie	2 Van Riper Rd	Montvale	07645
Careevolve	200 Riverfront Blvd	Elmwood Park	07407
Carepoint Health-Bayonne Med	29 E 29th St	Bayonne	07002
Children's Place Inc	500 Plaza Dr # 400	Secaucus	07094
Christ Hospital	176 Palisade Ave	Jersey City	07306
Color Street	922 Riverview Dr	Totowa	07512
Coronet Inc	55 Shepherds Ln	Totowa	07512
County Of Hudson	595 Newark Ave # 1	Jersey City	07306
Dial America Marketing Inc	960 Macarthur Blvd	Mahwah	07430
Diversified Global Graphics	100 Burma Rd	Jersey City	07305
Dwight-Englewood School	315 E Palisade Ave	Englewood	07631
E Trade Financial	501 Plaza Two	Jersey City	07311
Englewood Hospital & Med Ctr	350 Engle St	Englewood	07631
Englewood Hospital Med Ctr SRG	350 Engle St # 4503	Englewood	07631
Ey	200 Plaza Dr # 2222	Secaucus	07094
Geoffrey Inc	1 Geoffrey Way	Wayne	07470
Georgeson	480 Washington Blvd # 28	Jersey City	07310
Getinge	45 Barbour Pond Dr	Wayne	07470
Giant Tire Svc	100 Wagaraw Rd	Hawthorne	07506
Goya Foods Inc	350 County Rd	Jersey City	07307
Gucci America Inc	150 Totowa Rd	Wayne	07470
Haband Co LLC	1 International Blvd # 800	Mahwah	07495
Hackensack Meridian Health	7600 River Rd	North Bergen	07047
Hackensack University Med Ctr	30 Prospect Ave	Hackensack	07601
HARMAN Professional Inc	85 Challenger Rd # 6	Ridgefield Park	07660
Hoboken University Medical Ctr	308 Willow Ave	Hoboken	07030

Holy Name Medical Ctr	718 Teaneck Rd	Teaneck	07666
Home Services At Home Depot	450 Hackensack Ave # 18	Hackensack	07601
Hudson County Correctional Ctr	30-35 S Hackensack Ave # 1	Kearny	07032
Hudson News	1 Meadowlands Plz # 902	East Rutherford	07073
Hudson Regional Hospital	55 Meadowlands Pkwy	Secaucus	07094
Insurance Services Office Inc	545 Washington Blvd	Jersey City	07310
IPC Systems Inc	3 2nd St # 1500	Jersey City	07311
Jersey City Fire Dept	465 Marin Blvd	Jersey City	07302
Jersey City Medical Ctr	355 Grand St	Jersey City	07302
John Wiley & Sons Inc	111 River St # 2000	Hoboken	07030
Knights Of Columbus	194 River Rd	North Arlington	07031
KPMG	3 Chestnut Ridge Rd # 200	Montvale	07645
KPMG	300 Tice Blvd # 102	Woodcliff Lake	07677
KPMG LLP	3 Chestnut Ridge Rd	Montvale	07645
Kulite Semiconductor Prod Inc	1 Willow Tree Rd	Leonia	07605
Livewell Counseling A	301 Sicomac Ave	Wyckoff	07481
Macy's	100 Paramus Park Mall	Paramus	07652
Macy's Logistics & Operations	100 Venture Way	Secaucus	07094
Mahwah Bergen Retail Group Inc	933 Macarthur Blvd	Mahwah	07430
Michael Shetler SFR	74 Godwin Ave # 231	Ridgewood	07450
Mountain Creek Resort	200 State Rt 94	Vernon	07462
Myron Corp	205 Maywood Ave	Maywood	07607
National Retail Transportation	2820 16th St	North Bergen	07047
Newton Medical Ctr	175 High St	Newton	07860
NJ Garage Inc	13-17 River Rd	Fair Lawn	07410
Normanoch Association Inc	E Shore Culver Rd	Branchville	07826
Northern NJ Cancer Assoc	92 2nd St	Hackensack	07601
Northstar Travel Group	301 State Rt 17 # 1150	Rutherford	07070
Nus Consulting Group	1 Maynard Dr	Park Ridge	07656
Orkin-Residential	95 Lackawanna Ave	Woodland Park	07424
Pacific Global Inc	401 Hackensack Ave # 905	Hackensack	07601
Passaic Co Sheriffs Office	77 Hamilton St # 1	Paterson	07505
Passaic County Social Svc	80 Hamilton St # 1	Paterson	07505
Paterson Police Dept	111 Broadway # 1	Paterson	07505
Paterson Public Works Dept	155 Market St	Paterson	07505
Pearson Inc	221 River St # 2	Hoboken	07030
Pershing LLC	1 Pershing Plz	Jersey City	07399
Police Benevolent Assn	30 S Hackensack Ave	Kearny	07032
Preakness Healthcare Ctr	305 Oldham Rd	Wayne	07470
Preferred Building Svc	772 Kearny Ave	Kearny	07032
Remington-Vernick & Arango	1 Harmon Plz # 600	Secaucus	07094
Respiratory Dept St Joseph	703 Main St	Paterson	07503
Samsung Electronics Amer Inc	85 Challenger Rd # 6	Ridgefield Park	07660
Selective Insurance Co Of Amer	40 Wantage Ave	Branchville	07826

Selective Insurance Group Inc	40 Wantage Ave	Branchville	07890
Shoprite Liquors Of Paramus	224 Route 4 E At Forest Ave	Paramus	07652
Shoprite Of Oakland	14 Post Rd	Oakland	07436
SJP Properties	95 Greene St	Jersey City	07302
Sony Electronics Inc	1 Sony Dr	Park Ridge	07656
Soundview Paper Co	1 Market St	Elmwood Park	07407
St Joseph's Wayne Medical Ctr	224 Hamburg Tpke	Wayne	07470
St Mary's General Hospital	350 Boulevard	Passaic	07055
St Peter's University	2641 John F Kennedy Blvd	Jersey City	07306
Stryker Orthopaedics	325 Corporate Dr	Mahwah	07430
Superior Court	77 Hamilton St # 1	Paterson	07505
Sussex County Office	1 Spring St # 1	Newton	07860
Symrise Inc	300 North St	Teterboro	07608
Sysco Metro Ny-Food Distr	20 Theodore Conrad Dr	Jersey City	07305
Thor Labs	56 Sparta Ave	Newton	07860
UBS Financial Svc	1000 Harbor Blvd # 400	Weehawken	07086
Unilever Food Solutions	700 Sylvan Ave # 4	Englewood Cliffs	07632
Unilever Home & Personal Care	800 Sylvan Ave	Englewood Cliffs	07632
United States Postal Svc	69 Montgomery St	Jersey City	07302
Valley Health System	223 N Van Dien Ave	Ridgewood	07450
Valley Hospital	223 N Van Dien Ave	Ridgewood	07450
Verisk Analytics Inc	545 Washington Blvd	Jersey City	07310
Vitamin Shoppe Inc	300 Harmon Meadow Blvd # 2	Secaucus	07094
William Paterson University	300 Pompton Rd	Wayne	07470
Worldwide Alliance	80 Washington St	Hoboken	07030

Agency Name	Address1	City/State/Zip
American Legion Dept. of New Jersey	171 Jersey Street Bldg. #5, 2nd Floor	Trenton, NJ 08611
Bergen County Administration Building	1 Bergen County Plaza, #580	Hackensack, NJ 07601
Bergen County Board of Social Services	216 Route 17 N.	Rochelle Park, NJ 07662-3300
Bergen County Cooperative Library System	810 Main St.	Hackensack, NJ 07601
Bergen County Department of Veterans Services	One Bergen County Plaza (2nd Floor)	Hackensack, NJ 07601
Bergen County Div. of Senior Services	One Bergen County Plaza, 2nd Floor	Hackensack, NJ 07601
Bergen County Housing Coalition	329 Main St.	Hackensack, NJ 07601
Bergen County United Way	6 Forest Avenue	Paramus, NJ 07652
Bergen County NAACP	PO Box 1136	Englewood, NJ 07631
Catholic Charities (Diocese of Newark)	321 Central Ave	Newark, NJ 07103
Catholic Family & Community Services	24 DeGrasse Street	Paterson, NJ 07505-2001
County of Sussex	One Spring Street	Newton, NJ 07860
Danforth Memorial Library	250 Broadway	Paterson, NJ 07501
DCA Field Office – Bergen County	100 First Street, Suite 207	Hackensack, NJ 07601
DCA Field Office – Hudson County	438 Summit Avenue, 3rd Floor	Jersey City, NJ 07306-3179
DCA Field Office – Passaic County	100 Hamilton Plaza, Suite 600	Paterson, NJ 07505
DCA Field Office – Sussex County	350 U.S. Highway 46, Suite 105	Rockaway, NJ 07866
NCBW-Chair Economic Empowerment	703 Cedar Lane	Teaneck, NJ 07666
Department of Community Affairs	100 First St., Suite 207 1st flr	Hackensack, NJ 07601
Episcopal Community Development	31 Mulberry St.	Newark, NJ 07102
Fair Share Housing Center	510 Park Blvd.	Cherry Hill, NJ 08002
Fairmount Housing Corp.	270 Fairmount Ave.	Jersey City, NJ 07306
Greater Bergen Assoc. of Realtors	411 Rte. 17 South, 5th Floor	Hasbrouck Heights, NJ 07604
Habitat for Humanity	10 Banta Place	Hackensack, NJ 07601
Housing Authority of Bergen County	1 Bergen County Plz., 2nd Fl	Hackensack, NJ 07601
Hudson County Administration Building	595 Newark Avenue	Jersey City, NJ 07306
Hudson County Board of Realtors	110a Meadowlands Parkway, Ste. 103	Secaucus, NJ 07094
Hudson County Dept. of Family Services	257 Cornelison Ave.	Jersey City, NJ 07302
Hudson County Library	25 Journal Sq.	Jersey City, NJ 07306
Hudson County Office on Aging	595 County Avenue, Bldg. 2	Secaucus, NJ 07094
Interreligious Fellowship for the Homeless of Bergen County	479 Maitland Avenue	Teaneck, NJ 07666

Jersey City Episcopal CDC	514 Newark Ave.	Jersey City, NJ 07306
Jersey City Housing Authority	400 US Highway #1	Jersey City, NJ 07306
Jersey City NAACP	153 Martin Luther King Drive, #B	Jersey City, NJ 07305
Latin Action Network	2560 U.S. Highway 22, Suite 322	Scotch Plains, NJ 07076
Lutheran Ministries of New Jersey	1056 Stuyvesant Ave.	Trenton, NJ 08618
Monticello Community Development Corp.	99 Monticello Ave.	Jersey City, NJ 07304
NAACP Bayonne	PO Box 1764, 1195 E. 21st St.	Bayonne, NJ 07002
NAACP Hoboken	MPO 1219	Hoboken, NJ 07030
NAACP Paterson	PO Box AQ	Paterson, NJ 07509
NAACP Teaneck	PO Box 1136	Teaneck, NJ 07666
NAACP-Passaic Branch	114 Prospect Street	Passaic, NJ 07055
New Jersey Citizen Action	744 Broad Street #2060	Newark, NJ 07102
New Jersey Community Development Corporation	32 Spruce Street	Paterson, New Jersey 07501
New Jersey Tenant Organization	389 Main Street	Hackensack, NJ 07601
New Jersey Tenant Organization	96 Linwood Plz #233	Fort Lee, NJ 07024
NJ State Conference of the NAACP	4326 Harbor Beach Blvd., #775	Brigantine, NJ 08203
Northwest New Jersey Community Action Program, Inc.	350 Marshall St	Phillipsburg, NJ 08865-3273
Passaic Board of Realtors	204 Berdan Ave.	Wayne, NJ 07470
Passaic Board of Realtors	204 Berdan Ave.	Wayne, NJ 07470
Passaic County Administration Building	401 Grand Street	Paterson, NJ 07505
Passaic County Board of Social Services	80 Hamilton Street #1	Paterson, NJ 07505
Passaic County Dept. of Senior Services, Disabilities	930 Riverview Dr., Suite 200	Totowa, NJ 07512
Passaic County Public Housing Agency	100 Hamilton St., #510	Paterson, NJ 07505
Passaic Housing Authority	52 Aspen Place	Passaic, NJ 07055
Paterson Habitat for Humanity	146 North 1st Street, PO Box 2585	Paterson, NJ 07509
SEED Corp.	333 Dodd Street, Ste. 3	East Orange, NJ 07017
Senior Housing Services	300 Teaneck Rd.	Teaneck, NJ 07666
SERV Behavioral Health	20 Scotch Rd.	West Trenton, NJ 08628
SonRise Development Corp.	351 Englewood Ave.	Englewood, NJ 07631
St. Joseph House	81 York Street	Jersey City, NJ 07302
St. Paul's Community Development Corp.	451 Van Houten St.	Paterson, NJ 07501

Supportive Housing Association of New Jersey
Sussex County Board of Realtors
Sussex County Div. of Social Services
Sussex County Division of Senior Services
Sussex County Main Library
Urban League of Bergen County
Urban League of Hudson County
US Postal Service
V.F.W. Department of New Jersey
Warren/Sussex County NAACP

185 Valley Street
115 DeMarest Rd.
83 Spring Street, Suite 203
1 Spring Street, 2nd Floor
125 Morris Tpke.
96 Engle Street
253 Martin Luther King Dr.
69 Montgomery St.
171 Jersey Street Bldg. #5, 2nd Floor
PO Box 229

South Orange, NJ 07079
Sparta, NJ 07871
Newton, NJ 07860
Newton, NJ 07860
Newton, NJ 07860
Englewood, NJ 07631
Jersey City, NJ 07305
Jersey City, NJ 07302
Trenton, NJ 08611
Washington, NJ 07882

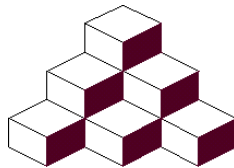
NON-PROFIT	COUNTY	WEBSITE
4Cs of Passaic County, Inc.	Passaic	https://www.4cspassaic.org/
A Partnership for Change	Bergen	https://www.apartnershipforchange.org/
Alpine Learning Group, Inc.	Bergen	https://www.alpinelearninggroup.org/
Association for Special Children & Families	Passaic	https://ascfamily.org/
Bergen New Bridge Health Medical Center Foundation	Bergen	https://www.newbridgehealth.org/about/foundation/
Bergen Volunteers	Bergen	https://www.bergenvolunteers.org/
Boys & Girls Clubs in New Jersey	Passaic	https://bgcnj.org/
Boys & Girls Clubs of Lower Bergen County	Bergen	https://bgclbergen.org/
Child Focus	Passaic	https://www.childfocusnj.org
Circle of Care	Passaic	https://circleofcarecmo.org/
Community Chest of Eastern Bergen County, The	Bergen	https://thecommunitychestebc.org/
Family Promise of Sussex County	Sussex	https://familypromisesussex.org/
First Friends of NJ & NY Corp.	Hudson	https://firstfriendsnjny.org/
Friends of the New Jersey School of Conservation	Sussex	https://njsoc.org/brief-history/
Habitat for Humanity of Bergen County	Bergen	https://www.habitatbergen.org
Hamilton Partnership for Paterson	Passaic	https://www.hamiltonpartnership.org/
Hudson County Workforce Development Board	Hudson	https://hccwdb.org/
IACO Immigration & American Citizenship Org., Inc.	Passaic	https://iacoimmigration.org/
MarbleJam Kids, Inc.	Bergen	https://marblejam.org
New Jersey Community Development Corporation	Passaic	https://www.njcdc.org/
New Jersey Consortium for Immigrant Children	Hudson	https://njcic.org
Northern New Jersey Community Foundation	Bergen	https://www.nnjcf.org/
Partners in Prevention	Hudson	https://pipnj.org/
Paterson Alliance	Passaic	https://patersonalliance.org/
Project Self-Sufficiency	Sussex	https://www.projectsselfsufficiency.org/
Table To Table Inc	Bergen	https://tabletotable.org/
Women Rising	Hudson	https://www.womenrising.org/
Women's Rights Information Center	Bergen	https://www.womensrights.org/
YWCA Northern New Jersey	Bergen	https://www.ywcannj.org/

Borough of Woodcliff Lake

Affordable Housing Services

Operating Manual

SALES & RESALES



Piazza & Associates, Inc. ♦ 201 Rockingham Row ♦ Princeton, NJ 08540

T.609.786.1100 ♦ F.609-786-1105 ♦ www.HousingQuest.com

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EXHIBITS

- A.** Equal Housing Opportunity Posters
- B.** Annual Regional Income Limits Chart
- C.** Application for Affordable Housing
- D.** Applicant Questionnaire and Document Checklist
- E.** Resale Procedures for Owners Wishing to Sell an Affordable Unit

INTRODUCTION

This Operating Manual has been prepared by Piazza & Associates, Inc., the Administrative Agent for the Borough of Woodcliff Lake, to assist in the administration of for-sale units. General questions regarding its content can be addressed to Piazza & Associates, Inc. 201 Rockingham Row, Princeton, NJ 08540; by telephone to 609-786-1100; or by email at info@HousingQuest.com.

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. Updates to our manual will be available on our website at: <https://www.piazzanj.com/policies/>.

This manual explains the steps in the initial sale process and in the resale process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration. The Operating Manual governs all of the current affordable housing sale offerings in the Borough of Woodcliff Lake.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws¹, the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq.², the substantive rules of the Council on Affordable Housing N.J.A.C. 5:96³ and 5:97⁴ and the affordable housing regulations of the Borough of Woodcliff Lake (hereafter referred to as the "Regulations").

All prior references to COAH have been replaced with references to the New Jersey Fair Housing Act ("NJ-FHA").

FAIR HOUSING AND EQUAL HOUSING OPPORTUNITIES



In accordance with the Federal Fair Housing Act, it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status. In addition, New Jersey Law prohibits discrimination in housing on the basis of race, creed, color, national origin, ancestry, nationality, marital or domestic partnership or civil union status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, source of lawful income or source of lawful rent payment (including Section 8) by all persons including real estate agents or brokers, financial institutions, property owners, landlords, or building superintendents,

¹ <https://www.hud.gov/helping-americans/fair-housing-act-overview>

² https://www.nj.gov/dca/hmfa/about/uhac/docs/Current_UHAC_Regulations.pdf

³ <https://www.nj.gov/dca/dlps/hss/thirdroundregs/596.pdf>

⁴ <https://www.nj.gov/dca/dlps/hss/thirdroundregs/597.pdf>

and their agents and employees with respect to the sale, rental or lease of real property, listing or advertising of real property, receipt or transmittal of offers to purchase or rent real property, application and terms of a mortgage or other loan. See Exhibit A.

FAIR HOUSING PROMISE AND POLICY

Piazza & Associates, Inc. is an Administrative Agent for affordable housing. As such, it is responsible for processing applications for compliance to affordable housing regulations for rental and sale units throughout the State of New Jersey. These affordable units are not owned, operated, managed or sold by Piazza & Associates, Inc., which relies on the owners, sellers, and real estate agents to screen applications for their own specific units under the terms and conditions of their own selection policies.

With respect to its responsibility to review, evaluate and process applications for adherence to the parameters of the affordable housing programs it administers, it is the policy and promise of Piazza & Associates, Inc. to comply with the Federal Fair Housing Act, the New Jersey Law Against Discrimination (LAD), N.J.S.A. § 10:5-1 to -49, and the Fair Chance in Housing Act (FCHA).

LAD:

In compliance with the LAD, Piazza & Associates, Inc. ensures that all housing, as well as all terms, conditions, and privileges associated with such housing, are available to all persons without regard to actual or perceived race, creed, religion, color, national origin, nationality, ancestry, pregnancy or breastfeeding, sex, gender identity or expression, sexual orientation, familial status (defined as having care or custody of a child under age 18 or being pregnant), disability, liability for service in the Armed Forces of the United States, marital status, civil union status, or domestic partnership status. The LAD also prohibits housing discrimination based on the source of lawful income used for rental or mortgage payments (including Section 8 housing choice vouchers, COVID-19 Emergency Rental Assistance Program (CVERAP), State Rental Assistance Programs (SRAP), temporary rental assistance (TRA), Eviction Prevention Program (EPP), unemployment benefits, child support, alimony, and supplemental security income.

This policy means that, among other things, the owners and operators of Piazza & Associates, Inc. do not discriminate against persons in any aspect of the sale, rental, or occupancy of housing on the basis of their actual or perceived membership in an LAD-protected category or their association with someone who is a member of an LAD-protected category, or their source of lawful income. Specifically, they do not and will not:

1. Refuse to sell or rent, refuse to negotiate the sale or rental of, or otherwise make housing unavailable to any person on the basis of an LAD-protected category;
2. Discriminate against any person in the terms, conditions, or privileges of sale, rental, or occupancy, including cost of rental, on the basis of an LAD-protected category;

3. Make, print, or publish any statement, including print advertisements and online postings, expressing any preference for, limitation of, or discrimination based on an LAD-protected category;
4. Steer persons away from their desired housing, or represent that a neighborhood is changing in a way that could lower property values, increase crime, or lower the quality of public services, including schools, because of an LAD-protected category;
5. Refuse to approve an applicant to rent to a prospective tenant or discourage a prospective tenant from renting because they plan to pay with Section 8 housing choice vouchers, COVID-19 Emergency Rental Assistance Program (CVERAP), SRAP (State Rental Assistance Program), TRA (temporary rental assistance), Eviction Prevention Program (EPP), or any other subsidy or voucher provided by federal, state, or local rental-assistance programs; or other sources of income including unemployment benefits, child support, alimony, and supplemental security income; or express any such limitation or refusal in any printed advertisement, oral or written statement, or online posting (for example, statements like “No Section 8,” “TRA not accepted,” or “This property not approved for Section 8” are all prohibited);
6. Condition a person’s housing, or any of the terms, conditions, or privileges thereof, on acceptance of unwanted sexual advances or requests for sexual favors, or engage in unwanted, harassing conduct of a sexual nature that creates an intimidating, hostile, or offensive housing environment, or permit others to do so;
7. Engage in unwanted, harassing conduct based on any LAD-protected category that creates an intimidating, hostile, or offensive housing environment, or permit others to do so;
8. Undertake any of the actions listed in subsections (A) through (I) based on the person’s perceived membership in an LAD-protected category or their association with someone who is an actual or perceived member of an LAD-protected category;
9. Impose unreasonable occupancy restrictions to prevent families with children from moving in;
10. Refuse to grant reasonable accommodations and reasonable modifications to a person with a disability as explained further in Addendum A;
11. Selectively inquire about, or request information about and/or documentation of, a prospective tenant’s or buyer’s immigration or citizenship status because of the person’s actual or perceived national origin, race, or ethnicity;
12. Fail to account for a person’s receipt and use of rental assistance (such as Section 8 housing choice vouchers, SRAP, or TRA, EPP, unemployment benefits, child support, alimony, or supplemental security income) when applying minimum income requirements to a person’s rental application (any minimum income

requirement, financial standard, or income standard must be calculated based only on the portion of the rent to be paid by the tenant, rather than the entire monthly rent);

13. Violate the S. Department of Housing and Urban Development's April 2016 Guidance by imposing blanket exclusions on all individuals with any prior arrest or conviction; or
14. use criminal history as a pretext for intentionally discriminating on the basis of race or national origin.

Making affordable housing opportunities equally accessible for all persons is our mission and our vocation. Any agent, employee, or designee of Piazza & Associates, Inc. who fails to comply with this policy will be subject to appropriate disciplinary action. Please report any violation of this policy to Frank Piazza Jr. at FPiazza@PiazzaNJ.com or 609-786-1100, ext. 301. You cannot and will not be subjected to retaliation for making a complaint under this policy or for attempting to exercise your rights under this policy or the LAD.

Any action taken by Piazza & Associates, Inc.'s agent, employee, or designee in violation of the requirements laid out in this policy may constitute a violation of the LAD. Any applicant who believes that any owner, agent, employee, or designee of Piazza & Associates, Inc. has violated any of the above may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or (866) 405-3050. A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the allegedly discriminatory conduct. DCR has a number of fair housing fact sheets that are available at <https://www.nj.gov/oag/dcr/housing.html>.

Addendum A: Reasonable Accommodations and Modifications for Persons with a Disability

In most cases, physical accommodations will be the responsibility of the owner, seller, landlord or manager, which has control over the subject property. Although Piazza & Associates, Inc. ("P&A") does not have control over the physical accommodations of the affordable homes, P&A will grant reasonable accommodations to its rules, policies, practices, procedures, or services when such accommodations are possible and necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling and when the accommodation will not cause an undue hardship to or conflict with the responsibility to make affordable units open to the general public as required by law. If P&A cannot grant the requested accommodation or modification because it does not have control over the physical property, we will refer your request to the owner, landlord, manager, as appropriate. Generally, P&A is unable to grant priority access to one property to accommodate an applicant who is unable to acquire an accessible unit at another property.

To request a reasonable accommodation or reasonable modification, contact Frank Piazza Jr. at FPiazza@PiazzaNJ.com or 609-786-1100, ext. 301. To process your request, P&A may require supporting documentation from a treating doctor or mental health

professional to confirm that you have a disability as defined by the LAD and that the requested accommodation or modification is necessary to provide you with an equal opportunity to use and enjoy the dwelling. All requests and information related to a request, including medical information, will be kept confidential unless disclosure is required by law.

P&A will make a prompt decision on your request and will provide that decision in writing. If P&A cannot grant the requested accommodation or modification, we will refer your request to the owner, landlord, manager, as appropriate. You cannot and will not be subjected to retaliation for requesting an accommodation or modification under this policy or for attempting to exercise your rights under this policy or under the LAD. Any person who believes a request for an accommodation or modification has been unlawfully denied or unreasonably delayed may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or 1-866-405-3050. A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the housing provider's denial of the accommodation request.

WHAT IS AFFORDABLE HOUSING?

Affordable housing, unlike market rate housing, has affordability controls limiting the price for at least 30 years. The Regulations considers housing "affordable" if the household pays approximately 30% or less of the household's gross income on housing costs. Affordable housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the affordable housing is located.

WHO QUALIFIES FOR AFFORDABLE HOUSING?

In order to be eligible for affordable housing in New Jersey, a household's income will be below the income limit for the region in which the affordable housing is located, either for low or moderate levels. A moderate-income household is classified as earning more than 50 percent and less than 80 percent of the area median income. A low-income household is classified as earning 50 percent or less of area median income. A very low-income household is classified as earning 30 percent or less of area median income. Municipalities shall decide what projects will be required to help meet this obligation. Municipalities are not required to provide affordable sale housing to very low-income households.

The Affordable Housing Regional Income Limits Chart (Exhibit B) provides information about income limits for each of the six housing regions. Each region has different calculated median incomes, which are adjusted periodically. The Borough of Woodcliff Lake is located in Bergen County, which is part of Region 1, together with Hudson, Passaic and Sussex Counties.

LOCAL AFFORDABLE HOUSING PROGRAMS FOR PURCHASE

The following affordable housing program is currently being administered for the Borough of Woodcliff Lake:

1. Resale opportunities at the following location:

- A. **Centennial Way**-Included in this development are 12, two- and three-bedroom affordable townhomes.

A copy of the Borough of Woodcliff Lake's Housing Element and Fair Share Plan is available at the municipal building, located at: 188 Pascack Road, Woodcliff Lake, NJ 07677.

OTHER AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

In addition to the purchase opportunities, the Borough of Woodcliff Lake may have rental opportunities. Please contact Piazza & Associates, Inc. for further information:

Affordable housing throughout the State of New Jersey is administered by a wide variety of organizations and agencies. Further information can be found at: <https://nj.gov/njhrc/>.

Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the municipality in which they are interested in living. Each municipality has a Municipal Housing Liaison who is responsible for administering the municipality's affordable housing program. Some municipalities administer their own affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality. A list of Municipal Housing Liaisons can be found at:

http://www.nj.gov/dca/divisions/lps/hss/admin_files/muniliaisons.pdf

The New Jersey Housing and Mortgage Finance Agency has established New Jersey's Housing Resource Center, an on-line, searchable database of affordable housing in the State. The Housing Resource Center provides a listing posted by developers, landlords, and municipalities of available affordable housing. Available units are listed with contact and application information. Look for the Housing Resource Center at www.njhrc.gov.

The New Jersey Guide to Affordable Housing, which can be found at <https://www.nj.gov/dca/codes/publications/guide.shtml>, is a listing compiled by the New Jersey Department of Community Affairs Division of Codes and Standards. It lists all types of affordable housing by county. The housing units on the list have a variety of qualification requirements, including age-restricted housing and housing for the developmentally disabled. **Applicants who do not have access to the Internet should call 211 for assistance.**

Piazza & Associates, Inc. also provides information on many affordable housing programs throughout the state of New Jersey. Detailed information about these affordable housing opportunities can be found at www.HousingQuest.com.

OVERVIEW OF THE AFFORDABLE HOUSING ADMINISTRATION PROCESS

- The Municipal Housing Liaison serves as an initial point of contact for unsolicited calls to the municipality about affordable housing and where appropriate directs applicants to an Administrative Agent, who may be developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.
- The Administrative Agent implements the municipality's Affirmative Marketing Plan.
- The Administrative Agent serves as the initial point of contact for all inquiries generated by the affirmative marketing efforts and sends out pre-applications to interested callers.
- Households that apply for very low-, low- and moderate-income housing will prescreen themselves, using an online application, for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits adopted by NJDCA (NJ Department of Community Affairs) and other program restrictions that may apply. All households will be notified as to their preliminary status.

OVERVIEW OF THE NEW SALE PROCESS

- An initial deadline date, no less than 45 days after the start of the marketing process, will be established. All of the preliminary applications received by Piazza & Associates, Inc. on or before the initial deadline date, shall be deemed received on that date.
- Households that apply for low- and moderate-income housing will prescreen themselves for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits adopted by NJDCA and other program restrictions that may apply. All households will be notified as to their preliminary status.
- No less than 15 days after the deadline, a drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates, Inc. to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
- In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for

each low- and moderate-income unit available, or until all of the very low-, low- and moderate-income units within the development have been sold.

- Final applications will be emailed by Piazza & Associates, Inc. to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- Completed final applications will be forwarded to Piazza & Associates, Inc. Piazza & Associates, Inc. will make a determination as to their eligibility for a very low-, low- or moderate- income unit. Applicants will receive notification from Piazza & Associates, Inc. with respect to the status of their application each time a review is performed.
- When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
- Certified applicants will be given a timeframe, specified by the developer, to sign a sales agreement. Mortgage contingencies may not be an acceptable term of the agreement.
- The sales agreement may also limit closing to a reasonable time to be approved by Piazza & Associates, Inc. in advance of the process.
- Subsequent to the initial sale closings, a list of pre-qualified applicants will be maintained by Piazza & Associates, Inc. on a re-sale waiting list.

OVERVIEW OF THE RESALE PROCESS

When an Owner of a restricted unit wishes to sell, the sale will be processed through the Administrative Agent. Prior to the initial date of purchase, the Owner makes a certification regarding his or her understanding of this requirement.

The Administrative Agent coordinates certain aspects of the sales process for affordable homes on behalf of designated municipalities. The Administrative Agent is not a real estate agent, however, and recommends that the Seller use a qualified real estate professional. The process is outlined below.

- The Seller submits a Preliminary Notice and Request for Maximum Sale Price (MSP).
- The Administrative Agent will respond to the Seller in writing, explaining some of the details of the process and informing the Seller of the MSP (maximum sale price). The MSP is calculated by using the Affordable Housing Annual Regional Income Limits Chart, or approved alternative, and can be estimated on the Resale Calculator at HousingQuest.com.
- The Seller then submits a Final Notice of Intention to Sell to the Administrative Agent.

- The Administrative Agent will respond by emailing or mailing the seller copies of a QR code which directs applicants to an address specific online application.
- The Administrative Agent will email a “Notice of Availability” to households on the waiting list for an affordable home of the same bedroom size and income category. The Notice will ask interested households to contact the Seller or their agent, directly, to make an appointment to see the affordable home within a two-week time frame. The Seller may want to prepare a flyer for us to distribute with the notice of availability. The Administrative Agent reserves the right to limit the number of notices that are emailed, based on the chronological order in which the prequalified applications were received. If the notices are limited in this way, applicants receiving notices will have a priority over those who do not.
- The Administrative Agent will affirmatively market the unit if there is no current applicant pool.
- The Seller or their agent may also want to advertise. Ads should include the “Equal Housing Opportunity” logo and should be sent to our office for review prior to distribution.
- The Seller or their agent, upon showing the home, provides potential buyers with a copy of the QR code (which may be duplicated if necessary).
- Interested households complete the application and upload a mortgage pre-approval letter from a qualified lending institution.
- At the end of the two-week time period, the Administrative Agent reviews all of the online applications submitted for a particular home. These applications are prioritized on the basis of a blind selection process or lottery. Preference may be given to households that can utilize all of the bedrooms, as well as handicap accommodations, when applicable.
- The first applicant (or more, as deemed necessary) on the prioritized list is emailed a letter which requires them to complete a final application within fourteen days. When an applicant is approved as a buyer, a copy of the approval letter is sent to the Seller and their agent, as applicable.
- The Seller and the certified interested household (now Buyer) execute a “Contract of Sale.” The Administrative Agent ensures that the Deed, Recapture Mortgage, Recapture Mortgage Note and Disclosure Statement (Appendix J) form are submitted as part of the closing package to the attorney responsible for the closing or other closing agent.
- The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event that the potential buyer is not able and/or willing to purchase the affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.

- When an applicant is in second priority position to purchase an affordable home (the *original* home), and another home of the same size and type in the same municipality (the *next* home) becomes available within 90 days of the deadline date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.
- A copy of the Sales Contract will be submitted to the Administrative Agent prior to closing. The terms of the contract (e.g., closing dates and mortgage contingencies) should be reasonable to both buyer and seller.
- During the final stages of the process, the Seller should provide a “Notice of Intent to Transfer Title” form. It will be necessary to make arrangements for the Mortgage and Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer.
- A copy of the TILA-RESPA or HUD Closing Statement (as applicable) will be submitted to the Administrative Agent. A certified copy of the recorded deed, the original recorded repayment mortgage and note, and the certificate of ownership should also be sent to the Administrative Agent after closing.
- The filing and recording of documents is the responsibility of the seller’s or buyer’s attorney, but the Administrative Agent may also elect to file the documents. Once all documents are filed and recorded and returned to the Administrative Agent for inclusion in the file, the Administrative Agent will process a release of the original documents.
- Annually, the Administrative Agent shall send a mailing to the Owner of the affordable unit reminding them of the rights and requirements of owning an affordable unit.

This outline is meant to describe the process utilized prior to the expiration of the deed restrictions. It is not meant to be a legal representation of the rights or responsibilities of any party, nor is it meant to modify the Affordable Housing Agreement, Mortgage Note

or other Deed Restrictions. Buyers and Sellers are encouraged to seek legal counsel for specific questions in this regard. The Administrative Agent is available to both the Seller and the Buyer throughout the process to answer any questions that they may have.

ROLES AND RESPONSIBILITIES

Responsibilities of the Municipal Housing Liaison or MHL

The Municipal Housing Liaison shall be approved by municipal resolution and is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Municipal Attorney, where appropriate (see **Responsibilities of the Municipal Attorney**). The primary purpose of the MHL is to ensure that all affordable housing projects are established and administered according to the Regulations as outlined in an Operating Manual. The duties of the MHL include the following duties and may include the responsibilities for providing administrative services as described in the next Section under **Responsibilities of an Administrative Agent**.

Monitor the status of all restricted units in the municipality's Fair Share Plan. Regardless of any arrangements the municipality may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in their community.

Serve as the municipality's primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households. The MHL serves as the municipality's primary point of contact on affordable housing issues. Interested applicants should be provided with information on the types of affordable units within the municipality and, where applicable, the name of the Administrative Agent that manages the units and the contact information for the Administrative Agent.

Compile, verify and submit annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual NJDCA monitoring report. However, it is the Municipal Housing Liaison's responsibility to collect and verify this data and consolidate it into the annual report to NJDCA. Any requests from NJDCA for additional information or corrections will be directed to the MHL.

Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners. When a new affordable unit or series of units is in the planning process, the MHL should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor or owner. The developer, affordable housing sponsor or owner may serve as their own Administrative Agent, if they meet the applicable requirements and are approved by the municipality and NJDCA. The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all NJDCA-related local ordinances -- that have already been adopted by the municipality.

It is the responsibility of the Municipal Housing Liaison, in conjunction with the Municipal Attorney, to have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with NJDCA and UHAC regulations, before they are recorded and submitted to DCA for approval.

Provide Administrative Services, unless those services are contracted out. The responsibilities for providing administrative services are described in the next Section under, **Responsibilities of an Administrative Agent.**

Responsibilities of an Administrative Agent

The primary responsibility of an Administrative Agent is to establish and enforce affordability controls and ensure that units in the Administrative Agent's portfolio are sold to eligible households. Administrative Agents will:

Secure written acknowledgement from all developers, affordable housing sponsors and owners that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Create and adhere to an Operating Manual. All Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.

Implement the municipality's Affirmative Marketing Plan. The Administrative Agent, the developer, affordable housing sponsor or owner could be responsible for implementing the Affirmative Marketing Plan adopted by the municipality. At the first meeting with the Municipal Housing Liaison, Administrative Agent and the developer, affordable housing sponsor or owner, this responsibility should be discussed. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs are the responsibility of the developer or current owner.

Accept applications from interested households. In response to marketing initiatives or by referral from the Municipal Housing Liaison, interested households will contact the Administrative Agent. The Administrative Agent will supply applicants with applications, provide additional information on available units and accept completed applications.

Conduct random selection of applicants for sale and resale of restricted units. The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances, and as described in the Operating Manual.

Create and maintain a pool of applicant households. This includes reaching out to households in the applicant pool to determine continued interest and/or changes in household size and income.

Determine eligibility of households. The task of collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination on a household's eligibility will be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is determined to be eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and to maintain strict confidentiality of all information regarding that household. An Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of owning an affordable unit, in the form of Appendix J of UHAC, as applicable.

Establish and maintain effective communication with owners and property managers. Owners and property managers of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent will immediately inform all owners and property managers of any changes to the Administrative Agent's contact information or business hours. The Administrative Agent will create and distribute annual mailings to all Owners of affordable units reminding them of the rights and requirements of owning an affordable unit.

Owners should be instructed to immediately contact the Administrative Agent in the following circumstances:

- If they are considering or have decided to sell their home.
- In the event they wish to refinance their mortgage or take out a home equity loan and, consequently, will be seeking a subordination of their mortgage.
- If they are seeking an increase in the sales price of their unit due to capital improvements.
- If they are seeking a Hardship Waiver to allow them to rent their unit.

Preserve affordability controls during the sale of restricted units. Immediately upon being notified of an Owner's intent to sell their property, an Administrative Agent should inform the Owner of the Owner's role in the marketing and sale of the home. An Administrative Agent is responsible for extinguishing the affordability controls with the Seller and re-establishing them with the Buyer. An Administrative Agent is responsible for providing closing attorneys/agents with the appropriate legal instruments.

Ensure cancellations of Recapture Mortgages are effectuated. It is the Administrative Agent's responsibility to ensure that Recapture Mortgages are cancelled at the conclusion of the control period when the Recapture Mortgage is satisfied. If the Recapture Mortgage is being cancelled due to a sale of the property during the control period, then

the Administrative Agent may wish to cancel the original Recapture Mortgage only after the Recapture Mortgage with the new Owner has been recorded.

Send out annual mailings about restrictions. Administrative Agents will annually mail to all Owners of affordable housing units a reminder of their rights and responsibilities as Owners of an affordable unit.

Ensure unit has Continuing Certificate of Occupancy at final transfer. To help ensure a healthy and safe living environment for all families, an Administrative Agent is responsible for obtaining an inspection or a certified statement from the local Building Inspector at the first sale after the expiration of the minimum affordability control period.

Serve as the custodian of all legal documents. An Administrative Agent is responsible for maintaining originals of all legal instruments for the units in their portfolio. Throughout the duration of a control period, an Administrative Agent will maintain a file containing its affordability control documents. This includes, but is not limited to, the recorded Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes and Disclosure Statement.

Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the counsel of the municipality's attorney on legal matters that threaten the durability of the affordability controls.

Provide annual activity reports to Municipal Housing Liaison for use in the annual monitoring report. An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.

Maintain and distribute information on HUD-approved Housing Counseling Programs.

Responsibilities of the Municipal Attorney

The Municipal Attorney assists the municipality with developing, administrating, and enforcing affordability controls, including but not limited to:

- Assisting the Municipal Housing Liaison with the review of the affordable housing provisions of any Master Deed and Public Offering for consistency with DCA/NJHMFA and UHAC regulations, before they are recorded and submitted to DCA for approval.
- Providing all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure compliance with the housing affordability controls,

including reviewing legal documents and legal actions required on foreclosures and violations.

Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the developer of affordable housing should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor or owner.

The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all affordable-related local ordinances -- that have already been adopted by the municipality.

As provided for by ordinance, the developer will be responsible for the costs of advertising affordable units.

The Administrative Agent will secure from the developer written acknowledgement that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Responsibilities of an Owner

Owners should read annual mailings from the Administrative Agent and cooperate with any and all requests for information from either the Municipal Housing Liaison or the Administrative Agent.

The Owner may sell the unit only to a household that has been approved in advance and in writing by the Administrative Agent. No sale of the unit shall be lawful unless approved in advance and in writing by the Administrative Agent. No sale shall be for a consideration greater than the maximum resale price, as determined by the Administrative Agent.

When an Owner wishes to sell an affordable unit, it is the Owner's responsibility to notify the Administrative Agent and to execute a "Notice of Intent to Sell". If a potential, certified Buyer makes an offer of the maximum resale price of an affordable unit, then the Owner is obligated to enter into a sales contract with that Buyer for the sale of that unit or withdraw the "Notice of Intent to Sell".

An Owner may not rent out the Owner's unit to any other person, not even to members of the Owner's family.

The Owner shall at all times maintain the unit as his or her principal place of residence, defined as residing at the unit at least 260 days out of each calendar year.

An Owner shall make no improvements to the unit that would affect its bedroom configuration or to increase the maximum permitted resale price, except for improvements approved in advance and in writing by the Administrative Agent.

The Owner shall pay all taxes and public assessments and assessments by the condominium association levied upon or assessed against the unit, or any part thereof, when they become due and before penalties accrue.

The Owner shall pay all charges of any utility authority when they become due and before penalties accrue.

The Owner shall not permit any lien, except those approved by the Administrative Agent, to attach and remain on the property for more than 60 days.

The Owner will have approval of the Administrative Agent if they wish to refinance their mortgage or take out a home equity loan and, consequently, will be seeking a subordination of their mortgage.

In the event that any first mortgagee or other creditor of an Owner of a low- and moderate-income unit exercises its contractual or legal remedies available in the event of default or nonpayment by the Owner of a low- and moderate-income unit, the Owner shall notify the Administrative Agent in writing within 10 days of such exercise by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint.

An Owner shall notify the Administrative Agent within 10 days, in writing, of any default in the performance by the Owner of any obligation under either the master deed of the condominium association, including the failure to pay any lawful and proper assessment by the condominium association, or any mortgage or other lien against the low- and moderate-income unit, which default is not cured within 60 days of the date upon which the default first occurs.

AFFIRMATIVE MARKETING

Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Borough of Woodcliff Lake's Affirmative Marketing Plan (AMP). The AMP is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C § 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an AMP 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.

Every Affirmative Marketing Plan will include all of the following:

- A listing of the available affordable housing units on the New Jersey Housing Resource Center (HRC) at least 60 days before the random selection process and within one day of accepting or soliciting applications.
- Publication of at least one advertisement in a regional print or digital newspaper;
- Advertisement on at least one housing search website, in addition to HRC, which will be HousingQuest.com;
- At least two additional regional marketing strategies, with at least one non-digital strategy if the newspaper was in print, or at least two non-digital strategies if the newspaper was digital 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 will include the following information:

- The name and location of the housing project;
- An address sufficient to find directions to the housing units;
- A range of prices or rent for the affordable housing units;
- The sizes, as measured in number of bedrooms and square footage, of the affordable housing units;
- The types (family, age-restricted, or supportive) and number of affordable units available;
- The number of units available to very low-, low-, and moderate-income households within the pertinent eligible income ranges;
- The accessibility features, if any, of the affordable housing units;
- The maximum income permitted to qualify for the affordable housing units;
- The population(s), if any, given preference in the selection process;
- Where applications (paper and online) for the affordable housing units may be found;

- The expected lease up/closing date(s) for the affordable housing units;
- A description of the random selection process that will be used to select occupants of affordable housing units and the expected date of the random selection;
- The business hours when interested households may obtain paper applications;
- Contact information, including an email address and phone number for the Administrative Agent;
- The name of the sales agent and/or rental manager; and
- Application fees, if any.

Advertisements will contain the same information contained in the AMP, listed above, for each affordable housing opportunity.

Regional Preference

The Borough of Woodcliff Lake has by ordinance provided that households that live or work in Housing Region 1, comprising Bergen, Hudson, Passaic and Sussex Counties, shall be selected for an affordable housing unit before households from outside 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. (as applicable)

Regional Preference is screened at the Preliminary Application stage of the process.

State Preference

Subordinate to the regional preference, the Borough of Woodcliff Lake has by ordinance provided that households that live or work in the state of New Jersey shall be selected for an affordable housing unit before households from outside the State. Units that remain unoccupied after households who live or work in the State are exhausted, may be offered to the households outside the State.

State Preference is screened at the Preliminary Application stage of the process.

Implementation of the Affirmative Marketing Plan

The affirmative marketing process for new 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 Woodcliff Lake'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.

An applicant pool will be maintained by the Administrative Agent for re-sales. When an affordable resale unit becomes available, the applicants will be selected from the applicant pool and the unit will be affirmatively marketed as described in the Resale process, above

The selection of applicants from the applicant pool is described in more detail in this manual under Random Selection & Applicant Pool(s).

Developer, Affordable Housing Sponsor

The developer or affordable housing sponsor may be responsible for advertising the affordable housing in accordance with the municipality's adopted Affirmative Marketing Plan. Prior to publication or broadcast, draft copies of the marketing material will be submitted to the Administrative Agent for approval. Proof of publication will be submitted, including a copy of the final advertisements with a copy of the paid bill. Public Service Announcements shall be submitted by the Administrative Agent.

RANDOM SELECTION & APPLICANT POOL(S)

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

After advertising is implemented, preliminary applications are accepted for 45 days. Applicants are required to determine their eligibility based upon information provided at the time of application. Confirmation that the Preliminary Application was properly submitted is indicated on the webpage at the time the Application is submitted. Applicants that are deemed, at this stage, to be ineligible are notified at the time they submit their online application.

Applications are entered into a database and sorted by the unit size and affordability type that is appropriate. Applicants may check their eligibility on our webpage for the property prior to the random selection process.

At the end of the 45-day period, the Administrative Agent arranges a time and date for the random selection process to take place via webinar. The MHL and a representative of the developer are invited and encouraged to attend. An announcement of the time and date is made by way of an email blast to those applicants who have submitted a preliminary application by the deadline date.

It is important to note that applicants need not be present at the random selection, and that there is no advantage given those applicants who do attend.

At the random selection, a website is used to generate a random list of numbers. The numbers are applied to the list in the order that was prearranged. A copy of the random numbers and the final list are sent to the MHL for verification and file.

All applicants are assigned a random number. Priority numbers will be posted on the property page after the random selection and are available for applicants to review if they provide the required security information. A random number does not guarantee that the applicant will be deemed eligible. Applicants who submit more than one application and receive more than one priority number will forfeit the lower number with the highest priority.

When units become available, Final Applications are emailed in the prioritized order as specified previously. The Administrative Agent may keep the applicant pool open after the initial lottery and add names to the existing list based on time and date of submission. On-going marketing is done primarily through www.HousingQuest.com.

For re-sales, applications received subsequent to the initial random selection may be subject to a random selection on a per-unit basis.

MATCHING HOUSEHOLDS TO AVAILABLE UNITS

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:

- Ensure each bedroom is occupied by at least one person, except for age-restricted units;
- Provide a bedroom for every two adult occupants;
- For occupants under the age of 18, accommodate the household's requested arrangement, except that such an arrangement may not result in more than two minor occupants occupying any bedroom; and
- Avoid placing a one-person household into a unit with more than one bedroom.

A household is placed only on one unit list for eligibility. A household may choose to change the unit type for which they are eligible within the scope of the program.

APPLICATION FEES

The Administrative Agent does not charge a fee to applicants.

HOUSEHOLD CERTIFICATION

Before any household can purchase a restricted unit, the Administrative Agent will certify the household as eligible. Certification of a household involves the verification of two critical pieces of data: 1) Household size and composition, including gender; and 2) The total income and assets for all household members 18 years of age or older. The certification process begins with the applicant completing an application in its entirety

and providing the required backup documentation. Once eligibility documents and data have been collected, the Administrative Agent can begin the process of calculating the household's income.

Household Composition and Circumstances

Generally, a Household is defined as everyone who intends to reside in the affordable unit. Temporarily absent members of a household will be counted in very limited circumstances, such as a member of the military in active duty. Unborn children and children in the process of being adopted shall be counted as members of the household.

The following are generally excluded from the household for the purposes of income qualifying but may be considered by the Administrative Agent for the purposes of determining the size of the unit: live-in aid, foster children and children who live in the household with less than 50% joint physical custody.

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
- Driver's License
- Birth Certificate or Passport
- Alien Registration Card
- Divorce Decree and Settlement Agreement
- Adoption Agency / Legal Correspondence and/or Certification
- Correspondence / Certification from Foster Care Services
- Doctor's Authorization for Live-in Aid.
- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify composition.

Procedure for Income-Eligibility Certification

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Applicants may NOT change or modify their situation relative to their income once they have submitted a Final Application.

Through the submission of the Final Application, the Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income. The application and a schedule of required documentation can be found in Exhibits C and D. Generally, the documentation required is as follows:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a signed and dated 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 current monthly benefits such as
 - Social Security or SSI – Award letter or computer print out letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF⁵ current award letter
 - Disability - Worker’s compensation letter
 - Pension income – a pension letter.
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony, child support and education stipends.
- 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.
- Evidence or reports of income from directly held assets, such as real estate or businesses.

⁵ TANF – Temporary Assistance for Needy Families

- 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 a contract with a real estate broker which sets forth the price of the property and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property, attach copies of all leases.
- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify household income.

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 and regular distributions from retirement accounts
5. Social security benefits
6. Unemployment compensation
7. TANF
8. Verified regular child support
9. Disability benefits
10. Net income from business or real estate
11. Actual interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using the current HUD Passbook Rate) from non-income producing assets, such as checking accounts, cash on hand, and equity in non-income producing real estate.
13. Net rental income from real estate
14. Non-tuition stipends for living expenses for students
15. Non-Governmental financial support

16. Any other forms of regular income reported to the Internal Revenue Service
17. Regular financial support from any source.

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

Student Income

The administrative agent shall require each member of an applicant household who is 18 years of age or older, except full-time students under the age of 26 and those under the age of 26 participating in a registered apprenticeship program, who are dependents of the household (not the head of household, spouse or co-head), to provide documentation to verify the member's income, including income received by adults on behalf of minor children for their benefit. Household members 18 years of age or older who do not receive income or who qualify for the full-time student or apprenticeship exemption must produce documentation as to their current status.

The Asset Limit

If the applicant household possesses net household assets valued at an amount greater than the net asset limit, defined as the median home equity held by New Jersey homeowners as determined annually by the United States Census Bureau's Survey of Income and Program Participation and published by the Census Bureau in "State-Level Wealth, Asset Ownership & Debt of Households Tables" series, available at <https://www.census.gov/topics/income-poverty/wealth/data/tables.html>, the Administrative Agent shall deny the certificate of eligibility. The household net assets will be calculated in accordance with the procedure for calculating "net family assets" stipulated at 24 CFR 5.603(b), as it may be updated from time to time. Exclusions to the asset limit may apply, pursuant to N.J.A.C. 5:80-26.17(b)3.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the net revenue is considered income. Specifically, rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the administrative agent shall impute a fair market rent.

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 HUD Passbook Savings Rate, interest will be imputed on the determined value of the real estate.

Maximum Monthly Payments

The percentage of funds that a household can contribute toward housing expenses is limited. However, an applicant may qualify for an exception based on the household's current housing cost (see below). The Administrative Agent will strive to place an applicant in a unit with a monthly housing cost equal to or less than the applicant's current housing cost.

A certified household is not permitted to purchase a unit that would require more than 30 percent of the verified household income to pay principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable. However, at the discretion of the Administrative Agent, this limit can be exceeded if the applicant:

- Obtains a firm mortgage loan commitment at the higher level from a licensed financial institution, under terms consistent with the requirements of the New Jersey Home Ownership Security Act of 2002, N.J.S.A. 46:10B-22 et seq.; and
- Submits a certification from a non-profit counselor approved by HUD or the New Jersey Department of Banking and Insurance that the household has received counseling on the advisability of the loan transaction.

Housing Counseling

The Administrative Agent will provide referrals for counseling, as a part of its services. Although housing counseling is recommended, a household is only required to attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or a counseling agency approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced Housing Counseling Agency. This counseling to low- and moderate-income housing applicants will focus on subjects such as budgeting, credit issues, and mortgage

qualification, and is free of charge. A list of non-profit counselors approved by HUD and/or the New Jersey Department of Banking and Insurance is included on NJDCA's website and is available from the Administrative Agent.

In addition, the Administrative Agent will:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures used to verify information, and penalties for providing false information. Ask the head of household, co-head, spouse and household members 18 years of age or older to sign the Authorization for Release of Information forms and other verification requests.
- Review the applicant's identification and financial information and documentation, ask any questions to clarify information on the application, and obtain any additional information needed to verify the household's income.
- Seek to ensure, to a reasonable degree, that the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). Require the applicant to give a written certification as to whether any household member did or did not dispose of any assets for less than fair market value during the past two years.

Approving or Rejecting a Household

Administrative Agents will notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination.

Households with a verified total household income that exceeds 80 percent of the regional income limit for the appropriate family size are ineligible for purchase or rental of restricted units. A letter rejecting the household's application shall be mailed to the household.

Similarly, households with a verified total household income that is within the income limits, but too low to afford any of the units administered by the Administrative Agent, shall be sent a letter rejecting the household's application and/or referring them to housing counseling.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the applicant does not sign a Sales Agreement within that time frame, an extension may be granted once the household's eligibility is updated and verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent will secure from the applicant a signed and notarized acknowledgement of their requirements and responsibilities in purchasing a restricted unit. UHAC's Disclosure Statement shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny a certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines that there was a willful or material misstatement of fact made by the applicant.

Dismissal of Applications

Applications can be dismissed for the following reasons:

1. The application is not signed or submitted on time;
2. The applicant's sources of income or household composition changes after the submission of the final application, but before approval;
3. The applicant commits fraud, or the application is not truthful or complete;
4. The applicant cannot or does not provide documentation to verify their income or other required information when due;
5. The household income does not meet the minimum or maximum income requirements for a particular property;
6. The applicant owns assets that exceeds the Asset Limits for NJDCA properties;
7. The applicant fails to respond to any inquiry in a timely manner;
8. The applicant had a greater chance than any other applicant submitted for a random selection;
9. The applicant is non-cooperative or abusive with the our staff, property managers or the sellers of affordable units;
10. The applicant changes address or other contact information without informing us in writing;
11. The applicant is unable to obtain suitable and legitimate financing for a sale unit or fails to verify attendance in a home buyer credit counseling program when required to do so by the program rules;
12. The applicant does not respond to a periodic update inquiry in a timely fashion;
13. The applicant fails to sign the Compliance Certification, Certificate for Applicant; Lease Documents, Contract for Sale, Affordable Housing Agreement and/or Deed Restrictions as may be required; or
14. The applicant, once approved, fails to close on a sale in a timely manner.

Applicants will also be withdrawn from all lists held by us in the Municipality once they have been approved for an affordable unit within that same municipality. However, these applicants may re-apply for other opportunities in that municipality once they have occupied their unit. Applicants withdrawn for fraud may be withdrawn from all programs

administered by Piazza & Associates, Inc., and may be subject to prosecution under the law.

Applicants who are withdrawn and who wish to re-apply to that specific program may do so using a new Preliminary Application. The new Preliminary Application will NOT be given preferential treatment but will be processed in the same way that all new Preliminary Applications for that specific program are processed. In the event that an application list is closed when the application is withdrawn, the applicant will be required to wait until the list is re-opened to apply again.

Applicants who are dismissed must re-apply. A minimum time period of six months applies in most situations where the applicant has been withdrawn for fraud, uncooperative behavior or other serious matters.

Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Municipal Housing Liaison (MHL) for the Borough of Woodcliff Lake. A decision of the MHL may be appealed to the Executive Director of the New Jersey Housing and Mortgage Finance Agency.

DETERMINING AFFORDABLE SALES PRICES

Development Considerations and Compliance Issues

There are several regulations that will be considered from the development perspective before the sales prices of individual units can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and developer or affordable housing sponsor. The following is a summary of the requirements for ownership projects.

Bedroom Distribution. The standards on the distribution of unit sizes for affordable developments require that:

- No more than 20% of all restricted units, rounded up or down to the nearest whole number; are efficiency or one-bedroom units;
- At least 30 percent of all restricted units, rounded up or down to the nearest whole number, are two-bedroom units;
- At least 20 percent of all restricted units rounded up or down to the nearest whole number, are three-bedroom units; and
- The remainder, if any, may be allocated at the discretion of the developer in accordance with the Borough of Woodcliff Lake's housing element and fair share plan.

Pricing by Household Size. Initial sales prices and rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial sales prices and rents will adhere to the following rules. These maximum sales prices and rents are based on NJDCA’s Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

The above rules are only to be used for setting initial sales prices. They are not guidelines for matching household sizes with unit sizes.

Age-restricted Units. Affordable age-restricted units are not held to these bedroom distribution standards. For affordable age-restricted units, the number of age-restricted very low-, low- and moderate-income bedrooms must be structured such that, at a minimum, the number of bedrooms within the restricted units equals the number of restricted units. In other words, the average bedroom size in an age-restricted development must be equal to or greater than one bedroom per unit. For example, an age-restricted development can meet this standard by creating a two-bedroom unit for each efficiency unit. In affordable developments with 20 or more age-restricted units, at least five percent (5%) of the restricted units must be two-bedroom units

Pricing by Household Size for Age-Restricted Units. Initial rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on the Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a two-person household or to two one-person households; and
- A three-bedroom unit shall be affordable to a two- and one-half person household.

The above rules are only to be used for setting initial prices. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Determining Maximum Initial Sales Price

To determine the affordable sale prices the Administrative Agent uses the regulations set forth in UHAC.

The initial sales price for all restricted ownership units is calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest) taxes, homeowner and private mortgage insurance, and realistic condominium or homeowner association fees, do not exceed 30 percent of the eligible monthly income of an appropriate household size as determined pursuant to N.J.A.C 5:80-26.4; provided, however, that the price is subject to the affordability average requirement at N.J.A.C 5:80-26.4.

Additional Regulations for an Ownership Development

In addition to the regulations in the previous Section entitled **Development Considerations and Compliance Issues**, ownership developments will also comply with the following regulations:

Division of Units: Low- and Moderate-income. In each affordable ownership development, at least 50 percent of each unit type will be affordable to low-income households. The remaining affordable units will be affordable to moderate-income households.

Affordability Average. Each affordable development will achieve an affordability average of no more than 55 percent of the regional median income for restricted ownership units. In achieving this affordability average, moderate-income ownership units will be available for at least three different prices for each bedroom type, and low-income ownership units will be available for at least two different prices for each bedroom type.

Maximum Initial Sales Price. The maximum initial sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of the regional median income.

Condominium/Homeowner Association Fees. The master deeds of affordable developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

Determining Resale Prices

Calculating the maximum resale price (MRP) for an ownership unit involves applying the annual percentage increase corresponding with each calendar year since the Seller bought the house. No increase is permitted during the balance of the calendar year immediately after the sale. A Resale Price Calculator has been created by the Administrative Agent to provide an estimate of the MRP to owners of affordable homes. It can be accessed at www.HousingQuest.com, by clicking on “Resale Calculator” on the menu bar and choosing the municipality in which your affordable home is located. In the alternative, homeowners can also call Piazza & Associates, Inc., at 609-786-1100, and request a verbal estimate by phone. The official MRP can only be given in writing in response to a written request, together with a copy of the recorded deed.

Requests for Increases in Maximum Sales Price

The Seller of an ownership unit may ask the Administrative Agent to increase the sales price of their home beyond the maximum sales price under limited circumstances. Only those improvements “that render the unit suitable for a larger household or that add an additional bathroom” can increase the calculated maximum sales price. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger households.

WAIVERS AND EXEMPTIONS

Hardship and Income Waivers

An Owner may not rent out the Owner’s unit to any other person, not even to members of the Owner’s family. The Administrative Agent may grant a Hardship Waiver for the following extenuating circumstances:

- The Owner’s employer is temporarily sending the Owner to a work place a great distance from the Owner’s home, and the employer expects the Owner to resume work for the employer back at home within the next 12 months.
- The Owner is called up for military service

An Owner of a low-income unit may request that the unit be sold to a household whose income exceeds the established income eligibility criteria for a low-income household, but does not exceed the income criteria for a moderate-income household, by submitting a written request for an Income Waiver to the Administrative Agent. The Owner will demonstrate that this request is consistent with the following reasons for an Income Waiver:

- The unit is in marketable condition as determined by the Administrative Agent.

- The Owner has made a good faith effort to sell the unit to a certified household for no less than six (6) months, in accordance with procedures required by the Administrative Agent and no certified household has made a “reasonable” offer during the that six-month period.
- The Owner has demonstrated a willingness to consider price offers lower than the maximum allowable resale price, taking into account current market conditions and the marketability of the unit.
- The Owner has advertised the unit’s availability in newspapers and other locations likely to be noticed by potential purchasers, or has engaged the services of a qualified real estate agent to sell the home.

The Administrative Agent may grant an Income Waiver upon demonstration that the Owner has made a good faith effort to sell the unit and subject to NJDCA determining that there is an insufficient number of low-income purchasers in the market to permit prompt occupancy of the unit.

Upon receipt of a request for an Income Waiver, the municipality shall have first option to purchase the unit at the approved resale price and holding, renting or conveying it to a certified household. The municipality shall have 30 days in which to exercise this option.

The Administrative Agent shall approve or deny a Hardship Waiver in writing within 30 days of receipt all requested verification.

The Administrative Agent shall approve or deny an Income Waiver in writing within 30 days of receipt of all requested verification from the Owner and a determination by NJDCA that there are an insufficient number of low-income purchasers in the market to permit prompt occupancy of the units. The Income Waiver shall be provided to the Owner with a copy to the Buyer at the time of closing. The original shall be filed with the Deed. The Income Waiver is only valid for the designated resale transaction. All future resales will be in accordance with the Deed restrictions and sold to income eligible households for no more than the approved indexed resale price.

The approval of an Income Waiver for a particular resale does not guarantee receipt of the maximum resale price to the Owner.

If the Administrative Agent denies a Hardship Waiver or Income Waiver, the Owner may appeal the decision of the Administrative Agent within 30 days from the date of notification of the decision of the Administrative Agent (see **Appeals**). If a written request has not been received within 30 days following the household’s receipt of notification, the denial will be final. Owners shall be required to produce documentation to support their claim.

Exempt Transactions

The following title transactions shall be deemed exempt transactions and, when requested, the Administrative Agent shall provide the Owner receiving title with written confirmation of the exemption to those restrictions that determine occupancy of the unit.

- Transfer of ownership between former spouses ordered as a result of a judicial decrees of divorce or judicial decree of separation (but not including sales to third parties);
- Transfer of ownership between family members by will or intestate succession;
- Transfer of ownership through an Executor's Deed to a Class A beneficiary; and
- Transfer of ownership by Court Order.

An exempt transfer of ownership does not terminate the resale restrictions or existing liens on the property. All liens will be satisfied in full prior to subsequent resale and all subsequent resale prices will be calculated using the resale price index in compliance with the term of the affordable housing regulations.

The exempt transaction shall not be considered as a recorded transaction in calculating subsequent resale prices.

The Owner shall notify the Administrative Agent in writing of any proposed transaction that requires approval as an exempt transaction. The Owner shall supply the Administrative Agent with all necessary documentation to demonstrate that the transaction qualifies as an exemption as defined above.

If the Administrative Agent denies the exemption, the Owner may appeal the decision of the Administrative Agent within 30 days from the date of notification of the decision of the Administrative Agent (see [Appeals](#)). If a written request has not been received within 30 days following the household's receipt of notification, the denial will be final. Owners shall be required to produce documentation to support their claim.

VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, 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.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to N.J.A.C. 5:80-26.15, N.J.A.C. 5:80-26.16(c) and N.J.A.C. 5:80-26.18 current records will be maintained by the Administrative Agent and outdated records will be given to the municipality for safe-keeping. A file will be created and maintained on each restricted unit for its control period. The Administrative Agent will maintain detailed records on all marketing initiatives.

Files To Be Maintained on Every Applicant

The Administrative Agent 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.
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process and submitted to the municipality upon termination of the program.

Files To Be Maintained on Every Unit

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain at a minimum:

- Base sales prices
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement
- Application materials, verifications and certifications of all present owners, pertinent correspondence, any documentation of home improvement, hardship or income waivers or other approvals granted by an AA, certificate of exemption

Files To Be Maintained on Every Project

The Administrative Agent will maintain files on every project for the length of the affordability controls. The project file will contain at a minimum:

- Condominium Master Deed
- Condominium Public Offering

Files To Be Maintained on The Applicant Pool

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool
- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

Monitoring

A sample Deed will be submitted for each project. Additionally, the current annual monitoring information required to be maintained and reported annually to the Municipal Housing Liaison can be found on NJDCA's website. The information required for each unit includes but is not limited to:

- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Sale Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable
- Co #, date
- Effective date of affordability controls
- Length of affordability controls (yrs)
- Date Affordability controls removed
- 95/5



**EQUAL HOUSING
OPPORTUNITY**

**We Do Business in Accordance With the Federal Fair
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- In the sale or rental of housing or residential lots
- In the provision of real estate brokerage services
- In advertising the sale or rental of housing
- In the appraisal of housing
- In the financing of housing
- Blockbusting is also illegal

**Anyone who feels he or she has been
discriminated against may file a complaint of
housing discrimination:**

**1-800-669-9777 (Toll Free)
1-800-927-9275 (TTY)**

**U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410**

UHAC 2025 Affordable Housing Regional Income Limits by Household Size

Regional Income Limits

		Household Size										
		1 Person	1.5 Persons	2 Persons	2.5 Persons	3 Persons	4 Persons	4.5 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Region 1 Bergen, Hudson, Passaic, Sussex	Median	\$89,100	\$95,450	\$101,800	\$108,150	\$114,500	\$127,200	\$132,300	\$137,400	\$147,600	\$157,800	\$168,000
	Moderate (80%)	\$71,280	\$76,360	\$81,440	\$86,520	\$91,600	\$101,760	\$105,840	\$109,920	\$118,080	\$126,240	\$134,400
	Low (50%)	\$44,550	\$47,725	\$50,900	\$54,075	\$57,250	\$63,600	\$66,150	\$68,700	\$73,800	\$78,900	\$84,000
	Very Low (30%)	\$26,730	\$28,635	\$30,540	\$32,445	\$34,350	\$38,160	\$39,690	\$41,220	\$44,280	\$47,340	\$50,400
Region 2 Essex, Morris, Union, Warren	Median	\$94,800	\$101,550	\$108,300	\$115,050	\$121,800	\$135,300	\$140,750	\$146,200	\$157,000	\$167,800	\$178,600
	Moderate (80%)	\$75,840	\$81,240	\$86,640	\$92,040	\$97,440	\$108,240	\$112,600	\$116,960	\$125,600	\$134,240	\$142,880
	Low (50%)	\$47,400	\$50,775	\$54,150	\$57,525	\$60,900	\$67,650	\$70,375	\$73,100	\$78,500	\$83,900	\$89,300
	Very Low (30%)	\$28,440	\$30,465	\$32,490	\$34,515	\$36,540	\$40,590	\$42,225	\$43,860	\$47,100	\$50,340	\$53,580
Region 3 Hunterdon, Middlesex, Somerset	Median	\$107,400	\$115,100	\$122,800	\$130,450	\$138,100	\$153,400	\$159,550	\$165,700	\$178,000	\$190,300	\$202,500
	Moderate (80%)	\$85,920	\$92,080	\$98,240	\$104,360	\$110,480	\$122,720	\$127,640	\$132,560	\$142,400	\$152,240	\$162,000
	Low (50%)	\$53,700	\$57,550	\$61,400	\$65,225	\$69,050	\$76,700	\$79,775	\$82,850	\$89,000	\$95,150	\$101,250
	Very Low (30%)	\$32,220	\$34,530	\$36,840	\$39,135	\$41,430	\$46,020	\$47,865	\$49,710	\$53,400	\$57,090	\$60,750
Region 4 Mercer, Monmouth, Ocean	Median	\$94,300	\$101,000	\$107,700	\$114,450	\$121,200	\$134,600	\$140,000	\$145,400	\$156,200	\$167,000	\$177,700
	Moderate (80%)	\$75,440	\$80,800	\$86,160	\$91,560	\$96,960	\$107,680	\$112,000	\$116,320	\$124,960	\$133,600	\$142,160
	Low (50%)	\$47,150	\$50,500	\$53,850	\$57,225	\$60,600	\$67,300	\$70,000	\$72,700	\$78,100	\$83,500	\$88,850
	Very Low (30%)	\$28,290	\$30,300	\$32,310	\$34,335	\$36,360	\$40,380	\$42,000	\$43,620	\$46,860	\$50,100	\$53,310
Region 5 Burlington, Camden, Gloucester	Median	\$83,600	\$89,600	\$95,600	\$101,550	\$107,500	\$119,400	\$124,200	\$129,000	\$138,600	\$148,100	\$157,700
	Moderate (80%)	\$66,880	\$71,680	\$76,480	\$81,240	\$86,000	\$95,520	\$99,360	\$103,200	\$110,880	\$118,480	\$126,160
	Low (50%)	\$41,800	\$44,800	\$47,800	\$50,775	\$53,750	\$59,700	\$62,100	\$64,500	\$69,300	\$74,050	\$78,850
	Very Low (30%)	\$25,080	\$26,880	\$28,680	\$30,465	\$32,250	\$35,820	\$37,260	\$38,700	\$41,580	\$44,430	\$47,310
Region 6 Atlantic, Cape May, Cumberland, Salem	Median	\$71,900	\$77,050	\$82,200	\$87,350	\$92,500	\$102,700	\$106,850	\$111,000	\$119,200	\$127,400	\$135,600
	Moderate (80%)	\$57,520	\$61,640	\$65,760	\$69,880	\$74,000	\$82,160	\$85,480	\$88,800	\$95,360	\$101,920	\$108,480
	Low (50%)	\$35,950	\$38,525	\$41,100	\$43,675	\$46,250	\$51,350	\$53,425	\$55,500	\$59,600	\$63,700	\$67,800
	Very Low (30%)	\$21,570	\$23,115	\$24,660	\$26,205	\$27,750	\$30,810	\$32,055	\$33,300	\$35,760	\$38,220	\$40,680

Bedroom Count	Household Size (Family)*	Household Size (Senior)**	Maximum Sale Price Increase***		Maximum Rent Increase****		Net Asset Limit*****	
	0BR	1 Person	1 Person	Region 1	5.64%	Statewide	5.0%	Statewide
1BR	1.5 Persons	1.5 Persons	Region 2	4.55%				
2BR	3 Persons	2 Persons	Region 3	4.92%				
3BR	4.5 Persons	2.5 Persons	Region 4	3.50%				
4BR	6 Persons	N/A	Region 5	4.10%				
			Region 6	4.41%				

* N.J.A.C. 5:80-26.4(i).

** N.J.A.C. 5:80-26.4(j).

*** N.J.A.C. 5:80-26.7(c).

**** N.J.A.C. 5:80-26.13(b).

***** N.J.A.C. 5:80-26.17(b)3.

Our organization coordinates certain aspects of the sales process for affordable homes on behalf of your municipality. We are not real estate agents, however, and recommend that Sellers use a qualified real estate professional. Information regarding real estate agents who have expressed interest in providing such services can be found on our web site: www.HousingQuest.com, under “News and Information.” The process is outlined below.

1. The Seller submits a Preliminary Notice with a copy of their recorded deed in order to determine the maximum resale price.
2. We will respond to the Seller in writing, explaining some of the details of the process and informing the Seller of the Maximum Sales Price (based on the change in median income as set forth by the New Jersey Dept. of Community Affairs) as well as the Maximum Income allowed for potential purchasers, as adjusted for family size. A form, entitled, “Notice of Intent to Sell”, is attached.
3. Once we receive the “Notice of Intent to Sell”, we will email a “Notice of Availability” to households on our waiting list for an affordable home of the same size and income category. We will provide the QR code linking applicants to the online application for the specific address of the affordable home to the Seller. The Notice will ask interested households to contact the Seller or their agent, directly, to make an appointment to see the affordable home within a two-week time frame. The Seller may want to prepare a flyer for us to distribute with our notice of availability. We reserve the right to limit the number of notices that are emailed, based on the chronological order in which the prequalified applications were received. If the notices are limited in this way, applicants receiving notices will have a priority over those who do not.
4. With permission of the Seller, we automatically place a notification of the availability on NJHRC.gov. The Seller or their agent may also want to advertise. Ads should include the “Equal Housing Opportunity” logo and should be sent to our office for review prior to distribution.
5. The Seller or their agent, upon showing the home, provides potential buyers with a copy of the QR code for the online application (which may be duplicated if necessary). All interested parties must submit an online Preliminary Application for the home along with proof of funds, whether or not they have already submitted an application to our office or are on our waiting list. Also, the Seller or their agent must keep a record of the name, address and telephone number of everyone who viewed the home.
6. At the end of the two-week time period, our office collects all of the Preliminary Applications submitted for a particular home. They are prioritized on the basis of a blind selection process or lottery. Preference may be given to households that can utilize all of the bedrooms, as well as handicap accommodations, when applicable.
7. The first two applicants on the prioritized list are emailed a letter which requires them to complete a final application within fourteen days.

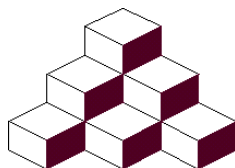
8. When an applicant is approved, the Seller may begin to negotiate a contract with the potential Buyer at this time, but there must be a contingency clause in the contract which voids the contract, without penalty to the buyer, if the potential buyer is not able to obtain financing within 30 days.
9. The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event that the potential buyer is not able and/or willing to purchase the affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.
10. The Seller must sell the affordable home with the same or comparable appliances and amenities that were in the home when it was first sold as an affordable home.
11. The Seller may NOT charge more than the Maximum Selling Price for any reason, except the addition of a room, the installation of central air conditioning (where there was none before) or comparable upgrade, but ONLY with prior written approval from us. For the most part, condominiums in this program are NOT eligible for such upgrades and/or adjustments to the selling price. The cost of broker fees; municipal inspections and required repairs that may be necessary to receive a Certificate of Occupancy; new appliances, carpeting or other flooring upgrades; and decorating and remodeling projects are NOT eligible costs for an increase in the Maximum Sales Price.
12. A copy of the Sales Contract must be submitted to our office prior to closing.
13. During the final stages of the process, it will be necessary for the Buyer to make arrangement for the Affordable Housing Agreement and Mortgage Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer. Our office typically provides the Buyer's attorney with the name and phone number of the attorney who can address these issues.
14. A copy of the TILA-RESPA Integrated Disclosure Closing Statement must be submitted to our office after the sale of the home.
15. Note: We do not guarantee that the Buyer can sell an affordable home for the Maximum Sales Price. An affordable home is also susceptible to market conditions, and the Fair Market Value of an affordable home may be lower than the Maximum Selling Price. In this case, the Seller may not be able to sell the home for more than its Fair Market Value
16. This outline is meant to describe the process utilized prior to the expiration of the deed restrictions. It is not meant to be a legal representation of the rights or responsibilities of any party, nor is it meant to modify the Affordable Housing Agreement, Mortgage Note or other Deed Restrictions. Buyers and Sellers are encouraged to seek legal counsel for specific questions in this regard.
17. Our office is available to both the Seller and the Buyer throughout the process to answer any questions that they may have.

Borough of Woodcliff Lake

Affordable Housing Services

Operating Manual

RENTAL PROGRAM



Piazza & Associates, Inc. ♦ 201 Rockingham Row ♦ Princeton, NJ 08540

T.609.786.1100 ♦ F.609-786-1105 ♦ www.HousingQuest.com

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EXHIBITS

- A.** Equal Housing Opportunity Posters
- B.** Annual Regional Income Limits Chart
- C.** Application for Affordable Housing
- D.** Applicant Questionnaire and Document Checklist

INTRODUCTION

This Operating Manual has been prepared by Piazza & Associates, Inc., the Administrative Agent for the Borough of Woodcliff Lake, to assist in the administration of rental units. General questions regarding its content can be addressed to Piazza & Associates, Inc. 201 Rockingham Row, Princeton, NJ 08540; by telephone to 609-786-1100; or by email at info@HousingQuest.com.

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. Updates to our manual will be available on our website at: <https://www.piazzanj.com/policies/>.

This manual explains the steps in the rental process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws¹, the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq.², the substantive rules of the Council on Affordable Housing N.J.A.C. 5:96³ and 5:97⁴ and the affordable housing regulations of the Borough of Woodcliff Lake (hereafter referred to as the “Regulations”).

All prior references to COAH have been replaced with references to the New Jersey Fair Housing Act ("NJ-FHA").

FAIR HOUSING AND EQUAL HOUSING OPPORTUNITIES



In accordance with the Federal Fair Housing Act, it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status. In addition, New Jersey Law prohibits discrimination in housing on the basis of race, creed, color, national origin, ancestry, nationality, marital or domestic partnership or civil union status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, source of lawful income or source of lawful rent payment (including Section 8) by all persons including real estate agents or brokers, financial institutions, property owners, landlords, or building superintendents, and their agents and employees with respect to the sale, rental or lease of real property,

¹ <https://www.hud.gov/helping-americans/fair-housing-act-overview>

² https://www.nj.gov/dca/hmfa/about/uhac/docs/Current_UHAC_Regulations.pdf

³ <https://www.nj.gov/dca/dlps/hss/thirdroundregs/596.pdf>

⁴ <https://www.nj.gov/dca/dlps/hss/thirdroundregs/597.pdf>

listing or advertising of real property, receipt or transmittal of offers to purchase or rent real property, application and terms of a mortgage or other loan. See Exhibit A.

FAIR HOUSING PROMISE AND POLICY

Piazza & Associates, Inc. is an Administrative Agent for affordable housing. As such, it is responsible for processing applications for compliance to affordable housing regulations for rental and sale units throughout the State of New Jersey. Most of these affordable units are not owned, operated, managed or sold by Piazza & Associates, Inc. in which case we rely on the owners, sellers, managers, leasing and real estate agents and landlords to screen applications for their own specific units under the terms and conditions of their own selection policies. For example, Piazza & Associates, Inc. may not screen for credit or make a determination as to an applicant's qualifications based on a credit report, which is the responsibility of the leasing agent, manager, landlord, etc.

As a result, Piazza & Associates, Inc. has no authority or ability to transfer tenants from one property to another except as part of the normal application process.

With respect to its responsibility to review, evaluate and process applications for adherence to the parameters of the affordable housing programs it administers, it is the policy and promise of Piazza & Associates, Inc. to comply with the Federal Fair Housing Act, the New Jersey Law Against Discrimination (LAD), N.J.S.A. § 10:5-1 to -49, and the Fair Chance in Housing Act (FCHA).

LAD:

In compliance with the LAD, Piazza & Associates, Inc. ensures that all housing, as well as all terms, conditions, and privileges associated with such housing, are available to all persons without regard to actual or perceived race, creed, religion, color, national origin, nationality, ancestry, pregnancy or breastfeeding, sex, gender identity or expression, sexual orientation, familial status (defined as having care or custody of a child under age 18 or being pregnant), disability, liability for service in the Armed Forces of the United States, marital status, civil union status, or domestic partnership status. The LAD also prohibits housing discrimination based on the source of lawful income used for rental or mortgage payments (including Section 8 housing choice vouchers, COVID-19 Emergency Rental Assistance Program (CVERAP), State Rental Assistance Programs (SRAP), temporary rental assistance (TRA), Eviction Prevention Program (EPP), unemployment benefits, child support, alimony, and supplemental security income.

This policy means that, among other things, the owners and operators of Piazza & Associates, Inc. do not discriminate against persons in any aspect of the sale, rental, or occupancy of housing on the basis of their actual or perceived membership in an LAD-protected category or their association with someone who is a member of an LAD-protected category, or their source of lawful income. Specifically, they do not and will not:

1. Refuse to sell or rent, refuse to negotiate the sale or rental of, or otherwise make housing unavailable to any person on the basis of an LAD-protected category;

2. Discriminate against any person in the terms, conditions, or privileges of sale, rental, or occupancy, including cost of rental, on the basis of an LAD-protected category;
3. Make, print, or publish any statement, including print advertisements and online postings, expressing any preference for, limitation of, or discrimination based on an LAD-protected category;
4. Steer persons away from their desired housing, or represent that a neighborhood is changing in a way that could lower property values, increase crime, or lower the quality of public services, including schools, because of an LAD-protected category;
5. Refuse to approve an applicant to rent to a prospective tenant or discourage a prospective tenant from renting because they plan to pay with Section 8 housing choice vouchers, COVID-19 Emergency Rental Assistance Program (CVERAP), SRAP (State Rental Assistance Program), TRA (temporary rental assistance), Eviction Prevention Program (EPP), or any other subsidy or voucher provided by federal, state, or local rental-assistance programs; or other sources of income including unemployment benefits, child support, alimony, and supplemental security income; or express any such limitation or refusal in any printed advertisement, oral or written statement, or online posting (for example, statements like “No Section 8,” “TRA not accepted,” or “This property not approved for Section 8” are all prohibited);
6. Condition a person’s housing, or any of the terms, conditions, or privileges thereof, on acceptance of unwanted sexual advances or requests for sexual favors, or engage in unwanted, harassing conduct of a sexual nature that creates an intimidating, hostile, or offensive housing environment, or permit others to do so;
7. Engage in unwanted, harassing conduct based on any LAD-protected category that creates an intimidating, hostile, or offensive housing environment, or permit others to do so;
8. Undertake any of the actions listed in subsections (A) through (I) based on the person’s perceived membership in an LAD-protected category or their association with someone who is an actual or perceived member of an LAD-protected category;
9. Impose unreasonable occupancy restrictions to prevent families with children from moving in;
10. Refuse to grant reasonable accommodations and reasonable modifications to a person with a disability as explained further in Addendum A;
11. Selectively inquire about, or request information about and/or documentation of, a prospective tenant’s or buyer’s immigration or citizenship status because of the person’s actual or perceived national origin, race, or ethnicity;

12. Fail to account for a person's receipt and use of rental assistance (such as Section 8 housing choice vouchers, SRAP, or TRA, EPP, unemployment benefits, child support, alimony, or supplemental security income) when applying minimum income requirements to a person's rental application (any minimum income requirement, financial standard, or income standard must be calculated based only on the portion of the rent to be paid by the tenant, rather than the entire monthly rent);
13. Violate the S. Department of Housing and Urban Development's April 2016 Guidance by imposing blanket exclusions on all individuals with any prior arrest or conviction; or
14. Use criminal history as a pretext for intentionally discriminating on the basis of race or national origin.

FCHA

In compliance with the FCHA, Piazza & Associates, Inc. affirms that they will not inquire into applicants' criminal histories on initial application materials, or otherwise consider applicants' criminal records in any way, until after a conditional housing offer has been made, except for convictions of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, or if the applicant is subject to a lifetime registration on a state sex offender registry.

Nothing about the FCHA requires landlords or housing providers to consider a person's criminal record in housing. If a housing provider does review an applicant's criminal history after a conditional offer, specific restrictions apply. A housing provider must conduct an individualized analysis of an applicant's criminal record and may only deny housing if withdrawing a conditional offer is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest.

Making affordable housing opportunities equally accessible for all persons is our mission and our vocation. Any agent, employee, or designee of Piazza & Associates, Inc. who fails to comply with this policy will be subject to appropriate disciplinary action. Please report any violation of this policy to Frank Piazza Jr. at FPiazza@PiazzaNJ.com or 609-786-1100, ext. 301. You cannot and will not be subjected to retaliation for making a complaint under this policy or for attempting to exercise your rights under this policy, the LAD, or the FCHA.

Any action taken by Piazza & Associates, Inc.'s agent, employee, or designee in violation of the requirements laid out in this policy may constitute a violation of the LAD and/or the FCHA. Any applicant who believes that any owner, agent, employee, or designee of Piazza & Associates, Inc. has violated any of the above may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or (866) 405-3050. A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the allegedly discriminatory conduct. DCR has a number of fair housing fact sheets that are available at <https://www.nj.gov/oag/dcr/housing.html>.

Addendum A: Reasonable Accommodations and Modifications for Persons with a Disability

In most cases, physical accommodations will be the responsibility of the owner, seller, landlord or manager, which has control over the subject property. Although Piazza & Associates, Inc. (“P&A”) does not have control over the physical accommodations of the affordable homes, P&A will grant reasonable accommodations to its rules, policies, practices, procedures, or services when such accommodations are possible and necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling and when the accommodation will not cause an undue hardship to or conflict with the responsibility to make affordable units open to the general public as required by law. If P&A cannot grant the requested accommodation or modification because it does not have control over the physical property, we will refer your request to the owner, landlord, manager, as appropriate. Generally, P&A is unable to grant priority access to one property to accommodate an applicant who is unable to acquire an accessible unit at another property.

To request a reasonable accommodation or reasonable modification, contact Frank Piazza Jr. at FPiazza@PiazzaNJ.com or 609-786-1100, ext. 301. To process your request, P&A may require supporting documentation from a treating doctor or mental health professional to confirm that you have a disability as defined by the LAD and that the requested accommodation or modification is necessary to provide you with an equal opportunity to use and enjoy the dwelling. All requests and information related to a request, including medical information, will be kept confidential unless disclosure is required by law.

P&A will make a prompt decision on your request and will provide that decision in writing. If P&A cannot grant the requested accommodation or modification, we will refer your request to the owner, landlord, manager, as appropriate. You cannot and will not be subjected to retaliation for requesting an accommodation or modification under this policy or for attempting to exercise your rights under this policy or under the LAD. Any person who believes a request for an accommodation or modification has been unlawfully denied or unreasonably delayed may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or 1-866-405-3050. A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the housing provider’s denial of the accommodation request.

WHAT IS AFFORDABLE HOUSING?

Affordable housing, unlike market rate housing, has affordability controls limiting the price for at least 30 years. The Regulations consider housing “affordable” if the household pays approximately 30% or less of the household’s gross income on housing costs. Affordable housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the affordable housing is located.

WHO QUALIFIES FOR AFFORDABLE HOUSING?

In order to be eligible for affordable housing in New Jersey, a household’s income will be below the income limit for the region in which the affordable housing is located, for very

low-, low-, or moderate-income levels. A moderate-income household is classified as earning more than 50 percent and less than

80 percent of the area median income. A low-income household is classified as earning 50 percent or less of area median income. A very low-income household is classified as earning 30 percent or less of area median income. Municipalities shall decide what projects will be required to help meet this obligation. Depending on when a property is placed into service, rental projects may have an obligation to provide 13% of the affordable units as very low-income units at 30% of the AMI and reserved for very low-income households.

The Affordable Housing Regional Income Limits Chart (Exhibit B) provides information about income limits for each of the six housing regions. Each region has different calculated median incomes, which are adjusted periodically. The Borough of Woodcliff Lake is located in Bergen County, which is part of Region 1, together with Hudson, Passaic, and Sussex Counties.

LOCAL AFFORDABLE HOUSING PROGRAMS FOR RENT

The following affordable housing rental programs are currently being administered by Piazza & Associates, Inc. for the Borough of Woodcliff Lake:

1. TBD

A copy of the Borough of Woodcliff Lake's Housing Element and Fair Share Plan is available at the municipal building, located at: 188 Pascack Road, Woodcliff Lake, NJ 07677.

OTHER AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

In addition to affordable rental opportunities, the Borough of Woodcliff Lake may have purchase opportunities. Please contact Piazza & Associates, Inc. for further information:

Affordable housing throughout the State of New Jersey is administered by a wide variety of organizations and agencies. Further information can be found at

<https://nj.gov/njhrc/>.

Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the municipality in which they are interested in living. Each municipality has a Municipal Housing Liaison who is responsible for administering the municipality's affordable housing program. Some municipalities administer their own affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality. A list of Municipal Housing Liaisons can be found at:

http://www.nj.gov/dca/divisions/lps/hss/admin_files/muniliaisons.pdf

The New Jersey Housing and Mortgage Finance Agency has established New Jersey's Housing Resource Center, an on-line, searchable database of affordable housing in the

State. The Housing Resource Center provides a listing posted by developers, landlords, and municipalities of available affordable housing. Available units are listed with contact and application information. Look for the Housing Resource Center at www.njhrc.gov.

The New Jersey Guide to Affordable Housing, which can be found at <https://www.nj.gov/dca/codes/publications/guide.shtml>, is a listing compiled by the New Jersey Department of Community Affairs Division of Codes and Standards. It lists all types of affordable housing by county. The housing units on the list have a variety of qualification requirements, including age-restricted housing and housing for the developmentally disabled. **Applicants who do not have access to the Internet should call 211 for assistance.**

Piazza & Associates, Inc. also provides information on many affordable housing programs throughout the state of New Jersey. Detailed information about these affordable housing opportunities can be found at www.HousingQuest.com.

OVERVIEW OF THE AFFORDABLE HOUSING ADMINISTRATION PROCESS FOR NEW RENTALS AND RE-RENTALS

- The Municipal Housing Liaison serves as an initial point of contact for unsolicited calls to the municipality about affordable housing and where appropriate directs applicants to an Administrative Agent, who may be developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.
- The Administrative Agent implements the municipality's Affirmative Marketing Plan.
- The Administrative Agent serves as the initial point of contact for all inquiries generated by the affirmative marketing efforts and sends out pre-applications to interested callers.
- An initial deadline date, no less than 45 days after the start of the marketing process (90 days for those projects with a Veterans' Preference) will be established. All of the preliminary applications received by the Administrative Agents, on or before the initial deadline date, shall be deemed received on that date.
- Households that apply for very low-, low- and moderate-income housing will pre-screen themselves for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). All households will be notified as to their preliminary status.
- No less than 15 days after the deadline, a drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be

processed on a "first come, first served" basis after the applicants who were in the initial random selection.

- In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low-, and moderate-income unit available, or until all of the very low-, low- and moderate-income units within the development have been rented.
- When units become available, final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
- Completed final applications will be forwarded to the Administrative Agent, who will make a determination as to their eligibility for a very low-, low-, or moderate-income unit. Applicants will receive notification from the Administrative Agent with respect to the status of their application each time a review is performed.
- When submitting final applications, applicants will also be asked to make an appointment to visit the leasing office.
- Rental applicants will be subject to the Tenant Selection Criteria set forth by the Landlord.
- Certified applicants will be given a pre-determined amount of time to sign a lease with the landlord or developer.
- For rental units, Piazza & Associates will provide certifications that must be signed and notarized by the applicant.
- The certified household moves into the affordable rental unit.
- Subsequent to the initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates on a rental waiting list.

ROLES AND RESPONSIBILITIES

Responsibilities of the Municipal Housing Liaison or MHL

The Municipal Housing Liaison shall be approved by municipal resolution and is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Municipal Attorney, where appropriate (see **Responsibilities of the Municipal Attorney**). The primary purpose of the MHL to ensure that all affordable housing projects are established and administered according to the Regulations as outlined in an Operating Manual. The duties of the MHL include the following duties and may include the

responsibilities for providing administrative services as described in the next Section, under **Responsibilities of an Administrative Agent**.

Monitor the status of all restricted units in the municipality's Fair Share Plan. Regardless of any arrangements the municipality may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in their community.

Serve as the municipality's primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households. The MHL serves as the municipality's primary point of contact on affordable housing issues. Interested applicants should be provided with information on the types of affordable units within the municipality and, where applicable, the name of the Administrative Agent that manages the units and the contact information for the Administrative Agent.

Compile, verify and submit annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual NJDCA monitoring report. However, it is the Municipal Housing Liaison's responsibility to collect and verify this data and consolidate it into the annual report to NJDCA. Any requests from NJDCA for additional information or corrections will be directed to the MHL.

Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners. When a new affordable unit or series of units is in the planning process, the MHL should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor or owner. The developer, affordable housing sponsor or owner may serve as their own Administrative Agent, if they meet the applicable requirements and are approved by the municipality and NJDCA. The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all NJDCA-related local ordinances -- that have already been adopted by the municipality.

It is the responsibility of the Municipal Housing Liaison, in conjunction with the Municipal Attorney, to have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with NJDCA and UHAC regulations before they are recorded and submitted to DCA for approval.

Provide Administrative Services, unless those services are contracted out. The responsibilities for providing administrative services are described in the next Section under, **Responsibilities of an Administrative Agent**.

Responsibilities of an Administrative Agent

The primary responsibility of an Administrative Agent is to establish and enforce affordability controls and ensure that units in the Administrative Agent's portfolio are sold to eligible households. Administrative Agents will:

Secure written acknowledgement from all developers, affordable housing sponsors and owners that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Create and adhere to an Operating Manual. All Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.

Implement the municipality's Affirmative Marketing Plan. The Administrative Agent, the developer, affordable housing sponsor or owner could be responsible for implementing the Affirmative Marketing Plan adopted by the municipality. At the first meeting with the Municipal Housing Liaison, Administrative Agent and the developer, affordable housing sponsor or owner, this responsibility should be discussed. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs are the responsibility of the developer or current owner.

Accept applications from interested households. In response to marketing initiatives or by referral from the Municipal Housing Liaison, interested households will contact the Administrative Agent. The Administrative Agent will supply applicants with applications, provide additional information on available units and accept completed applications.

Conduct random selection of applicants for rental of restricted units. The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances, and as described in the Operating Manual.

Create and maintain a pool of applicant households. This includes reaching out to households in the applicant pool to determine continued interest and/or changes in household size and income.

Determine eligibility of households. The task of collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination on a household's eligibility will be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is determined to be eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and to maintain strict confidentiality of all information regarding that household. An Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of owning an affordable unit, in the form of Appendix K of UHAC.

Establish and maintain effective communication with property managers and landlords. Property managers and landlords of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent must immediately inform all property managers and landlords of any changes to the Administrative Agent's contact information or business hours.

Property managers and landlords should be instructed to immediately contact the Administrative Agent:

- Immediately upon learning that an affordable rental unit will be vacated.
- For review and approval of annual rental increases.

Provide annual notification of maximum rents. Each year when the New Jersey Housing and Mortgage Finance Agency releases its very low-, low-, and moderate-income limits, rental households must be notified of the new maximum rent that may be charged for their unit. The Administrative Agent's contact information must be included on such notification in case the tenant is being overcharged.

Serve as the custodian of all legal documents. An Administrative Agent is responsible for maintaining originals of all legal instruments for the units in their portfolio. Throughout the duration of a control period, an Administrative Agent must maintain a file containing its affordability control documents. This includes, but is not limited to, the recorded Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes and Appendix J and K.

Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the counsel of the municipality's attorney on legal matters that threaten the durability of the affordability controls.

Provide annual activity reports to Municipal Housing Liaison for use in the annual monitoring report. An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.

Maintain and distribute information on HUD-approved Housing Counseling Programs.

Responsibilities of the Municipal Attorney

The Municipal Attorney assists the municipality with developing, administering, and enforcing affordability controls, including but not limited to:

- Assisting the Municipal Housing Liaison with the review of the affordable housing provisions of any Master Deed and Public Offering for consistency with DCA/NJHMFA and UHAC regulations before they are recorded and submitted to DCA for approval.
- Providing all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure compliance with the housing affordability controls,

including reviewing legal documents and legal actions required on foreclosures and violations.

Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the developer of affordable housing should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor or owner.

The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all affordable-related local ordinances -- that have already been adopted by the municipality.

If provided for by ordinance and made a condition of the approval of the planning board or zoning board of adjustment, the developer may be responsible for the costs of advertising affordable units.

The Administrative Agent will secure from the developer written acknowledgement that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Responsibilities of Owners of Rental Developments

Open and direct communication between the Owners of rental developments, the Municipal Housing Liaison and the Administrative Agent is essential to ongoing administration of affordability controls. Although the Administrative Agent is required to serve as the primary point of contact with households, the Owner must provide the Municipal Housing Liaison and Administrative Agent with information on vacancies. Owners of rental developments are also responsible for working with the Administrative Agent to ensure that the Municipal Housing Liaison has all necessary information to complete the annual reporting.

Responsibilities of Landlords and Property Managers

Landlords and property managers must place a notice in all rental properties annually informing residents of the rent increase for the year and the contact information for the Administrative Agent.

AFFIRMATIVE MARKETING

Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Municipality's Affirmative Marketing Plan (AMP). The AMP is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English speaking ability, marital or familial status, gender, affectional or sexual

orientation, disability, age (except for “housing for older persons” as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C § 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an AMP 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.

Every Affirmative Marketing Plan will include all of the following:

- A listing of the available affordable housing units on the New Jersey Housing Resource Center (HRC) at least 60 days before the random selection process and within one day of accepting or soliciting applications.
- Publication of at least one advertisement in a regional print or digital newspaper;
- Advertisement on at least one housing search website, in addition to HRC, which will be HousingQuest.com;
- At least two additional regional marketing strategies, with at least one non-digital strategy if the newspaper was in print, or at least two non-digital strategies if the newspaper was digital 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 will include the following information:

- The name and location of the housing project;
- An address sufficient to find directions to the housing units;
- A range of prices or rent for the affordable housing units;
- The sizes, as measured in number of bedrooms and square footage, of the affordable housing units;
- The types (family, age-restricted, or supportive) and number of affordable units available;
- The number of units available to very low-, low-, and moderate-income households within the pertinent eligible income ranges;
- The accessibility features, if any, of the affordable housing units;

- The maximum income permitted to qualify for the affordable housing units;
- The population(s), if any, given preference in the selection process;
- Where applications (paper and online) for the affordable housing units may be found;
- The expected lease up/closing date(s) for the affordable housing units;
- A description of the random selection process that will be used to select occupants of affordable housing units and the expected date of the random selection;
- The business hours when interested households may obtain paper applications;
- Contact information, including an email address and phone number for the Administrative Agent;
- The name of the sales agent and/or rental manager; and
- Application fees, if any.

Advertisements will contain the same information contained in the AMP, listed above, for each affordable housing opportunity.

Veterans' Preference

The Township of Fairfield has by ordinance provided a preference of up to 50 percent of the restricted rental units in a particular project for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j.

Regional Preference

The Borough of Woodcliff Lake has by ordinance provided that households that live or work in Housing Region 1, comprising Bergen Hudson, Passaic and Sussex Counties, shall be selected for an affordable housing unit before households from outside 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. (as applicable)

State Preference

Subordinate to the regional preference, the Borough of Woodcliff Lake has by ordinance provided that households that live or work in the state of New Jersey shall be selected for an affordable housing unit before households from outside the State. Units that remain unoccupied after households who live or work in the State are exhausted, may be offered to the households outside the State.

Preferences are screened at the Preliminary Application stage of the process.

Implementation of the Affirmative Marketing Plan

The affirmative marketing process for new 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 Woodcliff Lake'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.

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

When a re-rental affordable unit becomes available, the applicants will be selected 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 Random Selection & Applicant Pool(s).

Developer, Affordable Housing Sponsor

The developer or affordable housing sponsor may be responsible for advertising the affordable housing in accordance with the municipality's adopted Affirmative Marketing Plan. Prior to publication or broadcast, draft copies of the marketing material will be submitted to the Administrative Agent for approval. Proof of publication will be submitted, including a copy of the final advertisements with a copy of the paid bill. Public Service Announcements shall be submitted by the Administrative Agent.

RANDOM SELECTION & APPLICANT POOL(S)

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

After advertising is implemented, preliminary applications are accepted for 45 days (90 days for those projects with a Veterans Preference). Applicants are required to determine their eligibility based upon information provided at the time of application. Confirmation that the Preliminary Application was properly submitted is indicated on the webpage at the time the Application is submitted. Applicants that are deemed, at this stage, to be ineligible are notified at the time they submit their online application.

Applications are entered into a database and sorted by the unit size and affordability type that is appropriate. Applicants may check their eligibility on our webpage for the property prior to the random selection process.

At the end of the 45-day period, the Administrative Agent arranges a time and date for the random selection process to take place. The MHL and a representative of the developer are invited and encouraged to attend. An announcement of the time and date is made by way of an email blast to those applicants who have submitted a preliminary application by the deadline date.

It is important to note that applicants need not be present at the random selection, and that there is no advantage given those applicants who do attend.

At the random selection, a website is used to generate a random list of numbers. The numbers are applied to the list in the order that was prearranged. A copy of the random numbers and the final list are sent to the MHL for verification and file.

All applicants are assigned a random number. Priority numbers will be posted on the property page after the random selection and are available for applicants to review if they provide the required security information. A random number does not guarantee that the applicant will be deemed eligible. Applicants who submit more than one application and receive more than one priority number will forfeit the lower number with the highest priority.

When units become available, final applications are emailed in the prioritized order as specified previously. The Administrative Agent can keep the applicant pool open after the initial lottery and add names to the existing list based on time and date of submission. Ongoing marketing is done primarily through www.HousingQuest.com.

If there are sufficient names remaining in the pool to fill future re-rentals, the applicant pool shall be closed.

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.

For future re-rentals only, the Administrative Agent can keep the applicant pool open after the initial lottery and add names to the existing list based on time and date of submission. Ongoing marketing is done primarily through www.HousingQuest.com.

MATCHING HOUSEHOLDS TO AVAILABLE UNITS

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:

- Ensure each bedroom is occupied by at least one person, except for age-restricted units;
- Provide a bedroom for every two adult occupants;
- For occupants under the age of 18, accommodate the household's requested arrangement, except that such an arrangement may not result in more than two minor occupants occupying any bedroom; and
- Avoid placing a one-person household into a unit with more than one bedroom.

A household is placed only on one unit list for eligibility. A household may choose to change the unit type for which they are eligible within the scope of the program.

APPLICATION FEES

The Administrative Agent does not charge a fee to applicants. Application fees assessed by the landlord (including the charge for any credit check) may not exceed five percent of the monthly rent of the applicable restricted unit.

HOUSEHOLD CERTIFICATION

Before any household can lease a restricted unit, the Administrative Agent will certify the household as eligible. Certification of a household involves the verification of two critical pieces of data: 1) Household size and composition, including gender; and 2) The total income and assets for all household members 18 years of age or older. The certification process begins with the applicant completing an application in its entirety and providing the required backup documentation. Once eligibility documents and data have been collected, the Administrative Agent can begin the process of calculating the household's income.

Household Composition and Circumstances

Generally, a Household is defined as everyone who intends to reside in the affordable unit. Temporarily absent members of a household will be counted in very limited circumstances, such as a member of the military in active duty. Unborn children and children in the process of being adopted shall be counted as members of the household.

The following are generally excluded from the household for the purposes of income qualifying but may be considered by the Administrative Agent for the purposes of determining the size of the unit: live-in aid, foster children and children who live in the household with less than 50% joint physical custody.

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
- Driver's License
- Birth Certificate or Passport
- Alien Registration Card
- Divorce Decree and Settlement Agreement
- Adoption Agency / Legal Correspondence and/or Certification
- Correspondence / Certification from Foster Care Services
- Doctor's Authorization for Live-in Aid.
- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify composition.

Procedure for Income-Eligibility Certification

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Applicants may NOT change or modify their situation relative to their income once they have submitted a Final Application.

Through the submission of the Final Application, the Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income. The application and a schedule of required documentation can be found in the Exhibits. Generally, the documentation required is as follows:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a signed and dated 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 current monthly benefits such as
 - Social Security or SSI – Award letter or computer print out letter
 - Unemployment – verification of Unemployment Benefits

- Welfare -TANF⁵ current award letter
- Disability - Worker's compensation letter
- Pension income – a pension letter.
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony, child support and education stipends.
- 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.
- 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 a contract with a real estate broker which sets forth the price of the property and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property, attach copies of all leases.
- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify household income.

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 and regular distributions from retirement accounts
5. Social security benefits
6. Unemployment compensation

⁵ TANF – Temporary Assistance for Needy Families

7. TANF
8. Verified regular child support
9. Disability benefits
10. Net income from business or real estate
11. Actual 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 checking accounts, cash on hand, and equity in non-income producing real estate.
13. Net rental income from real estate
14. Non-tuition stipends for living expenses for students
15. Non-Governmental financial support
16. Any other forms of regular income reported to the Internal Revenue Service
17. Regular financial support from any source.

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

Student Income

The administrative agent shall require each member of an applicant household who is 18 years of age or older, except full-time students under the age of 26 and those under the age of 26 participating in a registered apprenticeship program, who are dependents of the household (not the head of household, spouse or co-head), to provide documentation to verify the member's income, including income received by adults on behalf of minor children for their benefit. Household members 18 years of age or older who do not receive income or who qualify for the full-time student or apprenticeship exemption must produce documentation as to their current status.

The Asset Limit

If the applicant household possesses net household assets valued at an amount greater than the net asset limit, defined as the median home equity held by New Jersey homeowners as determined annually by the United States Census Bureau's Survey of Income and Program Participation and published by the Census Bureau in "State-Level Wealth, Asset Ownership & Debt of Households Tables" series, available at <https://www.census.gov/topics/income-poverty/wealth/data/tables.html>, the Administrative Agent shall deny the certificate of eligibility. The household net assets will be calculated in accordance with the procedure for calculating "net family assets" stipulated at 24 CFR 5.603(b), as it may be updated from time to time. Exclusions to the asset limit may apply, pursuant to N.J.A.C. 5:80-26.17(b)3.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the net revenue is considered income. Specifically, rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the administrative agent shall impute a fair market rent.

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 HUD Passbook Savings Rate, interest will be imputed on the determined value of the real estate.

Minimum Income

The annual rent and utility allowance as determined by the Administrative Agent shall not exceed 35% of the applicant's gross annual income unless the applicants' liquid assets exceed 100 times the monthly rent.

Housing Counseling

The Administrative Agent will provide referrals for counseling, as a part of its services. Although housing counseling is recommended, a household is only required to

attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or a counseling agency approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced Housing Counseling Agency. This counseling to low- and moderate-income housing applicants will focus on subjects such as budgeting, credit issues, and mortgage qualification, and is free of charge. A list of non-profit counselors approved by HUD and/or the New Jersey Department of Banking and Insurance is included on NJDCA's website and is available from the Administrative Agent.

In addition, the Administrative Agent will:

- Confirm and update all information provided on the application.
- Explain program requirements, procedures used to verify information, and penalties for providing false information. Ask the head of household, co-head, spouse and household members 18 years of age or older to sign the Authorization for Release of Information forms and other verification requests.
- Review the applicant's identification and financial information and documentation, ask any questions to clarify information on the application, and obtain any additional information needed to verify the household's income.
- Seek to ensure, to a reasonable degree, that the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). Require the applicant to give a written certification as to whether any household member did or did not dispose of any assets for less than fair market value during the past two years.

Approving or Rejecting a Household

Administrative Agents will notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination.

Households with a verified total household income that exceeds 80 percent of the regional income limit for the appropriate family size are ineligible for purchase or rental of restricted units. A letter rejecting the household's application shall be mailed to the household.

Similarly, households with a verified total household income that is within the income limits, but too low to afford any of the units administered by the Administrative Agent shall be sent a letter rejecting the household's application, and/or referring them to housing counseling.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the applicant does not sign a Lease Agreement within that time frame, an extension may be granted once the household's eligibility is updated and verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent will secure from the applicant a signed and notarized acknowledgement of their requirements and responsibilities in purchasing a restricted unit. UHAC's Disclosure Statement shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny a certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines that there was a willful or material misstatement of fact made by the applicant.

Dismissal of Applications

Applications can be dismissed for the following reasons:

1. The application is not signed or submitted on time;
2. The applicant's sources of income or household composition changes after the submission of the final application, but before approval;
3. The applicant commits fraud, or the application is not truthful or complete;
4. The applicant cannot or does not provide documentation to verify their income or other required information when due;
5. The household income does not meet the minimum or maximum income requirements for a particular property;
6. The applicant owns assets that exceeds the Asset Limits for deed-restricted properties;
7. The applicant fails to respond to any inquiry in a timely manner;
8. The applicant had a greater chance than any other applicant submitted for a random selection;
9. The applicant is non-cooperative or abusive with our staff, property managers or the sellers of affordable units;
10. The applicant changes address or other contact information without informing us in writing;
11. The applicant is unable to obtain suitable and legitimate financing for a sale unit or fails to verify attendance in a home buyer credit counseling program when required to do so by the program rules;
12. The applicant does not respond to a periodic update inquiry in a timely fashion;
13. The applicant fails to sign the Compliance Certification, Certificate for Applicant; Lease Documents, as may be required; or
14. The applicant, once approved, fails to sign a lease in a timely manner.

Applicants will also be withdrawn from all lists held by us in the Municipality once they have been approved for an affordable unit within that same municipality. However, these

applicants may re-apply for other opportunities in that municipality once they have occupied their unit. Applicants withdrawn for fraud may be withdrawn from all programs administered by Piazza & Associates, Inc., and may be subject to prosecution under the law.

Applicants who are withdrawn and who wish to re-apply to that specific program may do so using a new Preliminary Application. The new Preliminary Application will NOT be given preferential treatment but will be processed in the same way that all new Preliminary Applications for that specific program are processed. In the event that an application list is closed when the application is withdrawn, the applicant will be required to wait until the list is re-opened to apply again.

Applicants who are dismissed must re-apply. A minimum time period of six months applies in most situations where the applicant has been withdrawn for fraud, poor credit, uncooperative behavior or other serious matters.

Applications may be held in abeyance for a period not to exceed 90 days if there is an error on the credit report, so that the applicant can correct the error and re-apply. Units will not be held open for that applicant. However, once the credit report is corrected, the applicant will be given a priority for the next opportunity at that property.

Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Municipal Housing Liaison (MHL) for the Borough of Woodcliff Lake. A decision of the MHL may be appealed to the Executive Director of the New Jersey Housing and Mortgage Finance Agency.

DETERMINING AFFORDABLE RENTS

To determine the affordable rents, the Administrative Agent uses the calculators located at https://nj.gov/dca/hmfa/about/uhac/docs/2025_UHAC_Calculator.xlsm.

Development Considerations and Compliance Issues

There are several regulations that must be considered from the *development perspective* before the rents of individual units can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and developer or affordable housing sponsor. The following is a summary of the requirements for rental projects.

Bedroom Distribution. The standards on the distribution of unit sizes for affordable developments require that:

- No more than 20% of all restricted units, rounded up or down to the nearest whole number; are efficiency or one-bedroom units;

- At least 30 percent of all restricted units, rounded up or down to the nearest whole number, are two-bedroom units;
- At least 20 percent of all restricted units rounded up or down to the nearest whole number, are three-bedroom units; and
- The remainder, if any, may be allocated at the discretion of the developer in accordance with the municipality’s housing element and fair share plan.

Pricing by Household Size. Initial rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on the Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

The above rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Age-restricted Units. Affordable age-restricted units are not held to these bedroom distribution standards. For affordable age-restricted units, the number of age-restricted very low-, low- and moderate-income bedrooms must be structured such that, at a minimum, the number of bedrooms within the restricted units equals the number of restricted units. In other words, the average bedroom size in an age-restricted development must be equal to or greater than one bedroom per unit. For example, an age-restricted development can meet this standard by creating a two-bedroom unit for each efficiency unit. In affordable developments with 20 or more age-restricted units, at least five percent (5%) of the restricted units must be two-bedroom units

Pricing by Household Size for Age-Restricted Units. Initial rents are based on targeted “model” household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on the Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;

- A two-bedroom unit shall be affordable to a two-person household or to two one-person households; and
- A three-bedroom unit shall be affordable to a two- and one-half person household.

The above rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Additional Regulations for a Rental Development

In addition to the regulations covered earlier in the Section **Development Considerations and Compliance Issues**, rental projects must also comply with the following regulations:

Split Between Low- and Moderate-income Rental Units. At least 50 percent (of the affordable units within each bedroom distribution (unit size) must be low-income units and at least 13 percent of those affordable units must be very low-income units affordable to households earning no more than 30 percent of the regional median income. The remainder of the affordable units must be affordable to moderate-income households.

Affordability Average. The average rent for all affordable units cannot exceed 52 percent of the regional median income. At least one rent for each bedroom type must be offered for very low-income, low-income and moderate-income units. Calculation of the affordability average is available on the New Jersey Department of Community Affairs website.

Maximum Rent. The maximum rent of restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of the regional median income. Other rounding rules may apply.

Additional fees. No additional fees, operating costs, or charges may be added to the approved rent without the express written approval of the Administrative Agent. 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 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. Any fee structure that would remove or limit affordable renters' access to any amenities or services that are required or included for market-rate renters is prohibited. Fees for truly optional, unit-specific, non-communal items that are charged to market rate tenants on an optional basis may be charged to affordable tenants, as applicable, pursuant to N.J.A.C. 5:80-26.13(c).

Determining Rent Increases

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy. The maximum increase is based on the consumer price index for housing in the northeast as published by the New Jersey Housing and Mortgage Finance

Agency, typically in the Spring. Pursuant to State law, the maximum increase in any given year is 5%. These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. The maximum allowable rent would be calculated by starting with the rent schedule approved as part of initial lease-up of the development and calculating the annual increase from the initial lease-up year to the present. Rents may not be increased more than once a year, may not be increased by more than one approved increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, 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.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to N.J.A.C. 5:80-26.15, N.J.A.C. 5:80-26.16(c) and N.J.A.C. 5:80-26.18 current records will be maintained by the Administrative Agent and outdated records will be given to the municipality for safe-keeping. A file will be created and maintained on each restricted unit for its control period.

The Administrative Agent will maintain detailed records on all marketing initiatives.

Files to Be Maintained on Every Applicant

The Administrative Agent 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.
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process..

Files to Be Maintained on Every Unit

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain at a minimum:

- Base rent
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan
- Application materials, verifications and certifications of all present owners, pertinent correspondence
- Copy of lease
- Disclosure Statement (Appendix K)

Files to Be Maintained on Every Project

The Administrative Agent will maintain files on every project for the length of the affordability controls. The project file will contain at a minimum:

- Condominium Master Deed
- Condominium Public Offering
- Crediting Information
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement (Appendix J)

Files to Be Maintained on The Applicant Pool

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool
- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

Monitoring

A sample Deed will be submitted for each project. Additionally, the current annual monitoring information required to be maintained and reported annually to the Municipal Housing Liaison can be found on NJDCA's website. The information required for each unit includes but is not limited to:

- A sample Deed for each project.

- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Rental Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable
- Co #, date
- Effective date of affordability controls
- Length of affordability controls (yrs)
- Date Affordability controls removed



**EQUAL HOUSING
OPPORTUNITY**

**We Do Business in Accordance With the Federal Fair
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- In the sale or rental of housing or residential lots
- In the provision of real estate brokerage services
- In advertising the sale or rental of housing
- In the appraisal of housing
- In the financing of housing
- Blockbusting is also illegal

**Anyone who feels he or she has been
discriminated against may file a complaint of
housing discrimination:**

**1-800-669-9777 (Toll Free)
1-800-927-9275 (TTY)**

**U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410**

UHAC 2025 Affordable Housing Regional Income Limits by Household Size

Regional Income Limits

		Household Size										
		1 Person	1.5 Persons	2 Persons	2.5 Persons	3 Persons	4 Persons	4.5 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Region 1 Bergen, Hudson, Passaic, Sussex	Median	\$89,100	\$95,450	\$101,800	\$108,150	\$114,500	\$127,200	\$132,300	\$137,400	\$147,600	\$157,800	\$168,000
	Moderate (80%)	\$71,280	\$76,360	\$81,440	\$86,520	\$91,600	\$101,760	\$105,840	\$109,920	\$118,080	\$126,240	\$134,400
	Low (50%)	\$44,550	\$47,725	\$50,900	\$54,075	\$57,250	\$63,600	\$66,150	\$68,700	\$73,800	\$78,900	\$84,000
	Very Low (30%)	\$26,730	\$28,635	\$30,540	\$32,445	\$34,350	\$38,160	\$39,690	\$41,220	\$44,280	\$47,340	\$50,400
Region 2 Essex, Morris, Union, Warren	Median	\$94,800	\$101,550	\$108,300	\$115,050	\$121,800	\$135,300	\$140,750	\$146,200	\$157,000	\$167,800	\$178,600
	Moderate (80%)	\$75,840	\$81,240	\$86,640	\$92,040	\$97,440	\$108,240	\$112,600	\$116,960	\$125,600	\$134,240	\$142,880
	Low (50%)	\$47,400	\$50,775	\$54,150	\$57,525	\$60,900	\$67,650	\$70,375	\$73,100	\$78,500	\$83,900	\$89,300
	Very Low (30%)	\$28,440	\$30,465	\$32,490	\$34,515	\$36,540	\$40,590	\$42,225	\$43,860	\$47,100	\$50,340	\$53,580
Region 3 Hunterdon, Middlesex, Somerset	Median	\$107,400	\$115,100	\$122,800	\$130,450	\$138,100	\$153,400	\$159,550	\$165,700	\$178,000	\$190,300	\$202,500
	Moderate (80%)	\$85,920	\$92,080	\$98,240	\$104,360	\$110,480	\$122,720	\$127,640	\$132,560	\$142,400	\$152,240	\$162,000
	Low (50%)	\$53,700	\$57,550	\$61,400	\$65,225	\$69,050	\$76,700	\$79,775	\$82,850	\$89,000	\$95,150	\$101,250
	Very Low (30%)	\$32,220	\$34,530	\$36,840	\$39,135	\$41,430	\$46,020	\$47,865	\$49,710	\$53,400	\$57,090	\$60,750
Region 4 Mercer, Monmouth, Ocean	Median	\$94,300	\$101,000	\$107,700	\$114,450	\$121,200	\$134,600	\$140,000	\$145,400	\$156,200	\$167,000	\$177,700
	Moderate (80%)	\$75,440	\$80,800	\$86,160	\$91,560	\$96,960	\$107,680	\$112,000	\$116,320	\$124,960	\$133,600	\$142,160
	Low (50%)	\$47,150	\$50,500	\$53,850	\$57,225	\$60,600	\$67,300	\$70,000	\$72,700	\$78,100	\$83,500	\$88,850
	Very Low (30%)	\$28,290	\$30,300	\$32,310	\$34,335	\$36,360	\$40,380	\$42,000	\$43,620	\$46,860	\$50,100	\$53,310
Region 5 Burlington, Camden, Gloucester	Median	\$83,600	\$89,600	\$95,600	\$101,550	\$107,500	\$119,400	\$124,200	\$129,000	\$138,600	\$148,100	\$157,700
	Moderate (80%)	\$66,880	\$71,680	\$76,480	\$81,240	\$86,000	\$95,520	\$99,360	\$103,200	\$110,880	\$118,480	\$126,160
	Low (50%)	\$41,800	\$44,800	\$47,800	\$50,775	\$53,750	\$59,700	\$62,100	\$64,500	\$69,300	\$74,050	\$78,850
	Very Low (30%)	\$25,080	\$26,880	\$28,680	\$30,465	\$32,250	\$35,820	\$37,260	\$38,700	\$41,580	\$44,430	\$47,310
Region 6 Atlantic, Cape May, Cumberland, Salem	Median	\$71,900	\$77,050	\$82,200	\$87,350	\$92,500	\$102,700	\$106,850	\$111,000	\$119,200	\$127,400	\$135,600
	Moderate (80%)	\$57,520	\$61,640	\$65,760	\$69,880	\$74,000	\$82,160	\$85,480	\$88,800	\$95,360	\$101,920	\$108,480
	Low (50%)	\$35,950	\$38,525	\$41,100	\$43,675	\$46,250	\$51,350	\$53,425	\$55,500	\$59,600	\$63,700	\$67,800
	Very Low (30%)	\$21,570	\$23,115	\$24,660	\$26,205	\$27,750	\$30,810	\$32,055	\$33,300	\$35,760	\$38,220	\$40,680

Bedroom Count	Household Size (Family)*	Household Size (Senior)**	Maximum Sale Price Increase***		Maximum Rent Increase****		Net Asset Limit*****	
	0BR	1 Person	1 Person	Region 1	5.64%	Statewide	5.0%	Statewide
1BR	1.5 Persons	1.5 Persons	Region 2	4.55%				
2BR	3 Persons	2 Persons	Region 3	4.92%				
3BR	4.5 Persons	2.5 Persons	Region 4	3.50%				
4BR	6 Persons	N/A	Region 5	4.10%				
			Region 6	4.41%				

* N.J.A.C. 5:80-26.4(i).

** N.J.A.C. 5:80-26.4(j).

*** N.J.A.C. 5:80-26.7(c).

**** N.J.A.C. 5:80-26.13(b).

***** N.J.A.C. 5:80-26.17(b)3.

Appendix J: Amended Zoning Ordinances

ORDINANCE NO. 26-05

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF WOODCLIFF LAKE TO ESTABLISH AN AFFORDABLE HOUSING SET ASIDE FOR THE THO-II TOWNHOME OVERLAY DISTRICT

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Woodcliff Lake is authorized and empowered to adopt and amend the zoning ordinance of the Borough of Woodcliff Lake; and

WHEREAS, the Borough further recognizes the continuing need for and its obligation in creating affordable housing within the Borough consistent with the "Fair Housing Act," P.L. 1985, c 222 (C-52:27D-301 et seq.); and

WHEREAS, the Borough filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-391 et. Seq. (the "Fair Housing Act") on January 29, 2025; and

WHEREAS, the Court entered an order on May 13, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of 0 units and a Prospective Need of 360 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the filed its HEFSP on June 25, 2025; and

WHEREAS, Fair Share Housing Center filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 28, 2025; and

WHEREAS, mediation was held as part of the Affordable Housing Dispute Resolution Program; and

WHEREAS, pursuant to the terms of the mediation, the Borough agreed to codify a 20% set-asides for affordable housing in the THO-II Townhome Overlay District; and

WHEREAS, to facilitate such mediated settlement and in compliance with its HEFSP, the Mayor and Council of the Borough of Woodcliff Lake have deemed it in the best interests of the Borough to amend the Borough Zoning Ordinance so as to establish a 20% set aside for affordable housing in the THO-II Townhome Overlay District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, as follows:

Section 1. That Chapter 380-11.4 shall be supplemented as follows:

§ 380-11.4 THO-II Townhome Overlay Districts

C. There shall be a mandatory set-aside of affordable units within the THO-II Townhome Overlay District such that 20% of all units, regardless of tenure, shall be restricted for affordable households. Where this requirement results in a fraction of a unit, the fraction shall be rounded

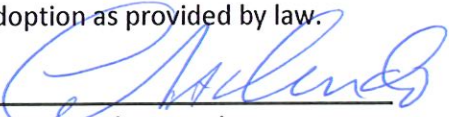
to the nearest whole unit. Fractions of less than one half (1/2) shall be rounded down to the lower whole unit and fractions of one half (1/2) or greater shall be rounded up to the higher whole unit. All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 et seq.), the Borough's Housing Element and Fair Share Plan, as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Response Order. This shall include but is not limited to:

- a. The requirement that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very-low-income households earning thirty percent (30%) or less of median income,
- b. The bedroom distribution of very-low, low- and moderate- income affordable units shall be as follows:
 - i. No more than 20% of the very-low, low- and moderate-income units shall be one-bedroom units.
 - ii. At least 20% of the very-low, low- and moderate-income units shall be three-bedroom units.
 - iii. At least 30% of the very-low, low- and moderate-income units shall be two-bedroom units.
- c. Recording of appropriate affordability controls of not less than forty (40) years for rental units and not less than thirty (30) years for sale units, and
- d. Minimum unit sizes by square footage as required by UHAC for affordable housing units.
- e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
- f. The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.

Section 2. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 3. This ordinance shall be construed consistent with the purpose stated herein. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Woodcliff Lake Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Woodcliff Lake Code.

Section 4. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.



Mayor Carlos Rendo

Attest: Deborah A. Dakin, RMC, CMR
Borough Clerk

The above Ordinance with the foregoing title was passed on second and final reading at the regular meeting of the Mayor and Council of the Borough of Woodcliff Lake on March 16, 2026.

Appendix K: Zoning Ordinance for 100 Tice

ORDINANCE NO. 26-04

**AN ORDINANCE CREATING THE AFFORDABLE HOUSING OVERLAY 4 ZONE
DISTRICT ON BLOCK 301, LOT 3.05**

WHEREAS, the Land Use Board of the Borough of Woodcliff Lake adopted the Borough's Fourth Round Housing Element and Fair Share Plan on June 24, 2025, and the Mayor and Council of the Borough of Woodcliff Lake endorsed the Housing Element and Fair Share Plan on the same date; and

WHEREAS, in accordance with P.L. 2024, c.2, Fair Share Housing Center and SIG 100 Tice, LLC challenged the compliance of the Housing Element and Fair Share Plan with P.L. 2024, c.2; and

WHEREAS, between September 1 and December 31, 2025, the Borough participated in multiple mediation sessions with the challenger parties before the Honorable Ronald E. Bookbinder, A.J.S.C. (Retired, appointed Program Judge) and Special Adjudicator Joseph Burgis, PP, AICP in order to attempt to resolve the challenges to the Plan; and

WHEREAS, as a result of those mediation sessions, the Borough agreed to a settlement with the challenger parties which includes agreements regarding the rezoning of Block 301, Lot 3.05, also known as 100 Tice, to permit a mixed-use inclusionary development of up to 91 units on the property inclusive of 18 affordable age-restricted apartments and 25 market-rate age-targeted townhouses and 20,000 square feet of commercial space.

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, that the Code of the Borough of Woodcliff Lake is hereby amended to create the AHO4 Affordable Housing Overlay 4 Zone.

§380-66.2

A. There is hereby created the AHO4 Affordable Housing Overlay 4 Zone, consisting of Block 301, Lot 3.05, for the purposes of addressing the Borough's Fourth Round Affordable Housing "Unmet Need". The parameters and provisions of this overlay zone shall be as follows:

(1) Underlying Zoning. A developer of property within the AHO4 Zone may elect to develop in conformance with either the requirements and provisions herein, or with the underlying zoning. All other requirements of Chapter 380 of the Borough Code shall continue to apply to the AHO4 Zone except where superseded or supplemented herein.

(2) Permitted Principal Uses:

- (a) Age-Restricted Multi-Family Apartments, pursuant to the definition of Age-Restricted Unit at §380-15.B, which may be located in a mixed-use building above ground-level business uses.
 - (b) Townhouses for seniors and/or families;
 - (c) Business uses permitted in the B-2 Zone at § 380-42A, provided that they are on the ground floor of a mixed-use building, having residential apartments above;
- (3) Permitted Accessory Uses:
 - (a) All accessory uses customarily incidental to an age restricted living community;
- (4) Prohibited Principal Uses:
 - (a) Any uses which are not identified in A(2) as permitted uses shall be prohibited in the AHO4 zone.
- (5) Bulk Requirements
 - (a) Minimum Tract Size: 12 Acres
 - (b) Minimum Building Setback from Tice Boulevard:
 - 1. Townhomes: 32 feet
 - 2. All other Buildings: 175 feet
 - (c) Minimum Building Setback from Harriet Drive:
 - 1. Townhomes: 32 feet
 - 2. All other Buildings: 100 feet
 - (d) Minimum Distance between Buildings:
 - 1. Front to Front/Side: 70 feet
 - 2. Rear to Rear: 50 feet
 - 3. Side to Side: 25 feet
 - 4. Townhouse to All Other Building Types: 70 feet
 - (e) Coverage:
 - 1. Buildings: 25%
 - 2. Total Surface: 50%
 - (f) Density: 7.6 du/ac, not to exceed 91 total units
 - (g) Building Height:
 - 1. Age-Targeted Townhomes: 2.5 stories, 35 feet
 - 2. All Other Buildings: 3.5 stories, 42 feet
- (6) All Other Requirements:
 - (a) Affordable Housing: A minimum of 18 units or 20% of the total number of units in the development, whichever number is greater, shall be age restricted affordable housing units in compliance with the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. and the Borough Code at Chapter 380, Article V, including but not limited to:
 - i. The requirement that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low-income households earning thirty percent (30%) or less of median income,

- ii. Recording of appropriate affordability controls of not less than forty (40) years for rental units and not less than thirty (30) years for sale units, and
 - iii. Minimum unit sizes by square footage as required by UHAC for affordable housing units.
 - iv. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
 - v. The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.
- (b) Age-Targeted Housing: A minimum of 25 townhome units, which may be market-rate units, shall be age-targeted carriage units designed with primary living and sleeping space on the ground story.
 - (c) Residential Parking Ratio: Shall meet or exceed the parking ratios at N.J.A.C. 5:21-4.14, Table 4.4. Notwithstanding the number of parking spaces provided for townhouse units, there shall be a minimum of two (2) parking spaces assigned to or available for residents of apartments.
 - (d) Non-Residential Parking Ratio: Parking for any non-residential principal uses shall comply with §292-26A, except that a reduced parking ratio of not less than 2.15 spaces per 1,000 square feet may be acceptable if a developer demonstrates that a shared parking arrangement is feasible between uses on the site.
 - (e) Environmental Standards: Development in the AHO4 zone shall comply in all ways.
 - (f) Screening:
 - 1. Tice Boulevard: Townhome units shall be screened from Tice Boulevard with a combination of plantings and a solid fence,

conforming to §168-5, set a minimum of 20 feet from the property line.

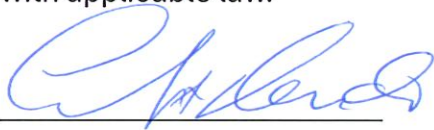
2. Adjacent Residential Uses: Screening shall be provided from adjacent residential uses in accordance with §292-29.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. To the extent that any portion of the Ordinance conflicts with or amends or modifies any provision of any other of the Borough's development regulations, the conflicts shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Borough's zoning ordinance shall be deemed amended accordingly.

Section 5. This Ordinance shall take effect upon passage and publication in accordance with applicable law.



Mayor Carlos Rendo

Attest: Deborah A. Dakin, RMC, CMR
Borough Clerk

The above Ordinance with the foregoing title was passed on second and final reading at the regular meeting of the Mayor and Council of the Borough of Woodcliff Lake on March 16, 2026.

ORDINANCE NO. 26-08

AN ORDINANCE AMENDING CHAPTER 380, SECTION 66.2, "AHO4 AFFORDABLE HOUSING OVERLAY ZONE"

WHEREAS, on March 16, 2026, the Mayor and Council of the Borough of Woodcliff Lake adopted Ordinance 26-04 creating the AHO4 Affordable Housing Overlay Zone; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake wish to amend the Zone to provide for side and rear yard setbacks.

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, that §380-66.2 of the Code of the Borough of Woodcliff Lake is hereby amended as follows.

SECTION 1: §380-66.2.A(5) is amended as follows (Bold, underlined text represents additions to be adopted):

§380-66.2

- A. There is hereby created the AHO4 Affordable Housing Overlay 4 Zone, consisting of Block 301, Lot 3.05, for the purposes of addressing the Borough's Fourth Round Affordable Housing "Unmet Need". The parameters and provisions of this overlay zone shall be as follows:

...

(5) Bulk Requirements

- (a) Minimum Tract Size: 12 Acres
- (b) Minimum Building Setback from Tice Boulevard:
 - 1. Townhomes: 32 feet
 - 2. All other Buildings: 175 feet
- (c) Minimum Building Setback from Harriet Drive:
 - 1. Townhomes: 32 feet
 - 2. All other Buildings: 100 feet
- (d) **Minimum Side Yard Setback (yard opposite of Tice Boulevard frontage): 160 feet**
- (e) **Minimum Rear Yard Setback (yard opposite Harriet Drive frontage): 25 feet**
- (f) Minimum Distance between Buildings:
 - 1. Front to Front/Side: 70 feet
 - 2. Rear to Rear: 50 feet
 - 3. Side to Side: 25 feet
 - 4. Townhouse to All Other Building Types: 70 feet
- (g) Coverage:
 - 1. Buildings: 25%
 - 2. Total Surface: 50%

- (h) Density: 7.6 du/ac, not to exceed 91 total units
- (i) Building Height:
 - 1. Age-Targeted Townhomes: 2.5 stories, 35 feet
 - 2. All Other Buildings: 3.5 stories, 42 feet

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. To the extent that any portion of the Ordinance conflicts with or amends or modifies any provision of any other of the Borough' s development regulations, the conflicts shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Borough' s zoning ordinance shall be deemed amended accordingly.

Section 5. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Appendix L: Additional Project Crediting Documents

APPROVAL

**Borough of Woodcliff Lake
Land Use Board
Resolution**

**APPROVAL OF VARIANCE RELIEF AND
SITE PLAN APPROVAL**

In the Matter of the Application of
Rakshan Malek Realty Assoc. LLC
126 Broadway
Block 2703, Lot 1
Decided July 22, 2025

25-14

WHEREAS, Rakshan Malek Realty Assoc. LLC, 26 Oak Street, Saddle River, NJ (the "Owner") is the owner of the property located at 126 Broadway and designated as Lot 1 in Block 2703 on the Tax Map of the Borough of Woodcliff Lake (the "Property"); and

WHEREAS, Martin Malek, representative of the Owner has made application to the Land Use Board of the Borough of Woodcliff Lake (the "Board") for Preliminary and Final Major Site Plan Approval pursuant to N.J.S.A. 40:55D-37 and Chapter 292 of the Site Plan Review Ordinance, together with application for variance relief pursuant to N.J.S.A. 40:55D-70(c) including a variance to permit a 3-story building in excess of the maximum 2.5 story and waivers; and

WHEREAS, a public hearing was held by the Board on July 22, 2025 before Board members Corrado Belgiovine, Nilufer DeScherer, Nicole Marsh, Gerald Barbara, Thomas Panso, Lynda Picinic, Robert Friedberg and Michael Kaufman. The Applicant was represented by counsel, John L. Molinelli, Esq. of the firm of Price, Meese, Shulman & D'Arminio, P.C. At the hearing the Applicant submitted proof of notice and publication as required by law. In addition

the Applicant submitted as exhibits:

- A-1 – First Floor Plan
- A-2 – Second Floor Plan
- A-3 – Loft and Roof Plan
- A-4.1 –Exterior Elevations
- A-4.2 –Exterior Elevations
- A-5 – Rendered Elevations
- A-6 – Excerpt from Broadway Avenue Corridor Study: Phase 2 prepared by
Burgis Associates
- A-7 – Stormwater Management Report
- T-01 – Title Sheet
- TS-1 – Topographical Survey
- S-1 – General Site Plan
- S-02 – Existing conditions and demolition plan
- S-3 – Grading and Site Drainage
- EL-1 – Site Lighting Plan
- L-1 – Landscaping Plan
- PDD-1 – Post Drainage Development Plan

The Applicant also presented the testimony of Martin Malek, both individually and as an engineer licensed in the State of New Jersey; and

WHEREAS, the Board has reviewed the plans and exhibits enumerated above and other evidence submitted, having heard and considered the testimony presented by the Applicant and

all members of the public that offered comments, and having heard the arguments of counsel and considered the reports of the Board professionals and Borough departments, including but not limited to the reports of (a) Neglia Engineering Associates, the Board's civil engineer, dated March 17, 2025, revised April 21, 2025 (WCL-1) ; (b) Woodcliff Lake Police Department letter dated March 2, 2025 (WCL-2); (c) Shade Tree Committee report-(WCL-3); (d) Park Ridge Water email dated April 22, 2025 (WCL-4); (e) DMR, the Board's professional planner, dated March 31, 2025, revised April 18, 2025 (WCL-5); (f) Fire Department report-dated March 3, 2025 (WCL-6).

NOW, THEREFORE, BE IT RESOLVED that the Land Use Board of the Borough of Woodcliff Lake makes the following findings of fact and conclusions with respect to the within Application:

1. The Property is comprised of approximately .83 (36,287 sq. ft.) acres of land located on the eastern side of Broadway, with additional frontage on Campbell Avenue known as 126 Broadway (County Road 90). The Property was previously developed as a gas station, which has since been abandoned. The Property is situated in the B-1 (Business) Zone bordered by single family residential uses to the east, commercial uses to the south and west. Retail and apartments are a permitted mixed use in the B-1 Zone.

2. The applicant proposes to demolish the existing two-story (1,570.8 sq. ft.) building and construct a new three-story mixed use building comprised of 4,955 sq. ft. of retail space and a two-story residential apartment with 8 dwelling units.

3. The following variances and waivers were requested:

A. Parking Set-Back: 292-26(B)(2) from street front Broadway 30 feet

required, 17 feet proposed.

B. Parking Set-Back: 292-2(B)(2) side lot line 10 feet required, proposed 8 feet.

C. Impervious coverage: The limitation of impervious coverage in the zone is 50 percent. Applicant requested increasing impervious coverage to 75.

D. Height: Stories Section 380 the limit is 2.5 stories, proposed 3 stories.

E. Set-back to center of street - Broadway § 380-4 requires 70 feet, proposed 36 feet.

F. Set-back to center of street – Campbell required 70 feet, proposed 39 feet.

G. The applicant also requested the following design waivers:

(i) 292-33.1(B)(4) flat roofs prohibited. Proposed roof top patio (2nd floor) (flat) and flat roof on 3rd floor;

(ii) 292-33.1(A)(2)(a) curb cut on Broadway, limit 24 feet, proposed 35 feet;

(iii) 292-33.1(A)(2)(b) Curb cut on Campbell (side street) limit 24 feet, proposed 30 feet;

(iv) 292-26(C)(2)(a) parking stall size required 10 x 20, proposed 9 x 18;

4. At the hearing the Applicant presented the exhibits noted above.

5. Martin Malek testified at the hearing his desire to develop the permitted mixed use on the property. He further stipulated the following:

a. There are no covenants, easements or restrictions to prevent the development;

- b. A wooden fence will be installed along the rear property line;
- c. Retaining walls shall be 2 to 2.5 feet high;
- d. Curb cuts will not take away street parking and the larger size of the curb cuts is for increased safety;
- e. They will comply with the Shade Tree Committee, Police Department and Fire Department recommendations;
- f. The rooftop terrace will be strictly limited to the use by the residents;
- g. The landscaping will be sprinklered;
- h. There will be 3 retail stores;
- i. The building height will be 35 feet;
- j. There will be no right turn onto Campbell;
- k. The covered parking will have a height of 11 feet. The number of parking spaces complies with the Borough Ordinance;
- l. Applicant will provide the 30 foot required buffer at the rear of the property abutting the residences;
- m. Contamination on the property has been remediated and a letter was received from the State;
- n. A drainage plan (S-3) and proposed site lighting plans (EL-1) and proposed landscape plans (L-1) have been prepared and submitted;
- o. Loading and unloading will be in the southeast corner of the property;
- p. There is currently no existing storm water system and water runs into a catch basin;

- q. Mr. Malek prepared the Stormwater Management Report marked A-7;
- r. Lighting is proposed from dusk to dawn and controls will permit lower intensity;
- s. Applicant will comply with the Streetscape Ordinance and the latest Tree Removal Ordinance. The request is to remove 20 trees;
- t. Applicant will comply with Neglia requirements including televising the sewer line;
- u. Applicant will provide one 3-bedroom and one 2-bedroom affordable housing units;
- v. Exterior materials will be brick and one-half inch thick 4 x 10 sheets cement boards or hardy plank.

6. Borough residents residing on Campbell Avenue made several comments concerning parking, the lack of maintenance of the property, saving existing trees in the 30 foot buffer area, the one-half story increase in height. Residents on Campbell Avenue also objected to a right turn exit onto Campbell Avenue as well as traffic conditions.

7. A Broadway business operator Michelle Ward stated the building needs to be built and she is in favor of the application and thinks it will beautify Broadway.

8. The Board considered the testimony and comments from residents and considered the variances and waivers being requested. With regard to the curb cut on Campbell Avenue, the Board finds that on corner lots fronting on Broadway an additional curb cut is permitted on a side street and the Ordinance provides that the maximum width of each curb cut shall be 24 feet at the side lot line (Ordinance §292-33.1 Design Standards for Properties with Frontage on

Broadway subparagraph A(2)(b). Since a curb cut is permitted on Campbell Avenue by Ordinance, the Board feels compelled to permit same as part of the site plan. With regard to the curb cut request to be 30 feet instead of 24 feet, the Board finds that a 30 foot curb cut on Campbell and 35 feet on Broadway will provide an additional margin of safety and will not interfere with any parking on Broadway as no parking is permitted. No right turn shall be permitted on Campbell Avenue.

9. With regard to the applicant's request for a waiver to permit a parking stall size 9 x 18 in lieu of the required 10 x 20, the request is denied as there is adequate space to increase the size of the parking spaces to comply with the Police Department recommendation of 9.5 feet. x 18 feet which shall be provided in the required conditions.

10. With regard to the flat roofs being permitted, the Board finds that permitting flat roofs will not only maintain the building height at 35 feet which is a permitted height in the zone but will also permit a rooftop deck with views of the reservoir which is supported by the Master Plan.

11. The other bulk variances represent pre-existing conditions, present peculiar and exceptional practical difficulties based upon the shape of the lot and the topography that rises toward the rear of the property.

12. With regard to the variance requesting a 3-story structure in lieu of the 2.5-story limitation, the Board finds that there are special reasons including the purposes of zoning that justify the granting of the variance. The Board finds the site is particularly suited not only because of the small size of the lot limiting the extent of development, but the proximity to the reservoir and permitting a rooftop deck with views of the reservoir that is supported by the

Master Plan. The Board finds that even with the one-half story variance, the building will still comply with height limitation in the zone which is 35 feet. In addition, the impact of the additional one-half story is minimized by the change in topography. The residences to the east of the site are at a higher elevation.

CONCLUSIONS AND DETERMINATIONS

1. All findings of fact set forth above are made a part hereof as if set forth herein at length but not opinions.

2. The proceedings in this matter were voice recorded. The foregoing facts in this Resolution are not intended to be all inclusive but merely a summary and highlight of the complete record made before the Board.

3. N.J.S.A. 40:55D-70 provides that a variance may be granted where the Board finds that the purposes of the Municipal Land Use Law ("MLUL") would be advanced by a deviation from the zoning requirements and that the benefits of the deviation would substantially outweigh any detriment. The Board finds that with all the stipulations and conditions enumerated below the benefits of the proposed use, include but are not limited to (i) traditional downtowns; (ii) the use is a permitted use in the B-1 zone which is lacking in terms of aesthetics and past studies including the Broadway Avenue Corridor Study Phase 2 (A-6) suggested a very similar site plan; and (iii) the conditions listed below are imposed to protect the neighboring residential areas and the Borough.

4. In addition, the Board finds that the purposes of the MLUL are advanced by this Application by (i) providing use of space in an appropriate location; and (ii) promoting a more desirable visual environment through encouraging development with conditions to protect

the character of residential neighborhoods.

5. The Board finds that the variances stated can be granted without detriment to the public good or any neighboring properties provided the conditions are met. The Board further finds that these approvals with all of the conditions above will not substantially impair the intent and purpose of the Woodcliff Lake Zone Plan and Zoning Ordinance and are in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2.

6. The approval of the variances are within the Zoning Board's statutory authority granted pursuant to N.J.S.A. 40:55D-70(c) and ~~(d)~~.

NOW, THEREFORE, BE IT RESOLVED that the within Application for the limited variances be and the same are hereby approved by this Board only as set forth below subject to the following conditions:

(A) The Applicant shall comply with all of the ordinances of the Borough of Woodcliff Lake and all applicable county, State, and federal statutes, ordinances, rules and regulations. Without limiting the foregoing, the Applicant shall comply with any and all applicable requirements of the United States of Americans with Disabilities Act. The approval of the within Application does not constitute a determination by this Board as to whether the proposed development complies with the United States Americans with Disabilities Act or the applicable regulations thereunder.

(B) The Applicant shall comply with all of the stipulations made during the hearing on this Application as previously set forth in this resolution and on the record before the Board and subject to the following additional conditions:

1. PARKING-INGRESS AND EGRESS. The site plan shall be

revised, subject to approval by the Borough Engineer, to indicate that there shall be no right turn onto Campbell Avenue with appropriate signage as approved by the Borough Engineer. The parking spaces shall be 9.5 ft. by 18 ft. with the exception of covered parking and ADA spaces. In order to accommodate the larger parking spaces, the number of parking spaces shown will be reconfigured and the two parking spaces at the southwest corner of the property shall be eliminated, provided however, that the parking shall not be reduced to less than 42 spaces without Board approval. Each of the apartments shall have designated parking. The revised site plan is subject to approval of the Bergen County Department of Planning and Economic Development including the stormwater system and site drainage.

2. STREETSCAPE ORDINANCE. Applicant shall comply with Borough Ordinance §292-33.1 Design Standards for properties fronting on Broadway including, but not limited to, the following, (a) all signage shall be uniform in size and color with goose neck lighting substantially the same as currently exists at 62 Broadway; (b) new concrete sidewalks shall be installed provided, however, the space between the sidewalk and curb shall be brick pavers conforming to that currently being constructed on Broadway; (c) street lighting shall be that approved by PSE&G with the Woodcliff Lake logo currently being installed on Broadway; (d) the exterior building materials shall be as shown on the Rendered Elevations A-5 including the brick as shown on the Plan and hardy board type cement material as indicated on said plans with substantially the same colors as shown.

3. LANDSCAPING. The landscape plan shall comply with the Shade Tree Committee report (WCL-3) as revised. A revised plan shall be developed by and between the Shade Tree Committee, the applicant, the Borough Engineer and the Borough Planner, who

is a landscape architect. Consideration shall be given to saving existing trees at the rear of the property and consider the substitution of Green Giant Arborvitae. The plan shall include the use of low growing shrubbery and the elimination of grass to the extent practical. The landscaping shall be sprinklered. In the event of a lack of agreement on the landscaping plan, the Borough Planner determination shall be deemed the final resolution. The existing honey locust trees located between the sidewalk and the curb shall have a grate installed around them to permit entry of water. Applicant shall comply with the Borough of Woodcliff lake Tree Removal Ordinance Chapter 355 as revised.

4, AFFORDABLE HOUSING. Applicant shall comply with UHAC (Uniform Housing Affordability Controls) and provide one 3-bedroom unit and one 2-bedroom unit. The plans shall be revised to provide for same as well as comply with the size requirement of each unit. Applicant shall comply with the Borough's Affordable Housing Ordinance to be included in the Developer's Agreement and compliance with the Borough's Affordable Housing Development Fees.

5. ROOFTOP DECK. The rooftop deck shall be strictly limited to use by the residential tenants of the property. No mechanicals shall be located on the rooftop deck or other rooftop areas unless approved by the Borough Engineer.

6. HEIGHT OF BUILDING. Calculations for the height of the building shall be submitted and approved by the Borough Engineer prior to the issuance of a building permit.

7. COMPLIANCE WITH REPORTS. Applicant shall comply with the requirements and recommendations in the Neglia Engineering report dated March 17, 2025,

revised April 21, 2025 (WCL-1), the Woodcliff Lake Police Department letter dated March 2, 2025 (WCL-2), Shade Tree Committee report (WCL-3) as shall be revised, the Park Ridge Water email dated April 22, 2025 (WCL-4), the DMR planning reports dated March 31, 2025 revised April 18, 2025 (WCL-5) and the Fire Department report dated March 3, 2025 (WCL-6).

8. NEW JERSEY DEP OUTCOME. Prior to issuance of any building or demolition permits, Applicant shall provide a (NFA) No Further Action letter or a (RAO) Remedial Action Outcome letter from the N.J. Department of Environmental Protection.

9. DEVELOPERS AGREEMENT – subject to execution of a Developer’s Agreement as prepared by the Borough Attorney.

10. RECORDING OF RESOLUTION

This resolution and, attachments if any, shall be recorded at the Applicant’s cost and expense in the Bergen County Clerk’s Office Deed Book prior to the issuance of any permit or Certificate of Occupancy, together with a Memo for recording prepared by the Applicant’s attorney as approved by the Board’s Attorney or the Borough’s Attorney.

11. This resolution and the Developer’s Agreement shall require that the owner of the property and any subsequent owner shall be responsible for payment of all expenses for private garbage and recycling pickup.

12. Certification shall be required that all taxes and assessments have been paid up to the present time.

13. The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Woodcliff Lake, which shall also include the posting of a deposit to reimburse the Municipality for monies paid and to be paid to its professionals for the review

or compliance of the Application. All sums owed to the Borough professionals shall be paid prior to the issuance of a building permit and prior to the issuance of any Certificate of Occupancy.

14. The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development, including but not limited to the final approval of the Bergen County Department of Planning and Economic Development.

15. The approval is strictly conditional on abiding by all stipulations made during the hearing and the conditions herein.

16. The Applicant's failure to comply with any of the conditions and stipulations set forth within this Resolution shall constitute a failure of the conditions and may be the cause for the revocation of this Approval and/or Certificate of Occupancy of the Property, subject to reasonable notice and the opportunity to cure.

IT IS HEREBY CERTIFIED that this is a true correct copy of a Resolution adopted by the Land Use Board of the Borough of Woodcliff Lake upon a roll call vote at its regular meeting held on August 26, 2025.

A copy of this Resolution shall be given to the Tax Assessor, Borough Clerk, Construction Code Officer, Borough Engineer and the Applicant (through counsel).

ATTEST:

SO APPROVED;

August 26, 2025

Clarence Aquilino

Date of Adoption:

APPROVAL

**Borough of Woodcliff Lake
Land Use Board
Resolution**

**APPROVAL OF VARIANCE RELIEF AND
SITE PLAN APPROVAL**

25-18

In the Matter of the Application of
BCUW/Madeline Housing Partners LLC
230 Broadway
Block 2602, Lots 1, 2 & 9
Decided August 26, 2025

WHEREAS, BCUW/Madeline Housing Partners LLC, 6 Forest Avenue, Suite 220, Paramus, NJ (the "Applicant") is the Lessee of the property located at 230 Broadway and designated as Lots 1, 2 and 9 in Block 2602 on the Tax Map of the Borough of Woodcliff Lake (the "Property"); and

WHEREAS, Bruce E. Whitaker, Esq. representative of the Applicant has made application to the Land Use Board of the Borough of Woodcliff Lake (the "Board") for Preliminary and Final Major Site Plan Approval pursuant to N.J.S.A. 40:55D-37 and Chapter 292 of the Site Plan Review Ordinance, together with an application for variance relief pursuant to N.J.S.A. 40:55D-70(c) including variances to permit construction of 24 affordable housing units together with any necessary waivers; and

WHEREAS, the Borough of Woodcliff Lake is the owner of the property and Lessor pursuant to a ground lease agreement dated December 20, 2022; and

WHEREAS, a public hearing was held by the Board on August 26, 2025 before Board

members Corrado Belgiovine, Nilufer DeScherer, Nicole Marsh, Gerald Barbara, Jane Ann Whitchurch-Carluccio, Robert Friedberg, Ariel Mazor, Sanjeev Dhawan and Thomas Panso. The Applicant was represented by counsel, Bruce E. Whitaker, Esq. of the firm of McDonnell & Whitaker. At the hearing the Applicant submitted proof of notice and publication as required by law. In addition the Applicant submitted as exhibits:

- A-1 - Site Plan Application with Judgment of Repose & Ground Lease attached
- A-2 - Architectural Plan prepared by Virgona & Virgona dated 6/11/24 page AR-1
- A-3 – Architectural Plan prepared by Virgona & Virgona dated 6/11/24 page A-1
- A-4 – Architectural Plan prepared by Virgona & Virgona dated 6/11/24 page A-2
- A-5 – Architectural Plan prepared by Virgona & Virgona dated 6/11/24 page A-3
- A-6 - Architectural Plan prepared by Virgona & Virgona dated 6/11/24 page A-4
- A-7 - Architectural Plan prepared by Virgona & Virgona dated 6/11/24 page A-5
- A-8 – Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Title Sheet, page 1
- A-9 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Title Sheet, page 2
- A-10 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Grading Plan, page 3
- A-11 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Drainage & Utility Plan, page 4
- A-12 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Lighting Plan, page 5

- A-13 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Landscaping Plan, page 6
- A-14 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Soil Erosion & Sediment Control Plan, page 7
- A-15 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Truck Turning Diagram, page 8
- A-16 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Profile, page 9
- A-17 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Grading Plan, page 10
- A-18 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Detail, page 11
- A-19 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Slope Analysis, page 12
- A-20 - Site Plan prepared by Schwanawede, Hals & Vince, P.E., dated 10/14/24,
Revised 7/30/25, Topographic Survey, page 13
- A-21 – Drainage Calculations prepared by Schwanawede, Hals & Vince dated 6/17/24
- A-22 – Stormwater Facilities Maintenance Manual prepared by Schwanawede,
Hals & Vince dated 4/22/24

The Applicant also presented the testimony of Joseph Vince, P.E., an engineer licensed in the State of New Jersey and the testimony of James Virgona, AIA, a licensed architect in the State of New Jersey; and

WHEREAS, the Board has reviewed the plans and exhibits enumerated above and other evidence submitted, having heard and considered the testimony presented by the Applicant and no members of the public having offered any comments, and having heard the arguments of counsel and considered the reports of the Board professionals and Borough departments, including but not limited to:

- WCL-1 Shade Tree Committee recommendations dated 5/27/25

- WCL-2 Police Department recommendations dated 5/31/25

- WCL-3 Fire Department recommendations dated 6/1/25

- WCL-4 DMR review letter dated 7/21/25

- WCL-5 Park Ridge Water Department email with specifications
Dated 8/11/25

- WCL-6 Neglia Engineering review letter dated 5/28/25 revised 8/20/25

- WCL-7 Email re: DPW comments dated 8/21/25

- WCL-8 Email affordable housing attorney dated 8/26/25

NOW, THEREFORE, BE IT RESOLVED that the Land Use Board of the Borough of Woodcliff Lake makes the following findings of fact and conclusions with respect to the within Application:

1. The subject property is located on Block 2602, Lots 1, 2, and 9 as per the Borough of Woodcliff Lake Tax Maps and is commonly known as 230 Broadway (County Road 90). The total Lot area is 2.29 acres or 99,697 square feet and is located within the Affordable Housing-North Broadway Zoning District. The site is bordered by residential properties to the north and

east, a residential and a commercial use to the south with Highview Avenue beyond, and Broadway (CR 90) to the west with NJ Transit railroad tracks and Woodcliff Lake Reservoir beyond. The subject property is presently vacant and consists of lawn and wooded areas and asphalt driveway areas. The Applicant proposes to construct two (2) multi-family residential buildings that will consist of 24 total units. Additional improvements include, on-grade parking area, stormwater management measures, and lighting and landscaping improvements. A breakdown of the proposed residential dwelling units and Parking Calculation is as follows:

- Building 1 (9,060 square feet footprint):
 - One-Bedroom – Three (3) Units
 - Two-Bedroom – Twelve (12) Units
 - Three-Bedroom – Two (2) Units
 - Building 2 (3,576 square feet footprint):
 - Two-Bedroom – Four (4) Units
 - Three-Bedroom – Three (3) Units
 - 49 Total Proposed Parking Spaces (including two (2) ADA Parking Spaces):
 - Building 1 – Twenty-Six (26) Garage Spaces
 - Building 2 – Four (4) Garage Spaces
 - Surface Parking – Nineteen (19) Spaces
- *includes eight (8) EV Spaces

2. The Applicant does seek a variance from the Steep Slope Disturbance Ordinance 380-109A. The Applicant is proposing 60.3% disturbance in the Category 1 Slope where 35%

is the maximum permitted, 66.3% disturbance in the Category 2 Slope where 25% is the maximum permitted and 16.9% in the Category 3 Slope where 15% is the maximum permitted.

3. The Applicant proposes a limit of disturbance in excess of 5,000 square feet, which requires Bergen County Soil Conservation District Plan Certification.

4. The project is located on Broadway (C.R. 90). As such, the Applicant shall obtain approval from Bergen County.

5. The Applicant proposes disturbance to areas designated as steep slopes. Below is a summary of the proposed disturbance.

2.10.1 Slope Category 1 (Maximum Allowed = 35% Proposed = 66.3%)

2.10.2 Slope Category 2 (Maximum Allowed = 25% / Proposed = 66.3%)

2.10.3 Slope Category 3 (Maximum Allowed = 15% / Proposed = 16.3%)

6. The Applicant also proposes a monument sign along Broadway.

TESTIMONY OF JOSEPH VINCE, LS, PE & PP

7. Joseph Vince, LS, PE & PP, 111 Littleton Road, Suite 200, Parsippany, NJ was sworn in as a witness for the Applicant and was accepted as an expert in the field of civil engineering.

8. He was engaged by the Applicant for preparation of the site plan and exhibits. The site plan is dated July 30, 2025. The property has frontage along Broadway which is a county road under the jurisdiction of Bergen County. Currently the lots are vacant and they are substantially wooded with an old driveway on portions of Lots 1 and 2. The property is in the AH-NB Zone which is the Affordable Housing North Broadway District. Part of the application is to merge the three lots which would eliminate the nonconforming condition of the

lots and make the overall parcel conforming to the zone. The combined lots have an area of 2.29 acres and 2.25 acres are required for the zone.

9. There will be two buildings. Building 1 contains 17 units and Building 2 contains 7 units.

10. The site will be accessed with a two-way driveway off Broadway.

11. There is a trash area at the rear which will have a dumpster enclosure accessible by truck and it was stipulated there will be a private carting company employed pursuant to a contract with the lessee/operator.

12. A total of 49 parking spaces are required pursuant to the RSIS (Residential Site Improvement Standards). The applicant is proposing 49 spaces; however, with EV credits it amounts to 54 spaces but in actuality there are physically 49 spaces proposed and 49 required. The ADA spaces shown on the plan will be code compliant to ADA standards. The ADA spaces will also have one EV station.

13. The project will qualify as a major development according to New Jersey Stormwater Management regulations because there is a disturbance of more than an acre of land and the impervious surface coverage is increasing.

14. Mr. Vince explained the stormwater drainage system and the requirement is to reduce the peak flow rates by 50% for a two year storm, 75% of a 10 year storm and 80% of a 100 year storm and they have met or exceeded that requirement which is all incorporated in the Stormwater Management Manual. He also submitted the required maintenance manual which will be incorporated in the title documents to the property and will be maintained by the Applicant or the operator of the site. The documents submitted meet the requirements of the

stormwater management regulations.

15. With regard to landscaping, the Applicant is proposing a number of shade trees, evergreen trees and shrubs throughout the project including street trees. Some of the spacing for trees on Broadway is greater than the 30 feet and this is required because there are utilities that have to be accommodated as well as the opening for the driveway so a variance is required for the 30 foot spacing.

16. All utilities are proposed to be underground to the extent the utility companies will allow them.

17. There are two tiers of walls that have a maximum height of six feet. It was stipulated that stability calculations and final construction details for the walls will be provided to the Borough Engineer.

18. With regard to lighting, there will be a combination of building mounted lights and pole mounted lights.

19. The maximum amount of lighting per the Borough Ordinance at the property line is 0.6 foot candles and they are only at 0.1. The average lighting level in the parking area is 1.8 foot candles and the Ordinance states 1.5 foot candles; however the 0.03 is *di minimus*.

20. With regard to a sign, it will a small ground level sign that is going to state "Reservoir Commons". The sign size is well below the limit by Ordinance. The sign will be on the northside of the driveway and will be a concrete monument sign. The sign will be 6 sq. ft. although the Ordinance allows up to 12 sq ft. The sign height shall be 4 feet which is equal to the maximum. The setback for the sign is supposed to be 5 feet and they are at 11 and 16 feet. The sign will only be externally illuminated consistent with the requirements of the Ordinance.

21. Although the Applicant proposed a 4 foot wide sidewalk, it was noted that there is significant development on Broadway that will be conforming with the 5 foot wide Sidewalk Ordinance and Mr. Vince stated that he could accommodate that request and it was stipulated that sidewalks will be 5 feet. The County also wanted a 5 foot sidewalk. It was also stipulated that the Applicant shall also comply with the streetscape being constructed on Broadway which requires paving stones between the sidewalk and the curb or street and street lighting.

22. A bicycle rack will be provided.

23. The trash compactor or container will not be on pervious pavement.

24. A variance is required for the steep slopes. With regard to impervious coverage, the Ordinance provides for a limit of 35% but the Applicant is at 28.9. With regard to building coverage, the limit is 25% and they are below that at 12.7.

25. The disturbance in the steep slopes are required and needed in order to accommodate the proposed 24 units as contemplated in the Ordinance and as contemplated by the municipality's affordable housing requirements.

26. With regard to mechanical equipment, they will be throughout the site but will be restricted from view and they will be on the ground. The intention is not to infringe on any side yards.

27. A Developers Agreement will be required and affordable housing requirements will be met including deed restrictions that are required.

28. On any retaining walls higher than 4 feet, there will be fall protection provided. The property is partially in a riparian zone because the reservoir is across the street so DEP review is required and a second stormwater analysis by the DEP

29. With regard to the Fire Department comments, it was stipulated that the Applicant will meet all fire code requirements; however, it could not meet all of the recommendation of the Fire Department due to the construction of the buildings as well as the cost; however, the Applicant shall also add a fire hydrant in front of the site and the buildings shall be sprinklered.

30. It was stipulated that the Applicant will comply with the Park Ridge Water Department specifications and the Applicant further stipulated that it will meet the recommendations of Neglia Engineering as well as the DPW comment about private sanitation pickup.

TESTIMONY OF JAMES VIRGONA, AIA

31. James Virgona, 125 River Road, Suite 201, Edgewater, NJ was sworn as a witness. He is a licensed architect in the State of New Jersey. He described the number of units and buildings. All of the ground floor units are designed to be accessible

32. Building 1 which is the higher building is 24,260 sq. ft. of living space. The building has a series of garages and entries into the building facing the driveway. All of those driveways and garages are 10 feet wide so they are larger than the spaces being requested by the Police Department. Many of the parking spaces on the project are meeting that requirement of 10 feet wide or greater due to the garages. Garages were put in the building because it hides the cars and it is much more pleasant to see less ground surface parking and nicer to see parking that is hidden. Each one of these garages has a driveway in front of it with an entrance to access the car inside the building.

33. Building 1 is comprised of a total of 17 units. Of the 17 units four of them are special need units. Special need units are for those who are diagnosed on the spectrum with

either a developmental disability or with a physical disability by the State of New Jersey. The Applicant intends to group two special needs individuals together because it is somewhat of a community where they can rely on each other. The four supportive units are two-bedroom units. With two bedrooms they can find two complimentary roommates who can reinforce each other's abilities. The Bergen County United Way does a wonderful job trying to fit a pair of residents together that complement each other and allow them to thrive independently. There usually is a sponsor because of the arrangement with the State and that sponsor is someone who usually arrives at the building once or twice a day making sure they are taking their medications as they should, making sure they are caring for the apartment as they should. The remaining units in the project are family units.

34. The Applicant originally proposed 5 three-bedroom units, 3 one-bedroom and 16 two-bedroom units. Based upon a lease agreement with the Borough, they will be converting a three-bedroom unit into a one-bedroom unit to satisfy the lease agreement. To accommodate that change is very simple and it occurs in Building 2. For Building 2, there are 7 units and they are going to remove a 3-bedroom on the ground floor unit which is the lowest floor on the basement level which is on the side of the building side and they are going to replace it with a one-bedroom unit and create an area for utilities off of Broadway which will actually be very beneficial. They can eliminate what was a mechanical room and instead use the area for condensing units that will be in the middle of the project and not on the side yard.

35. There is an elevator in Building 1. There will be clapboard siding on the outside, simulated stone or manufactured stone as well. The garage doors will be recessed to give depth to the façade which adds character to the building.

36. They have Hardie colors that they've worked with for many other projects. They like to do a two color scheme for coloring. The roof is broken up with gables and peaks and windows that occur regularly across the façade. In addition, there are skirt roofs which are little roofs that you see over the doors, over the garages and they are done in metal accents. The building is three stories. It is going to meet all building codes and is a wood frame structure. It has an attic because of the desire to have a pitched roof. The attic introduces a complexity into the building from a firefighting standpoint. If they were to sprinkler the building with an NFPA 13 system they would have to sprinkle the entire attic. Pipes in the attic would freeze and they would need to introduce a pipe system and a dry system for that system in the attic. For decor reasons and for cost reasons it is difficult to do; however, with a flat roof it would be easier. They will however meet all required building and fire codes

37. Storage compartments will be provided for residences particularly those with garages and the garages are to be used for cars which will be enforced by the management company.

38. With regard to materials, the Applicant will use cultured or manufactured stone or real stone which is a two-inch veneer cladding. The siding will be cement clapboard. It is the Board's choice to make the colors two-tone. The stone will be installed as shown on the architectural plans.

39. The Fire Department requested no high growth trees be planted in front the of building and none planted in rear of the building. The apparent conflict between the Share Tree Committee and the Fire Department will be addressed in a condition.

40. With regard to the color of the siding, the Hardie colors are based on Sherwin

Williams paints; however, they do not do custom colors because of the expense.

41. A motion was made to approve the application removing three parking spaces and modifying a retaining wall, amending the original application to replace a three-bedroom unit with a one-bedroom unit and together with all stipulations and conditions of approval, including those by the Borough's affordable housing attorney.

CONCLUSIONS AND DETERMINATIONS

1. All findings of fact set forth above are made a part hereof as if set forth herein at length but not opinions.

2. The proceedings in this matter were voice recorded. The foregoing facts in this Resolution are not intended to be all inclusive but merely a summary and highlight of the complete record made before the Board.

3. N.J.S.A. 40:55D-70 provides that a variance may be granted where the Board finds that the purposes of the Municipal Land Use Law ("MLUL") would be advanced by a deviation from the zoning requirements and that the benefits of the deviation would substantially outweigh any detriment. The Board finds that with all the stipulations and conditions enumerated below the benefits of the proposed use substantially outweigh any detriment.

4. The Board finds that the purposes of the MLUL are advanced by this Application by (i) providing use of space in an appropriate location; and (ii) promoting a more desirable visual environment through encouraging development with conditions to protect the character of residential neighborhoods.

5. The Board finds that the variances stated can be granted without detriment to

the public good or any neighboring properties provided the conditions are met. The Board further finds that these approvals with all of the conditions above will not substantially impair the intent and purpose of the Woodcliff Lake Zone Plan and Zoning Ordinance and are in the furtherance of the purposes set forth in N.J.S.A. 40:55D-2. The Board finds that there are peculiar and exceptional practical difficulties as the Applicant and owner of the property cannot develop the property according to the permitted use without the variances. The variances requested are for steep slope disturbance and for spacing of trees for properties fronting on Broadway.

6. The approval of the variances are within the Zoning Board's statutory authority granted pursuant to N.J.S.A. 40:55D-70(c).

NOW, THEREFORE, BE IT RESOLVED that the within Application for the limited variances and the site plan be and the same are hereby approved by this Board only as set forth below subject to the following conditions:

(A) The Applicant shall comply with all of the ordinances of the Borough of Woodcliff Lake and all applicable county, State, and federal statutes, ordinances, rules and regulations. Without limiting the foregoing, the Applicant shall comply with any and all applicable requirements of the United States of Americans with Disabilities Act. The approval of the within Application does not constitute a determination by this Board as to whether the proposed development complies with the United States Americans with Disabilities Act or the applicable regulations thereunder.

(B) The Applicant shall comply with all of the stipulations made during the hearing on this Application as previously set forth in this resolution and on the record before the Board and subject to the following additional conditions:

1. PARKING. The site plan may be revised to reduce the parking spaces by 3 and modification of the retaining walls but only if approved by the Borough Engineer. All drive aisles shall be kept clear and no parking shall be permitted in the drive aisles at any time. No parking signs and/or pavement lettering shall be installed to prohibit parking on the drive aisles as approved by the Borough Engineer. No storage shall be permitted in the garages that will impede the parking of automobiles in the garages. Every lessee and operator of the property shall adopt and enforce rules and regulations prohibiting parking of any vehicles in the drive aisles and prohibiting any storage in the garages that may impede the parking of automobiles in the garages. Each of the occupants of the apartments shall have designated parking. It shall be the obligation of the operator to manage the tenancies and the parking to prevent any over-flow of parking. The revised site plan is subject to approval of the Bergen County Department of Planning and Economic Development including the stormwater system and site drainage.

2. STREETSCAPE ORDINANCE. Applicant shall comply with Borough Ordinance §292-33.1 Design Standards for properties fronting on Broadway including, but not limited to, the following, (a) new concrete sidewalks 5 feet wide shall be installed provided, however, the space between the sidewalk and curb or road shall be brick pavers conforming to that currently being constructed on Broadway; (b) street lighting shall be that approved by PSE&G with the Woodcliff Lake logo currently being installed on Broadway; (c) the exterior building materials shall be as shown on the Architectural Plans including the stone as shown on the Plans and Hardie board type cement material as indicated on said plans with substantially the same colors as shown or as approved by the Borough's Planner which shall be

two-tone.

3. LANDSCAPING. The landscape plan shall comply with the Shade Tree Committee report (WCL-3) as revised. A revised landscaping plan shall be developed by and between the Shade Tree Committee, the applicant, the Fire Department, the Borough Engineer and the Borough Planner, who is also a landscape architect. Consideration shall be given to the Fire Department comments. The plan shall include the use of low growing shrubbery and the elimination of grass to the extent practical. In the event of a lack of agreement on the landscaping plan, the Borough Planner's determination shall be deemed the final resolution. Applicant shall comply with the Borough of Woodcliff lake Tree Removal Ordinance Chapter 355 as revised.

4, AFFORDABLE HOUSING. Applicant shall comply with UHAC (Uniform Housing Affordability Controls). The plans shall be revised to provide for same as well as comply with the size requirement of each unit. The unit mix shall be as follows:

4 – Supportive Units

4 (two-bedroom units)

20 – Family Units

4 (three-bedroom)

4 (one-bedroom)

12)two-bedroom)

Applicant shall comply with the Borough's Affordable Housing Ordinance to be included in the Developer's Agreement.

5. COMPLIANCE WITH REPORTS. Applicant shall comply with the

requirements and recommendations in the Neglia Engineering report dated May 28, 2025, revised August 20, 2025 (WCL-6), Shade Tree Committee report (WCL-1) as shall be revised, the Park Ridge Water email and specifications dated August 11, 2025 (WCL-5), the DMR planning report dated July 21, 2025 (WCL-4) and all Fire Code requirements including the installation of a fire hydrant in the front of the property. The buildings shall be sprinklered.

6. DEP OUTCOME. Prior to issuance of any building or demolition permits, Applicant shall provide an approval letter from the N.J. Department of Environmental Protection.

7. DEVELOPERS AGREEMENT – subject to execution of a Developer’s Agreement as prepared by the Borough Attorney.

8. RECORDING OF RESOLUTION

This resolution and, attachments if any, shall be recorded at the Applicant’s cost and expense in the Bergen County Clerk’s Office Deed Book prior to the issuance of any permit or Certificate of Occupancy, together with a Memo for recording prepared by the Applicant’s attorney as approved by the Board’s Attorney or the Borough’s Attorney.

9. This resolution and the Developer’s Agreement shall require that the operator/lessee of the property and any subsequent operator/lessee of the property shall be responsible for payment of all expenses for private garbage and recycling pickup and shall adopt rules and regulations prohibiting any storage in the garages that can preclude parking of an automobile.

10. Certification shall be required that all taxes and assessments have been paid up to the present time.

11. The Applicant shall post all fees and deposits as required by applicable ordinances of the Borough of Woodcliff Lake, which shall also include the posting of a deposit to reimburse the Municipality for monies paid and to be paid to its professionals for the review or compliance of the Application. All sums owed to the Borough professionals shall be paid prior to the issuance of a building permit and prior to the issuance of any Certificate of Occupancy.

12. The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development, including but not limited to the final approval of the Bergen County Department of Planning and Economic Development and the New Jersey Department of Environmental Protection.

13. The approval is strictly conditional on abiding by all stipulations made during the hearing and the conditions herein.

14. The Applicant, the operator of the property and any successor in interest failure to comply with any of the conditions and stipulations set forth within this Resolution shall constitute a failure of the conditions and may be the cause for the revocation of this Approval and/or Certificate of Occupancy of the Property, subject to reasonable notice and the opportunity to cure. In addition to the foregoing, any failure to comply with any of the conditions and stipulations set forth herein shall be subject to the penalties as provided in Chapter 380-105 of the Code of the Borough of Woodcliff Lake or any successor or replacement ordinance.

IT IS HEREBY CERTIFIED that this is a true correct copy of a Resolution adopted by the Land Use Board of the Borough of Woodcliff Lake upon a roll call vote at its regular meeting

held on September 30, 2025.

A copy of this Resolution shall be given to the Tax Assessor, Borough Clerk,
Construction Code Officer, Borough Engineer and the Applicant (through counsel).

ATTEST:

SO APPROVED;

Clarence Aquilino

Date of Adoption: September 30, 2025

RE: Woodcliff Lake affordable housing documents

From Claressa Aquilino <tehasst@wclnj.com>

Date Tue 9/30/2025 12:49 PM

To Daniel L. Hauben <DHauben@tandmassociates.com>; Wendy R. Quiroga <wrquiroga@weiner.law>; Debbie Dakin <clerk@wclnj.com>; Tom Padilla <admin@wclnj.com>

Cc Rosella M. Dizuzio <RDizuzio@tandmassociates.com>

I heard back from Leela at the Waterfront Housing, she said she does not believe anyone living there makes close to \$71,280 and each resident is charged between \$1,400-\$1,500 a month.

Claressa Aquilino
Technical Assistant to Construction Official
Planning Board Secretary
Borough of Woodcliff Lake
188 Pascack Road
Woodcliff Lake NJ 07677
201-391-4977 ext. 210
[**caquilino@wclnj.com**](mailto:caquilino@wclnj.com)

BOROUGH OF WOODCLIFF LAKE
188 PASCAK ROAD
WOODCLIFF LAKE, NJ. 07675

Date Issued 08/07/06
Control #
Permit # 06-233

UCC NEW JERSEY CERTIFICATE

IDENTIFICATION

Block 2701 Lot 2 Qual _____
Work Site Location 210 BROADWAY
Owner in Fee/Occupant WATERFRONT REST HOME
Address SAME
Telephone () -
Contractor _____
Address _____
Telephone () - Fax () -
Lic. No. or Bldrs. Reg. No. _____
Federal Emp. No. _____

Home Warranty No. _____
[] State [] Private _____
Use Group R-2
Maximum Live Load 40
Construction Classification 5B
Maximum Occupancy Load 20
Description of Work/Use:

CO
MAXIMUM OCCUPANCY LOAD 20 BEDS

CERTIFICATE OF OCCUPANCY

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

CERTIFICATE OF APPROVAL

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

TEMPORARY CERTIFICATE OF OCCUPANCY/COMPLIANCE

If this is a Temporary Certificate of Occupancy or Compliance, the following conditions must be met no later than _____, ____ or the owner will be subject to fine or order to vacate:

CERTIFICATE OF CLEARANCE - LEAD ABATEMENT 5:17

This serves notice that based on written certification, lead abatement was performed as per NJAC 5:17, to the following extent:

- Total removal of lead-based paint hazards in scope of work
- Partial or limited time period (____ years); see file

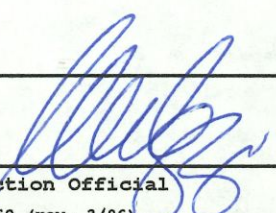
CERTIFICATE OF CONTINUED OCCUPANCY

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

CERTIFICATE OF COMPLIANCE

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until _____, ____.

Fee \$ 100
Paid Check No. 284
Collected by: CB


Construction Official

U.C.C. F260 (rev. 3/96)

cc: Fire Prevention

BRBHS-1
 10/22

EVALUATION REPORT AND ORDERS OF THE COMMISSIONER

Owner's Name, Address, Zip, County <u>The Waterfront Rest Home</u>
Owner's Phone Number
Administrator

Property Address <u>210 Broadway</u>
<u>Woodcliff Lake, NJ</u>
Property Phone Number

TYPE OF EVALUATION
 SOCIAL ADDENDUM
 PHYSICAL CYCLICAL

-PLEASE READ CAREFULLY-

This evaluation performed by the Bureau of Rooming and Boarding House Standards is being conducted pursuant to the ROOMING AND BOARDING HOUSE ACT OF 1979 (N.J.S.A. 55:13B-1 et seq)

You are ORDERED to correct the conditions described in the attached notice of violations by the compliance date indicated for each violation. Failure to comply with these orders will result in penalties and/or a court action in accordance with the Act. Please review the violations with the Bureau representative.

You may contest these orders at an administrative hearing. The request for a hearing must be made within 15 days after receipt of these orders. Each issue intended to be raised at the hearing must be set forth in detail in the letter. Any issue not so raised shall be deemed waived. The hearing shall be held pursuant to The Administrative Procedure Act, (C.52:14B-1 et seq.). Refer to the property address and date of compliance (if applicable) and address the hearing request to:

Division of Codes and Standards, Hearing Coordinator, P.O. Box 804, Trenton, New Jersey 08625 with a copy to the Chief, Bureau of Rooming and Boarding House Standards, at the same address. A corporation may be represented only by a licensed attorney.

You will be notified of the time and place of the hearing.

If you find an extension of time necessary to abate any violation, a letter must be submitted two (2) weeks prior to the date of compliance which states in detail: (1) The violations abated to date; (2) The reason why each unabated violation cannot be corrected prior to the date of penalty; and (3) The date by which all violations can be abated.

By requesting an extension, one expressly waives the right to a hearing and admits that the Notice and Orders are correct and free from procedural and substantive defects.

Received By [Signature]
LEIK POISAND
 Printed Name of Person Served
 Date 12/12/24 Time Served

Commissioner
 By Bernard A. Raywood, Chief
 Bureau of Rooming and Boarding House Standards
William Henry [Signature]
 Bureau Representative

210 Broomfield Woodcliff Lake, NJ 07418-C-0002
EVALUATION REPORT AND ORDERS OF THE COMMISSIONER

Administrative Code Reference		Compliance Date	Reinspection Date	Compliance Date
	Fire cert exp. 6/15/25			
	Owner lic. exp. 9/30/25			
	Operator lic. exp. 10/31/25			
	<u>3rd Floor</u>			
	Room #14			
	- no violations			
	Room #13			
	- No violations			
	Room #12 - Occupied by staff			
	<u>Common hallway</u>			
	- No violations			
	<u>Common bathroom (Full)</u>			
	- No violations			
	<u>2nd Floor</u>			
	Room #10			
	- No violations			
	Room #9			
	- No violations			
	Room #8			
	- No violations			
	Room #7 - Occupied by staff			

210 Broadway Woodcliff Lake, NJ 07086-0002
EVALUATION REPORT AND ORDERS OF THE COMMISSIONER

Administrative Code Reference		Compliance Date	Reinspection Date	Compliance Date
	<u>2nd Floor east</u>			
	<u>Room #6</u>			
	- No violations			
	<u>Room #5</u>			
	- No violations			
	<u>Common hallway</u>			
	- No violations			
	<u>Common bathroom #2 (Full)</u>			
	- No violations			
	<u>Common bathroom #2 (Half)</u>			
	- No violations			
	<u>1st Floor</u>			
	<u>Room #11</u>			
	- No violations			
	<u>Room #4</u>			
	- No violations			
	<u>Room #3</u>			
	- No violations			
	<u>Room #2</u>			
	- No violations			
	<u>Room #1B</u>			
	- No violations			
	<u>Room #1A</u>			
	- No violations			
	<u>Common entrance</u>			
	- No violations			

THE WATERFRONT REST HOME
210 BROADWAY
WOODCLIFF LAKE, NJ 07677-0000

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS

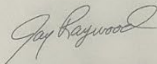
LICENSE TO OWN
ISSUED TO: THE WATERFRONT REST HOME
LICENSE CAPACITY: 20
LICENSE ISSUED: September 10, 2024



FACILITY TYPE:
Class C Boarding House
FACILITY ADDRESS:
210 BROADWAY
WOODCLIFF LAKE, NJ
FACILITY #: 0268-0002
EXPIRATION DATE September 30, 2025

This license is issued pursuant and subject to P.L. 1979, c. 496; N.J.S.A. 55:13B-1 et seq. and is valid only for the person or organization it is issued to and only to own and/or operate the facility indicated herein.

This renewal license is also subject to suspension or revocation, after opportunity for a hearing, in the event of non-compliance with applicable licensing requirements. Issuance of this renewal license is for the purpose of allowing continued operation and is not evidence of any determination that the facility is currently in compliance with applicable state regulations.


Bernard Raywood
Bureau of Rooming and Boarding House Standards

Appendix M: June 2025 Adopted Fourth Round Housing Element and Fair Share Plan